

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

25 October 2017

Item: 1

<b>Application No.:</b>	17/01499/FULL
<b>Location:</b>	Great Oaks Forest Green Road Holyport Maidenhead SL6 3LQ
<b>Proposal:</b>	Change of use of field from polo and equestrian to D2 Leisure for playing fields to be used by the school
<b>Applicant:</b>	Great Oaks Services Ltd
<b>Agent:</b>	Belvedere Property Management
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

<b>If you have a question about this report, please contact:</b> James Langsmead on 01628 685693 or at <a href="mailto:james.langsmead@rbwm.gov.uk">james.langsmead@rbwm.gov.uk</a>
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## **1. SUMMARY**

- 1.1 This application is for the change of use of a field within the curtilage of Great Oaks, Forest Green Road, from polo and equestrian use to D2 Leisure for playing fields. The playing fields are to be used by the Holyport College for sports and recreation activities in line with their educational curriculum. Whilst a change of use is unacceptable in terms of National policy (NPPF) on Green Belt, the applicant has presented Very Special Circumstances which outweigh the harm to the Green Belt.
- 1.2 The Very Special Circumstances, in this instance, are that the change of use is considered to be sustainable development, reducing the College's need to transport its students off-site for sports and recreation activities covered in their curriculum. This will reduce the financial and environmental (carbon emissions) implications of the College's current practices. Furthermore, the proposal would retain open land, with no proposed permanent structures. Therefore, the change of use would preserve the openness of the Green Belt, and would not conflict with the purposes of including land in the Green Belt. Accordingly, the Local Planning Authority consider the proposals to be an appropriate sustainable use of the site, as per the definition of 'sustainable development' contained in Paragraph 14 of the National Planning Policy Framework.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.</b>
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## **2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Leo Walters, on the grounds that the review of change of use of the field would be within the Public's interest.

## **3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site relates to an enclosed field off of Ascot Road (south-east side), opposite Leslions Farm. Holyport College is situated to the south-west of the site. The north east of the site is bound by more enclosed fields. The field falls within the curtilage of Great Oaks a residential property accessed on Forest Green Road. The field's current planning use is recognised equine use in association with sport use i.e. for the purposes of playing Polo. Part of the site is situated within a Flood Zone identified as having a flood risk of category 2. The site is also situated within the Green Belt.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application proposes a change of use of the application site from polo and equestrian to use as a sport / recreation playing field associated with the education curriculum of Holyport College. There are no permanent structures (e.g. changing rooms, sports pavilions or other buildings) proposed in connection with this use. The field would solely be used for sports in connection with the College's curriculum and co-curriculum programme.
- 4.2 The Site Location Plan has been altered within the lifetime of the application due to the access route between the application site and Holyport College not having been identified. Access is obtained through an existing secure gate on the north east boundary of Holyport College's grounds. A narrow un-kept / beaten path runs adjacent to Ascot Road, inside the curtilage of the land identified as being in Great Oak's ownership. Additional information on Flood Risk was also obtained during the lifetime of the application's consideration. The additional information, along with the revised Site Location Plan were re-consulted upon.

Ref.	Description	Decision and Date
03/40197/FULL	Horse exercise track and bund alongside Ascot Road. (Retrospective)	Permitted: 12.09.2003
03/40082/FULL	Formation of polo field and enlargement of existing pond	Permitted: 12.09.2003
99/34415/FULL	Erection of new entrance gates, walls and fences at Great Oaks and Impala Polo. Retrospective.	Permitted: 23.03.2001
89/00478/FULL	OUTDOOR SAND RIDING AREA	Permitted: 23.11.1989
89/00477/SEC53	PROPOSED SAND RIDING AREA	Permitted: 03.11.1989

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Paragraphs 14, 89

##### **Royal Borough Local Plan**

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Issue	Local Plan Policy	Compliance
Acceptable impact on character and appearance of area	DG1	Yes
Acceptable impact on Green Belt	GB1, GB2	Yes
Acceptable impact on the residential amenity	NAP3	Yes
Sufficient parking space available	P4	Yes
Does not increase flood risk	F1	Yes
Trees and development	N6	Yes

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from June to September with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

### Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Green Belt
- ii Impact on Character and Appearance of the of the site and surrounding area
- iii Impact on neighbouring Residential Amenities
- iv Flooding
- v Sustainability
- vi The Planning Balance

### Impact on the Green Belt

6.2 The site is located within the Green Belt where most development is considered to be inappropriate. The NPPF sets out the basis for development within the Green belt and makes it clear that changes of use of land are inappropriate development. Although the Local Plan pre-dates the publication of the NPPF, Policy GB1 adopts a broadly similar approach to national policy.

6.3 On this basis, the proposed change of use from equestrian and polo to outdoor sport and recreation associated with the Colleges curriculum is regarded as inappropriate development, and thus, the onus is on the applicant to set out a case for very special circumstances (VSC). The judgement then is whether the case for VSC outweighs the harm to the Green Belt in principle, any other Green Belt harm and then any additional harm by conflict with other policies

in the Local Plan. The VSC case is assessed later in this report in the assessment of the Planning Balance.

### **Impact on the character and appearance of the of the site and surrounding area**

- 6.4 Officers consider that the proposed change of use from polo and equestrian to use as a sport / recreation playing field associated with the education curriculum of the College will not have a significant impact on the character and appearance of the site. As the applicant has stated in the planning statement submitted, there would be no permanent structures (e.g. changing rooms, sports pavilions or other buildings) to be constructed in connection with this use. The field would solely be used for sports in connection with the College's curriculum and co-curriculum programme, including activities such as football, rugby, cricket, hockey and athletics. As such, from time to time, temporary field markings and sports equipment (e.g. football goals, rugby posts and corner flats) would be erected on the field to facilitate proper use. The applicant states that use of the field would only commence after 9am during school hours and conclude no later than daylight hours. No floodlighting is intended and no use of sound equipment such as PA systems during regular use associated with the College's curricular use is proposed. As such, it is considered that the physical impact on the application site would not be demonstrable to an extent that would warrant the applications refusal on character and appearance grounds.

### **Impact on neighbouring Residential Amenities**

- 6.5 Given the rural nature of the surrounding area; the small number of residential uses within the immediate vicinity of the site; and, that the College already exists and operates 'play' and sporting activities on a number of grounds within their own site, it is considered that the change of use of the neighbouring field for 'play' and sporting use during college hours would not introduce any greater impact on the neighbouring residential occupiers to an extent that would warrant the applications' refusal on these grounds. Whilst the applicant has indicated that there will be spectators from time to time, existing parking onsite at the school would be used and the number of spectators would be limited. As noted, in the character and appearance section, the applicant does not propose the installation of floodlighting, or the regular use of a Public Address (PA) system. As such, the Local Planning Authority would recommend application of a restrictive condition, limiting the use of PA equipment (Condition 3).

### **Flooding**

- 6.6 The application site is located with Flood Zone risk categories 2 and 3. A Flood Risk Assessment has been provided which identifies that the grounds keeper and teachers will make an assessment of the field prior to any 'play' or sports use to ensure that it is safe for the students. In the event that pitch is rendered unusable due to flooding, the field will not be used. Accordingly, the Local Planning Authority consider this approach to be acceptable and are of the view that as there are no associated permanent built structures proposed, the change of use will not result in any increased risk of flooding to the site or beyond the site.

### **Sustainability**

- 6.7 As noted above in the section on Green Belt, the use of the neighbouring the field will enable mitigation of financial and environmental implications and is therefore considered to be an appropriate sustainable use of the site, as per the definition of 'sustainable development contained in Paragraph 14 of the National Planning Policy Framework.

### **Planning Balance**

- 6.8 In accordance with Paragraph 88 of the NPPF, the Local Planning Authority attaches substantial weight to harm to the Green Belt, which in this instance solely arises from the proposed inappropriate change of use of the land. Such a change is identified as a policy harm, rather than physical harm. Notwithstanding this, the applicant has presented a case for Very Special Circumstances (VSC) which outweighs the identified harm to the Green Belt as is detailed in the following paragraphs.

- 6.9 The applicant has made the case that the proposed change of use would make a valuable contribution towards to the education of the students attending the college and would also reduce financial and environmental (e.g. carbon emissions) implications and costs that currently arise from the College making arrangements to transport students to sports facilities that are off site. Currently, Holyport College has a legal agreement with Eton College, which establishes the heads of terms for educational sponsorship. The sponsorship is not a financial sponsorship, but instead agrees the provision of support through Eton's resources as set out in the agreement (available at: [http://www.holyportcollege.org.uk/media/cms\\_page\\_media/41/Holyport%20HoTv4%20\(002\).pdf](http://www.holyportcollege.org.uk/media/cms_page_media/41/Holyport%20HoTv4%20(002).pdf)).
- 6.10 One such term of the agreement is that Eton College, from time to time, will provide access for Holyport pupils to use its sports facilities, some 6+ miles from Holyport College. The Officer's delegated report for the original application (Ref: 13/00287/FULL) for site's redevelopment into Holyport College as it currently stands, was approved on acknowledgement that the College has a need to run a fleet of mini-buses to transport children to sports pitches and facilities at Eton College during the school day. As the college grows in its pupil numbers, the applicant has made the case that the access to these facilities may become less viable, due to timetabling and capacity constraints. Additionally, such arrangements have environmental, financial and logistical costs and implications as stated above, and thus, the benefits of being able to facilitate the college's physical education and sports curriculum closer to the college site will minimise these unnecessary costs and implications, providing benefits that effectively outweigh the harm to the Green Belt and improve the sustainable practices of the College. In order to protect the application site, and the vested interests of both parties (Holyport College and Great Oaks), Holyport College have agreed to the terms of lease agreement provided by Great Oaks, in which it is stated that the field shall only be utilised by the College for 180 calendar days of the year, primarily during term time. Occasional use outside of this are to be agreed between parties by the school, and no vehicles are to be allowed on site, except for a single vehicle to assist with the transportation of sporting equipment. As such, the terms of this agreement help to minimise harm to the openness and visual amenity of the Green Belt. Furthermore, planning condition 1-6 are also recommended in order to protect the Green Belt.
- 6.11 As such, the proposal would retain open land and therefore it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The applicant has demonstrated a case for Very Special Circumstances which would outweigh the substantial harm to the Green belt.
- 6.12 In summary, it is considered on balance that there is no demonstrable harm to openness of the Green Belt or to the purposes of including land in the Green belt. No other harm has been identified. As such the proposal is considered to be acceptable.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

No comments received from the 2 neighbouring properties notified, or in response to the Site Notice displayed 15<sup>th</sup> June 2017. Notwithstanding this, the application was requested for review at Panel by Cllr Walters, on the grounds on of the proposals being within the public interest.

The following Consultation comments were received from Statutory / Other Consultees:

Consultee Comment	Officer response
<b>Bray Parish Council:</b> Recommended for temporary planning approval for a period of 5 years with the condition this planning permission would only be applicable as long as the current resident who has made this offer to the college resides at Great Oaks.	<i>A temporary permission is not considered appropriate, neither would it comply with Planning Guidance.</i>
<b>Environmental Protection:</b> No Objection.	<i>Noted.</i>

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan (Ref: LAND AT SL6 3LQ – Dated: 31.07.2017)

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The facilities hereby approved shall only be used in connection with sporting lessons, matches and other related activities that Holyport College is actively taking part in.  
**Reason:** To protect the amenities of local residents. Relevant Policy - Local Plan NAP3
- 2 Unless otherwise first agreed in writing by the Local Planning Authority, no starter gun and no whistle(s) shall be used in association with the use of the approved facilities other than between the hours of 0900 and 1800.  
**Reason:** To protect the amenities of local residents and the character of the Green Belt. Relevant Policies - Local Plan GB1, GB2 and NAP3.
- 3 No public address system including loud hailers (PA) may be used in association with the use of the approved facilities, other than for a maximum of five days for each of the five calendar years of 2017, 2018, 2019, 2020 and 2021, and these days shall be selected from Mondays to Saturdays only. PA equipment may not be used in connection with the approved facilities on Sundays, Bank Holidays or outside of school term time, and on those days selected by the school for its use, PA equipment shall be used only between the hours of 0900 and 1930. In addition, the school shall keep a log of the dates on which the PA equipment is used, to be kept available for reference by the Local Planning Authority if and when required.  
**Reason:** To protect the amenities of local residents. Relevant Policy - Local Plan NAP3.
- 4 Unless otherwise first approved in writing by the Local Planning Authority the pitch shall not be used outside of term time and shall not be used for formal or informal sports and / or by spectators outside the following hours:
  - (i) In the months of April to September the pitches and facilities shall only be used between the hours of 0900 and 2100 hours on Mondays to Thursday and from 0900 to 1930 hours Fridays to Sundays and Bank Holidays falling within term time.
  - (ii) In the months of October to March the pitches and facilities shall only be used between the hours of 0900 and 1930 hours Monday to Sunday and Bank Holidays falling within term time.**Reason:** To protect the amenities of local residents. Relevant Policy - Local Plan NAP3
- 5 All sports equipment erected on the site (including, football goals, rugby posts, corner flags) shall be dismantled and removed from the land outside of the College's academic teaching term.  
**Reason:** To protect the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
**Reason:** To ensure that the development is carried out in accordance with the approved particulars and plans.