

# MAIDENHEAD AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 19TH JUNE, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD

## SUPPLEMENTARY AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a>.</p>	3 - 32

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Agenda Item 4

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

19 June 2019

Item: 1

<b>Application No.:</b>	18/02601/FULL
<b>Location:</b>	Maidenhead Target Shooting Club Braywick Park Braywick Road Maidenhead SL6 1BN
<b>Proposal:</b>	Erection of part single/part two-storey building for a special needs school, ancillary multi-use games areas, landscaping and parking.
<b>Applicant:</b>	Karen Short
<b>Agent:</b>	Mr Mike Ibbott
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The proposed development for a new SEN School at Braywick Park is considered to represent inappropriate development within the Green Belt, would cause harm to its spatial and visual openness and would conflict with the Green Belt purposes of safeguarding the countryside from encroachment and of preventing urban sprawl. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm could also arise from the likely impacts on protected bat species and the lack of mitigation. Paragraph 144 of the National Planning Policy Framework sets out that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. A case for very special circumstances has been made by the applicant which centres on the educational need for the school and the lack of suitable alternative sites. Both of these considerations are given substantial weight in the planning balance
- 1.2 With regards to the impact on bats the proposal would fail to comply with paragraph 99 of the government Circular 06/05. Further information on protected species has been received and at the time of writing this report are subject to consultation with the Council's Ecologist, the Panel will be updated through the Panel Update.

**It is recommended that the Panel DEFER AND DELEGATE the application to the Head of Planning to APPROVE subject to the following:**

- i) No objection from the Council Ecologist based on the revised information; and**
- ii) The application not being called in for a decision by the Secretary of State on referral via the Planning Case Work Unit; and**
- ii) the conditions listed in Section 11 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- The application is required to be heard at panel as it is a major application due to the floor space of the proposed building being in excess of 1000sqm. The application was also called in at the request of Councillor Wilson due to local interest from residents on the siting of the school and the traffic implications arising from the development and the cumulative impact arising from the new Leisure Centre and Braywick Court School. Residents would like the application debated at the Maidenhead Development Management Panel for open and transparent debate.

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

- 3.1 The application site comprises land associated with the rifle range, a depot and a small portion of the driving range site in Braywick Park, Maidenhead. The "upper part" of the site comprises mown grassland associated with the rifle range which is set across 2 levels. This part of the site is bisected by a hedgerow and there are boundary trees and hedges. The land in the south eastern corner of this part of the site is raised and overgrown and cabins/shelters are located in the north east corner. The "lower part" of the site comprises unused scrub and the rear part of the Braywick Heath Nurseries which is towards the south. This land also includes grassland and scrubby overgrown hedges as well as some hardstanding. There is a single storey garage building and storage container on this part of the site.
- 3.2 The site is bounded to the east by the "Park & Stride" car parking area and to the west by land associated with the Toby Carvery and Braywick Heath Nurseries. The driving range, which has permission to be redeveloped into the new Leisure Centre (now commenced), sits to the south west of the site. Pitches associated with the Maidenhead Rugby & Football Club are located to the north and east beyond the car park. Beyond the pitches to the east public open space associated with Braywick Park can be found.
- 3.3 Braywick Park is home to Braywick Sports & Recreation Ground which in addition to the rugby-football club also accommodates Maidenhead Athletics Club, Braywick Park Gym and Sports Able which offers sports facilities and training to the disabled. Permission has also been granted for the development of a new leisure centre and outdoor sports pitches/courts on the driving range site. The sports and recreational function of Braywick Park will therefore be enhanced and there will be a substantial increase in built-form in the vicinity of the application site.
- 3.4 The site falls within the Green Belt, is partially within Flood Zone 2 and forms part of a former landfill site. The Braywick Meadows SSSI is located approximately 320m from the site boundary. The site is also approximately 330m from Braywick Park Local Nature Reserve, 295m from Braywick Park Local Wildlife Site and 320m from the edge of Maidenhead's Air Quality Management Action Area.

### **4. KEY CONSTRAINTS**

- 4.1 The key constraints are:
- Green Belt
  - Flooding
  - Archaeological interest
  - Contaminated land
  - Ecological constraints

### **5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

- 5.1 Planning permission is sought for the erection of a part single part two storey building with a footprint of 2,972sqm (GEA) for a special needs school for 96 students with Autism Spectrum Disorder (ASD), together with ancillary multi-use games areas, landscaping and parking. The site is proposed for use by Forest Bridge School (FBS) who currently operate from the former Oaklands Primary School site in Chiltern Road, Maidenhead. The existing premises are said to be unsuited to the educational needs of children and young people with ASD. The new school would accommodate 96 pupils aged 4 – 16, in classes of 8, together with some 120 staff.
- 5.2 The form of the school building reflects the nature of the specialist education to be provided, with separate wings for early years and secondary age pupils, and an emphasis on direct access to external space. The principal elevation of the building is two storeys in height with single storey wings. The two storey section is approximately 8.6m tall. The single storey wings have mono-pitched roofs.

- 5.3 A car park with a drop-off point is located to the front of the site which provides 38 car parking spaces, as well as 3 disabled bays, along with 15 mini-bus/taxi parking bays and 6 drop off spaces. 45 Car parking spaces are to be provided for staff within the existing Braywick Park car park.
- 5.4 Separate play areas are proposed for the primary and secondary age pupils. Outdoor learning space and a science garden are also proposed as well as three multi use games areas (MUGAs), including floodlighting to the south of the site which are proposed to be used out of school hours by users of the neighbouring Leisure Centre (approved under 17/03372/FULL).

### Relevant Planning History

Reference	Description	Decision
90/00614/FULL	Extension to provide 10mm air gun range and improvements to existing building	Permitted – 19/02/1990

## 6 DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Appropriate development within the Green Belt	GB1, GB2
Loss of a community facility	CF1, CF2
Impact on trees important to the area	N6, N7
Parking and highways issues	P4, T5, T7

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)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving sustainable development  
 Section 4- Decision-making  
 Section 8 – Promoting healthy and safe communities  
 Section 9- Promoting Sustainable Transport  
 Section 11 – Making effective use of land  
 Section 12- Achieving well-designed places  
 Section 13- Protecting Green Belt land  
 Section 14- Meeting the challenge of climate change, flooding and coastal change  
 Section 15 – Conserving and enhancing the natural environment

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate development within the Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Trees, woodland and hedgerows	NR2
Nature conservation	NR3
Makes suitable provision for infrastructure	IF1
Promotes sustainable Transport	IF2
New sports and leisure development at Braywick Park	IF6
Community facilities	IF7
Contaminated land and water	EP5

- 7.1 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 Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

### Other Local Strategies or Publications

- 7.2 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
  - RBWM Parking Strategy

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)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

44 occupiers were notified directly of the application and the planning officer posted a notice advertising the application at the site. The application was advertised in the Maidenhead and Windsor Advertiser on the 20<sup>th</sup> September 2018

2 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Delighted to see that RBWM are extending their provision of special needs children.	Paragraphs 9.42 – 9.45
2.	The aesthetic will create a real sense of place for children that will absolutely benefit from the facility.	
3.	The existing home of Forest Bridge is simply not good enough, even though the staff do their very best with what they have.	

4.	The need for specialist educational facilities are required at local and national level.	
5.	Materials are noted in the design and access statement, however, this is not sufficient to form an approval. Materials need to be clearly keyed on the drawings. It is not sufficient to have this conditioned as it will lead to 'Value Engineering' as the scheme comes under financial pressures during the procurement/delivery stage.	N/A – It is considered acceptable for details or samples of materials to be submitted at the condition stage.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	(24 May 2019) On receipt of further information, no objection subject to conditions.	Paragraph 9.26
Environment Agency	No objections to the proposed development subject to the following conditions: <ul style="list-style-type: none"> <li>• <u>Condition 1</u> - A condition requiring the development to cease should contamination not previously identified be found. A remediation strategy should then be submitted to and approved by the Local Planning Authority prior to works commencing.</li> <li>• <u>Condition 2</u> – A condition stating that no infiltration of surface water drainage into the ground at Maidenhead Target Shooting Club is permitted other than with the written consent of the Local Planning Authority.</li> </ul>	Paragraphs 9.23 – 9.25
Sport England	Raise no objections to the granting of planning permission.	Paragraphs 9.6 & 9.7
Natural England	No objections – based on the plans submitted, Natural England considers that the proposed development will not have significant adverse effects on statutory protected sites of landscapes. Also considers there to be no impact on Bray Meadows SSSI.	N/A
Ecology	Recommends refusal as it has not been demonstrated what the impact upon bats will be and how this will be mitigated.	Paragraphs 9.31 – 9.35

### Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No objections to the proposal in principle, subject to the following conditions: <ul style="list-style-type: none"> <li>• Tree protection – Details to be submitted</li> <li>• Tree retention/replacement – Details to be submitted</li> <li>• Landscaping scheme – Details to be submitted</li> </ul>	Paragraph 9.11
Access Advisory Forum	RBWM Access Advisory Forum supports this application for much-needed specialist education provision for children with Autism Spectrum Disorder in the Borough.	N/A
Berkshire Archaeology	Following the field evaluation undertaken by the applicant which did not identify any archaeological material or archaeological remains there is no requirement for any	Paragraphs 9.36 – 9.39

	further archaeological mitigation in relation to this development.	
Highways	Raises no objections subject to conditions.	Paragraphs 9.13 – 9.22
Landscape Officer	No objections, however, raises potential conflict between cycle access to the school site and proposed planting in the Braywick Leisure Centre design. Details of all hard and soft landscaping must be submitted prior to commencement of work on site.	Paragraph 9.11
Environmental Protection	No objections subject to the development being carried out in accordance with details within the Geotechnical and environmental site investigation report and subject to a validation report confirming the development has been carried out in accordance with this document being submitted to and approved in writing by the LPA prior to occupation No objections regarding noise subject to the development being constructed in accordance with the noise assessment.	Paragraph 9.28 – 9.30

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of development – Green Belt issues
- ii Loss of sporting facility
- iii Impact on character and design issues
- iv Parking and highways issues
- v Flood risk and surface water drainage
- vii Environmental protection
- ix Ecology
- x Archaeology

### Principle of development – Green Belt issues

9.2 The application site is located within Braywick Park. Braywick Park is allocated in the Submission Version of the Borough Local Plan (BLP), submitted to the Planning Inspectorate on the 31<sup>st</sup> January 2018, for leisure use and proposed for removal from the Green Belt. At the time of writing however the site is within the Green Belt.

9.3 Paragraphs 145 and 146 of the National Planning Policy Framework set out the forms of appropriate development within the Green Belt. However, this specifically excludes the construction of new buildings apart from those exceptions listed in paragraph 145, which does not include the development proposed. The proposal therefore comprises inappropriate development. Other forms of development proposed such as the laying of significant amounts of hardstanding and the erection of means of enclosure are also inappropriate development. The MUGA pitches could be understood to be “appropriate facilities for outdoor sport and recreation”. This exception is however caveated so that this sort of development would only be “not inappropriate” provided “it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. It is clear that the outdoor facilities would have an impact on openness. This is on the basis that there would be harm to the openness of the Green Belt when considering the need to provide nets, goals/goal posts, hard surfacing, lighting and fences.



The scheme should be correctly assessed as a whole as “inappropriate development”. Paragraph 143 of the NPPF sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 sets out that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Harm to the Green Belt is discussed in more detail below and whether very special circumstances exist which outweigh this harm and any other identified harm is discussed in the ‘Planning Balance’ section in paragraphs 9.40 to 9.61 below. Local Plan policy GB1 and emerging Borough Local Plan (submission version) policy SP5 adopt a similar approach to appropriate and inappropriate development within the Green Belt. Policy GB2 of the local plan sets out that new development will not be granted planning permission if it would have a greater impact on the openness of the Green Belt or the purposes of including land within it. The purposes of including land within the Green Belt are set out in paragraph 134 of the NPPF and are as follows:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Policy SP1 of the submission version of the emerging Borough Local Plan also sets out that Green Belt land will be protected from inappropriate development in line with Government Policy.

- 9.4 The proposed school building is a part single part two storey building with a gross external area of approximately 2,972sqm (GEA) and a maximum height of 8.6m. The existing site is largely open with the “upper part” comprising of mown grassland associated with the rifle range, set across 2 levels. The “lower part” of the site comprises unused scrub and the rear part of the Braywick Heath Nurseries which is towards the south. This land also includes grassland and scrubby overgrown hedges as well as some hardstanding. Existing buildings on site are low level cabins/shelters and garage/storage buildings. The site has been treated as a Greenfield site. The introduction of the new school as well as its associated developments and the intensification in the use of the site (additional parked vehicles), would clearly therefore have a greater impact on the spatial openness of the Green Belt. The school building would be obscured in long distance views somewhat by existing buildings and vegetation, particularly from the south and west, however, it would be seen from the north and east and would alter views across the site and the wider area from these directions, as demonstrated in the images provided in the Design and Access Statement. The proposed development would clearly therefore have a greater impact on the visual openness of the Green Belt as well. The development therefore prejudices the openness of the Green Belt in the locality of the site; and would conflict with the Green Belt purposes of safeguarding the countryside from encroachment and of preventing urban sprawl. Substantial weight is attached to this harm.
- 9.5 In summary the proposals are contrary to paragraphs 134, 143, 144, 145 and 146 of the National Planning Policy Framework, which should be given significant weight as a material planning consideration, policies GB1 and GB2 of the Local Plan, which should be given greatest weight and policies SP1 and SP5 of the submission version of the emerging Borough Local Plan, which should be given significant weight as a material consideration.

### **Loss of sporting facility**

- 9.6 The application results in the loss of a sporting facility (Maidenhead Target Shooting Club) and recreational land (a small portion of the driving range – although the driving range will be lost as a result of the new leisure centre development in any case). Paragraph 97 of the National Planning Policy Framework (NPPF) sets out that it will be necessary to demonstrate that the loss resulting from the proposed development will be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss.

- 9.7 Sports England has been consulted and have provided comments on the application. They note that the lease for the club has expired and that the club are in the process of trying to relocate. Regarding the proposed development Sport England also acknowledges the need for the school and the potential for links between the school and the various sports clubs at Braywick Park, including, Maidenhead Archers, SportAble and Maidenhead Rugby Club, which will add value to the experience of the pupils sporting lives and would be consistent with the Department of Media, Sport and Culture's and Sport England's strategies around young people. On this basis Sport England have raised no objections to the application. It is also noted that the school will be provided with its own multi use games area and will have use of the new Leisure Centre being developed on the site of the old driving range. The proposal conflicts with paragraph 97 of the NPPF, however this conflict is considered to be outweighed by other considerations. The existing target shooting club is considered to be a community facility. Policy CF1 of the RBWM Local Plan sets out that the loss of community facilities will not be supported unless there is no longer a need or an acceptable alternative provision is to be made elsewhere. Maidenhead Target Shooting Club is in the process of finding a new home, however, at the time of writing a new site has not been secured. There is some conflict with policy CF1 therefore, however, this is considered to be outweighed by the benefits that the proposed development would provide.

### **Impact on character and design issues**

- 9.8 The design and appearance of a development and the impact it has on the character of an area is a material planning consideration. Paragraph 127 of the National Planning Policy Framework sets out the design principles expected of new developments and paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DG1 of the Local Plan and policy SP3 of the submission version of the Emerging Borough Local Plan adopt a similar approach and set out design principles which are consistent with those of the NPPF. Policy SP2 of the submission version of the emerging Borough Local Plan also sets out that developments should positively contribute to the places in which they are located and sets out design principles for larger developments.
- 9.9 The site and its surroundings are of a character more akin to an edge of town centre location than a rural one and the site sits somewhere between the western section of Braywick Park, which the Council's 'Edge of Settlement Study' describes as being characterised by its sports and recreation facilities and the associated built form, and the eastern section of Braywick Park which comprises a natural area with a largely rural feel.
- 9.10 The buildings to the west of the site are of mixed scale and design. Immediately to the west of the site is Stafferton Lodge and Braywick Heath Nurseries and adjacent to that is the site of the new Leisure Centre which will offer some 9,500sqm of internal floor space. The proposed school building is a part two/part single storey building with a mixture of flat and mono-pitched roofs, providing an internal floor space of approximately 2,600sqm. The two storey section is to the front of the building and is 8.6m tall. Within the context of these surrounding buildings the scale and bulk of the proposed school is considered to be acceptable. When viewed from the more rural eastern section of Braywick Park views of the school would be partially obscured by existing mature trees which surround the site and the choice of timber at first floor would soften its appearance within this context. The same is true when viewing the school from the north. Views provided within the design and access statement demonstrate that the school will not be highly visible due to existing landscape features. Should the application be approved it will be necessary for a condition to be imposed which requires final details of ground levels on and around the site and proposed slab and floor levels for the development to ensure that the building is not raised significantly above the surrounding buildings and landscapes.
- 9.11 The building is set in from the boundaries of the site which allows for sufficient space/play areas for use by the children but also allows for good levels of landscaping to be provided and for the retention of trees which surround the site. A British Standard compliant tree survey, constraints and tree protection plan has not been submitted for trees within the site, however it would appear that a number of these will be retained, including a semi-mature Horse Chestnut in the south east corner of the site and a Sycamore along the northern boundary which are both of good amenity

value. A row of Leyland Cypress shown for retention are suggested for removal and replacement by the council's tree, however, these trees sit just outside of the application site and as such it would be unreasonable to require this. Hard and soft landscaping and tree protection details are can be dealt with via condition. Hardstanding and boundary treatment on site are of a scale that would not significantly impact on the character and appearance of the area subject to suitable landscaping to soften these more urban elements.

- 912 In summary the proposals comply with paragraphs 127 and 130 of the NPPF, policy DG1 of the Local Plan and policy SP3 of the submission version of the Emerging Borough Local Plan.

### **Parking and highway issues**

- 9.13 Maximum parking standards for the borough are set out in the adopted parking strategy and policy P4 requires that new developments are provided with parking in accordance with these standards. Policy T5 of the Local Plan also expects new development proposals to comply with the Council's adopted highway design standards. Paragraph 109 of the National Planning Policy Framework (NPPF) sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IF2 of the submission version of the emerging Borough Local Plan promotes the use of sustainable transport in line with the aims and objectives of the NPPF and in particular paragraphs 108 and 110. Paragraph 111 of the NPPF also sets out that developments that will generate significant amounts of movement should be required to provide a travel plan/transport statements and assessments so that the likely impacts of the proposal can be assessed.
- 9.14 The proposed development will utilise the existing access onto Braywick Park off the A308 Braywick Road. The dual carriageway runs to the south past the site and connects to the A308 Windsor Road, A330 Ascot Road and the A308 (M) at the Braywick roundabout. The A308 (M) then links to Junction 8/9 of the M4. To the North it connects to Maidenhead Town Centre. Maidenhead Railway Station is located approximately 1km north of the main site entrance.
- 9.15 The site gains vehicular access from the priority junction with the A308 Braywick Road. There is a left turn off slip access to the site, and a left turn only exit. The right turn into the site is formed from a separate lane northbound, which also forms the U-turn movement southbound. Braywick Road is subject to a 40mph speed limit, which is enforced by speed cameras. The junction provides clear visibility splays in excess of 2.4 x 120m to the right which complies with the Local Authorities current standards for a 40mph road. To access the site a vehicle will have to utilise the new Leisure Centre car park service road along with Braywick Heath Nurseries. On the approach both the nursery and school will be provided with a separate gated access point. To exit the site an existing access will be retained and improved from the north boundary adjacent with the Maidenhead Rugby Football Club 3G sports pitches. Drawings have been provided that show visibility splays of 2.4 x 25m will be provided at this access.
- 9.16 Within the Transport Assessment, Table 6.1 shows a traffic survey was conducted for the school on the 13<sup>th</sup> September 2017. The data shows a total of 63 two-way trips in the AM peak (8:30 to 9:30am) and 25 two-way trips in the PM peak (16:30 to 17:30pm). The school is to expand from 58 to 96 pupils and 60 to 120 members of staff. Based on the above survey the Transport Assessment predicts there will be 106 two-way trips in the AM peak and 50 two-way trips in the PM peak. It is considered that the existing highway network can accommodate this increase in traffic.
- 9.19 It is agreed, given the sites proximity to Maidenhead Train Station (1km), that a midpoint between the Council's good and poor accessibility area parking standards can be applied. The parking standards for schools are based on the number of staff and in areas of good accessibility this means 1.5 spaces per 4 members of staff, giving a requirement of 45 spaces. In areas of poor accessibility the standards require 1 space per member of staff giving a total requirement of 120 spaces. For this application this gives a requirement of 83 car parking spaces, which is the midpoint between 45 and 120. 62 spaces are proposed on site, however 15 of these are for mini bus/taxi drop off and 6 are drop-off bays for parents taking their children to school, and a further 3 are disabled bays. This gives an on-site total of just 38 parking spaces for staff.

- 9.20 In order to make up for the shortfall in on-site parking it is proposed to allow the use of the existing Braywick Park Public Carpark which has 200 pay and display bays. The Council's property services team have confirmed that the RBWM is willing to provide the 45 spaces required within Braywick Car Park and that this will be incorporated into the lease agreement between the Council and Forest Bridge School for the development of the Maidenhead Target Shooting Club site. Using ticket and transaction history for May 2019 the applicant has determined that the busiest day for the car park is Friday. Based on this a further parking beat survey was undertaken of the car park on Friday 17<sup>th</sup> May 2019 between 07:00 and 19:00. The survey showed that the maximum number of vehicles using the car park at any one time was 67 at 13:15, which amounts to approximately 28% occupancy. A further peak was identified at 15:15 where 55 vehicles and a 23% occupancy were recorded. It has been demonstrated therefore that there is the capacity during the day for the school to use the car park. The Council's Highways department have been consulted on the latest surveys and have raised no objections. Should the application be approved and there are no objections from Highways it is considered that details of how the spaces will be allocated and managed can be controlled by condition.
- 9.21 A travel plan has been submitted with the application which sets out the targets for percentages of staff driving to work. The applicant has stated that they expect the travel plan measures and encouragement to travel by sustainable modes will enable the number of allocated parking spaces for the school within the Leisure Centre car park to be further reduced. The Council's Highway department have looked at the travel plan however and consider that the targets set for staff travel by car at 57.1% and reducing to 50% by the end of the third year and 40% by the end of the fifth year are far too ambitious and it has not been demonstrated that this can be achieved. If the application is to be approved it is considered that an updated travel plan should be submitted prior to the occupation of the school which sets out more realistic targets from vehicle trips and how this will be achieved and monitored. The travel plan should also detail how the use of the spaces at the Braywick Car Park will be monitored. The travel plan should then be monitored and updated regularly to ensure the school continues to be provided with sufficient car parking and that sustainable transport is encouraged.
- 9.22 It is considered that the proposal will be provided with sufficient car parking and would not have a severe impact on the highway network or lead to highway safety issues. The proposal complies with policies P4 and T5 of the Local Plan and paragraph 109 of the National Planning Policy Framework (NPPF). The proposal, subject to the submission of a final Travel Plan, will also suitably encourage the use of sustainable transport modes in accordance with the requirements of paragraphs 108 and 110 of the NPPF and policy IF2 of the submission version of the emerging Borough Local Plan.

### **Flood risk and surface water drainage**

- 9.23 The Council's Strategic Flood Risk Assessment (SFRA) shows the eastern part of the application site to be within flood zone 2 (0.1% – 1% chance of flooding from rivers in any year). The National Planning Policy Framework sets out in paragraph 163 that a site specific flood risk assessment should be provided for all developments within flood zone 2 which should demonstrate that flood risk will not be increased elsewhere and can be safely managed on site. In this instance it is also necessary for the sequential test to be applied, the aim of which is to steer development to areas of lower flood risk, however, it is not necessary for the exceptions test to be applied. Paragraph 165 of the NPPF sets out that major development should incorporate sustainable drainage systems. The Environment Agency EA have not commented on flooding matters for this application and instead the standing advice for vulnerable development has been referred to. This advice sets out that applications:
- Should set out how surface water flooding will be managed
  - Should provide details of safe access and escape routes in the event of a flood; and
  - Should set internal floor levels above the predicted flood level by a suitable amount.
- 9.24 The applicant has submitted a flood risk assessment (FRA) with this application. Within the FRA the predicted flood levels for the site have been calculated using detailed site-specific flood information provided by the EA and by using topographical surveys. The FRA demonstrates that

due to level changes on the eastern part of the site that the entire site is actually within flood zone 1 and is therefore at a low risk of flooding. When using the 1% flood event data and adding a 35% allowance for climate change the flood levels would still be lower than the site levels by approximately 2m. The application site is unlikely therefore to flood as a result of fluvial flooding. It is also demonstrated that the site is at low risk from other forms of flooding such as groundwater flooding and flooding from other water bodies. The impact of the development on sewer flooding and surface water flooding has been considered in the drainage strategy for the site which has been assessed in the paragraphs below. In the very unlikely case of the site suffering from flooding it is possible to evacuate staff and pupils from the site to the west, which is shown to be entirely outside of the flood zone within the SFRA. It should be noted that the western part of the site is also shown to be entirely outside of the flood zone.

- 9.25 The applicant has still undertaken the sequential test. The sequential test considers 114 sites in total and 10 sites (including the application site) in detail, finding them to be unsuitable for the development for various reasons. The sequential test also forms part of the very special circumstances case for inappropriate development within the Green Belt and as such this has been considered in more detail within the planning balance section below.
- 9.26 The FRA includes a drainage strategy which sets out how foul and surface water drainage will be managed on site. Foul drainage will be directed into the existing sewer system via a network of pipes. Surface water drainage will be dealt with via soakaways. It has been demonstrated that there will be infiltration of surface water into the ground in areas where contamination is present due to the sites historic landfill use. The Environment Agency have suggested a condition to control this. The Lead Local Flood Authority (LLFA) have also been consulted on this application and have raised no objection subject to a condition securing, prior to commencement, a surface water drainage scheme for the development based on the submitted strategy.
- 9.27 It is considered that the development would be safe from most forms of flooding and that staff and pupils could be safely evacuated in the event of a flood. The proposal therefore would comply with paragraphs 163 and 164 of the NPPF and the EA standing advice for vulnerable developments.

### **Environmental protection**

- 9.28 The site has been tested for contamination by RPS Consulting on behalf of the client. The results of intrusive site investigations show the presence of heavy metal, asbestos and PAH's (polycyclic aromatic hydrocarbons) in samples of made ground and suspected landfill areas. A clean topsoil cover of 300mm in soft landscaped areas, with a no dig membrane beneath and 600mm in areas of proposed soft landscape planting areas will be necessary. The ground gas assessment concludes characteristic situation 2 and will require 4.5 points of ground protection measures for Type B (Private or Commercial/Public) buildings. The design of water pipes should also be taken into consideration when installed in the remaining made ground. Should the application be approved these details could be secured via condition. The condition would also require that a validation report is submitted to demonstrate that suitable measures have been carried out to deal with and minimise the risk from contaminated land. The proposal complies with paragraph 178 of the National Planning Policy Framework.
- 9.29 The Environment Agency have been consulted on the application and have confirmed that they have no objection subject to a condition relating to the process to be undertaken in the event that unexpected contamination is found and a condition relating to the infiltration of surface water drainage.
- 9.30 The Council Environmental Health Officer has been consulted on noise related issues and has confirmed that if the development is carried out in accordance with the noise assessment produced by MACH Acoustics there should be no issues to local sensitive receptors. A condition requiring the development to be carried out in accordance with these details would be necessary should the application be approved. The proposal therefore complies with paragraph 180 of the National Planning Policy Framework.

### **Ecology**

- 9.31 Evidence of bats, grass snakes and slow worms has been found on site. Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System sets out that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted. Paragraph 174 of the National Planning Policy Framework states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Policy NR3 of the submission version of the emerging Borough Local Plan is consistent with the NPPF and sets out that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites.
- 9.32 The reptile survey found that the site hosts at least a low population of slow worms and grass snakes. The applicant has now provided a reptile mitigation strategy that involves the installation of reptile fencing, translocation and a destructive search. It is proposed to translocate reptiles to Braywick Park local wildlife site. The mitigation strategy outlines that due to the low number of reptiles present at the development site and the size and connectivity of the receptor site, it is unlikely that the carrying capacity of the receptor area will be exceeded. The Council's ecologist has requested details of the exact receptor area within Braywick Park and the date for translocation commencement, however it is understood that translocation works will be carried out prior to any implementation of a planning permission. The Council's ecologist has confirmed that a licence is not needed to translocate the reptile species that have been recorded.
- 9.33 Evidence of commuting and foraging bats has also been recorded on site. The proposed floodlit MUGA (Multi Use Games Area) will be constructed on an area that currently comprises a belt of mixed woodland, tall ruderal vegetation and semi-improved grassland. The proposed MUGA also abuts the MUGA of the recently approved leisure centre development and in combination with the floodlighting of the adjoining development, 3 potential bat commuting corridors could be fragmented or lost. Natural England's standing advice to developers and planners (relating to bat surveys) states that, unless potential impacts can be minimized, where development is likely to affect foraging or commuting habitat, bat surveys should be undertaken to determine what impact the proposals will have on bats. Natural England's standing advice refers to the Bat Conservation Trust's Bat Survey Guidelines which state that for sites of moderate suitability for use by commuting and foraging bats (as is the case here) one transect survey visit per month should be undertaken between April and October. A transect survey was undertaken at the start of June which suggests that roosts for several common bat species may be present in close proximity to the site, however, the site does not offer any potential roosting opportunities to bats and the habitats within the site appear to provide a valuable foraging resource for common pipistrelle and soprano pipistrelle only. Recommendations are then made with regards to light shields, reflective surfaces and time controls for the floodlighting and MUGA and habitat enhancements such as bat boxes and appropriate planting. The Borough's ecologist has been consulted on this latest information and comments will be provided by way of an update report.
- 9.34 The applicant has provided a document called: 'Ecological Review of Lighting Proposals' which includes a desk study of nearby bat records and a review of the lighting scheme. The document refers to a 'Proposed MUGA Floodlighting Plan', 'Proposed MUGA Light Spill Plan', 'Proposed External Lighting Plan' and 'Proposed School External Light Spill Plan'. The latter two documents (presumably for the car park and school building) have not been submitted and as such the amount of light pollution and light spill resulting from the development across the site and the impact that this will have on bats is not currently known. Page 10 of the 'Ecological Review of Lighting Proposals' report accepts that there will be light spill from the MUGA which will likely affect the connectivity and retention of suitable commuting and foraging habitats for bats and section 6 sets out recommendations to mitigate the impact of the floodlighting, however without a better understanding of how the site is currently used by bats and the effect of the overall development and not just lighting spill/pollution from the floodlighting it is not known whether the mitigation proposed will safeguard bats.
- 9.35 In conclusion the extent to which bats may be affected by the proposals has not been fully established and it has not been demonstrated how the impact upon bats will be mitigated. There

are no exceptional circumstances which would allow for this issue to be dealt with via condition and it is considered crucial that the impact upon bats and how this impact will be mitigated is understood prior to planning permission being granted. The proposal fails to comply with paragraph 99 of the government Circular 06/05, paragraph 174 of the National Planning Policy Framework and policy NR3 of the submission version of the emerging Borough Local Plan.

## **Archaeology**

- 9.36 Paragraph 189 of the National Planning Policy Framework (NPPF) sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Policy ARCH3 of the RBWM Local Plan also sets out that planning permission will not be granted for proposals which are likely to adversely affect archaeological sites unless adequate evaluation enabling the full implications of the development on matters of archaeological interest is carried out by the developer prior to the determination of the application.

The applicant has submitted such an assessment prepared by Oxford Archaeology, dated January 2018. The assessment concludes that:

1. There are no known heritage assets, whether designated or not within the site boundary.
2. By virtue of the site's location, there is a potential for the application area to contain as yet unidentified Mesolithic, Neolithic, Bronze Age or Iron Age remains.
3. A postulated Roman road runs close to the application site, although no archaeological evidence has so far been found to corroborate its existence
4. Stafferton Lodge is a Victorian villa, possibly replacing an earlier, late medieval/early modern house, although the location of this earlier structure is unknown.
5. Historic mapping indicates that the eastern portions of the site have previously been subject to gravel extraction. The extent of the former quarry is corroborated by the results of geotechnical data which indicate 'made ground' up to 2.8m deep in some parts of the site. Some geotechnical boreholes identified deposits of 'alluvium' indicating gravel deposits have not been quarried from other areas of the site.
6. The assessment anticipates the need for survey through field evaluation to establish the archaeological content of the unquarried parts of the site prior to the determination of this application so that an informed decision can be made.

- 9.37 Berkshire Archaeology has been consulted on the application and they consider the assessment submitted by Oxford Archaeology to be a fair assessment and account of the archaeological potential of the site. Crucially however the assessment does not take into account the results of recent archaeological investigations at the Braywick Leisure Centre site directly to the south as these investigations were undertaken after Oxford Archaeologies report was completed. These investigations recorded a rare late Neolithic (c. 3,300 BC) pit, a flattened Bronze Age (2,000 – 1,000 BC) round barrow, a scatter of Roman pits and an Early Saxon (AD 600 – 700) settlement, represented by several buildings. Most significantly the majority of these remains were recorded in the north east of the site, immediately adjacent to the site of the proposed school and there is every indication that these remains continue to the north into the application area. The application area therefore clearly has an archaeological interest. There is a high likelihood that buried remains of significance exist within those areas of the site that have not previously been subject to gravel extraction. The development proposals are likely to have a significant impact on any buried remains that survive within the site and there is currently insufficient information to understand the potential impact of the proposed development on the buried archaeological heritage.

- 9.38 In response to this an archaeological field evaluation has been undertaken in relation to the proposed development which did not identify any archaeological material or archaeological remains. Berkshire Archaeology have commented on the results of the evaluation and have confirmed therefore that there is no requirement for any further archaeological mitigation in relation to this development.

- 9.39 In conclusion it is considered that the proposal complies with paragraph 189 of the National Planning Policy Framework and policy ARCH3 of the RBWM Local Plan.

### **Planning Balance – very special circumstances case**

- 9.40 The development proposals would be harmful to the Green Belt by reason of its inappropriateness as well as the harm it would cause to the openness of the Green Belt and its conflict with 2 of the 5 purposes of including land within it. The proposal would also cause harm as a result of the likely impacts upon commuting and foraging bats, pending comments from the Council's Ecologist on receipt of further information. In accord with paragraph 144 of the NPPF, substantial weight is given to the harm to the Green Belt. Substantial weight is also afforded to the likely impacts on commuting and foraging bats. An assessment therefore needs to be made as to whether any 'Very Special Circumstances' exist that clearly outweigh the harm caused to the Green Belt by reason of inappropriateness and the other identified harm.
- 9.41 The applicant has put forward a case of very special circumstances which can be summarised as:
- The educational need for this form of specialist provision
  - The lack of an available, alternative, suitable site
  - The Impact on openness on this particular Green Belt site/location
- 9.42 The applicant also notes that RBWM is seeking to remove Braywick Park from the Green Belt. The applicant accepts that this does not obviate the need for VSC but considers that this should be material to the determination of the application. This makes reference to proposals within the BLPSV where the NPPF requires exceptional circumstances to be demonstrated to amend the Green Belt boundary: this has not yet been covered in the BLP examination and as such little or no weight should be given to this as a material planning consideration.

### Educational need

- 9.43 Children with a diagnosis of Autism Spectrum Disorder (ASD) (and Asperger Syndrome) exhibit certain types of behaviour that make it difficult for them to communicate with and relate to other people and make sense of the world around them. Historically, such children have been accommodated in mainstream education but evidence suggests that, for many with more severe symptoms, this does not meet their needs and that the provision of specialist education in an appropriate setting is required. Forest Bridge School (FBS) seeks to provide:
- A low sensory environment – quiet and visually calming
  - Enough space for break out rooms and a safe outside environment
  - Access from each classroom to the outdoors to provide a safe (not overlooked by outsiders) space for pupils to de-escalate, thereby reducing the need for physical intervention
  - For its broad curriculum to be delivered indoors and outdoors.
- 9.44 FBS's current temporary location does not meet these educational needs and the School Support Services team (Achieving for Children) has confirmed that the existing site and accommodation for Forest Bridge School is not suitable for the pupils taught there.
- 9.45 RBWM's Joint Autism Strategy 2017 – 2022 (January 2017) showed that, in January 2016, 349 school-age children had an ASD diagnosis in RBWM schools. This need is forecast to increase to 492 pupils by 2020 and as many as 767 by 2025. RBWM's Infrastructure Delivery Plan (January 2018) sets out that this need is met through FBS and Manor Green School, together with four mainstream schools that have 'Resource Provision' for specific special educational needs (SEN) and that Manor Green School is currently slowly growing to a target of around 300 places, having had its accommodation expanded in early 2016. Comments from the School Support Services Team received in February of this year however suggest that FBS has a waiting list. The current FBS school site provides 58 spaces whereas the new FBS is proposed to accommodate 96 pupils.



- 9.46 Notwithstanding, new SEN provision is likely to be needed to meet the additional demand for SEN provision from new housing and to reduce the number of out-of-borough placements, so that more residents can benefit from an education close to their home address. A site has been identified at land within allocated housing site HA11, west of Windsor and this site has been assessed as a possible location for Forest Bridge School as well (see paragraph 9.56 below).
- 9.47 In favour of the proposal the Local Education Authority supports the school, it already sends children to it and would want to place more pupils there. Existing and future educational need has been demonstrated. The UN Convention on the Rights of the Child provides that the best interests of the children shall be a primary consideration in all actions by public authorities. The NPPF expects that great weight should be given to the need to create or expand new schools and the Local Plan is similarly supportive of new community facilities. It is considered that the very real, compelling need, now and for the continued future SEN education provision that FBS would provide should be given substantial weight in the case for VSC.

#### The Lack of Alternative Sites

- 9.48 A key part of the applicants Very Special Circumstances (VSC) case is the lack of availability of alternative suitable sites. A sequential test has been undertaken to assess the suitability of potential sites within 10km of the current FBS site. Sites of at least 0.6ha or buildings of 2,700m<sup>2</sup> were all considered to reflect the specific environment required to provide the specialist education that FBS offers. 114 sites were identified which met the initial site size criteria, however, only 9 were considered to be potentially suitable in terms of site characteristics and availability. The sites discounted were done so for a variety of reasons including:

- Green Belt designation
- The proximity of major roads/urban environments
- Listed buildings on site
- Existing use/buildings do not lend themselves to the school requirements
- Site is promoted or allocated for other uses
- Ecological designations/Local wildlife sites
- The size of the site is too large
- There are protected trees on site
- Permission has recently been granted for alternative developments
- Flooding issues on site
- Potential contamination issues

- 9.49 The 9 sites that were found to be potentially suitable and available are:

- Site 5 - Bisham Primary School
- Site 6 - Land adjoining Stafferton Lodge (application site)
- Site 11 - Land at Stubbings Farm, Henley Road, Maidenhead
- Site 12 - Land at Stubbings Farm, Burchetts Green Road, Maidenhead
- Site 44 - Maidenhead Lawn Tennis Club, All Saints Avenue
- Site 45 - School on College Avenue, Maidenhead
- Site 52 - Summerleaze Lake, Summerleaze Road, Maidenhead
- Site 53 - School at Ray Mill Road East, Maidenhead
- Site 68 - Sawyers Close, Windsor
- Land West of Windsor, North and South of the A308

The applicant has considered these sites in more detail, and their assessment is set out below.

#### *Site 5 - Bisham Primary School*

- 9.50 *This site first came forward in the 2016 site search process at a time when the school was experiencing deteriorating results and a poor OFSTED rating. Parts of the school were apparently underused and it seemed likely that the site could become available. The site is in the Green Belt and a conservation area, but is in an established educational use – so use by FBS would be feasible in planning terms. Since that time the school has come under the auspices of the Ashley*

*Hill Multi-Academy Trust. Results are improving and the school roll has increased. It seems unlikely that it would now become vacant and potentially available for FBS.*

*Site 11 - Land at Stubbings Farm, Henley Road*

- 9.51 *This site comprises farmland located close to the A404, a dual carriageway spur road off the M4, on the western side of Maidenhead. The site would be capable of accommodating the FBS in an appropriate setting, though the major road would be a likely significant source of external noise: school buildings could be designed to mitigate such effects, but not the external school environment that plays an important therapeutic role in the education of children with a diagnosis of ASD. It is close to the Berkshire College of Agriculture and FBS pupils could potentially make use of some of its facilities.*

*Site 12 - Land at Stubbings Farm, Burchetts Green Road*

- 9.52 *This site comprises farmland located close to the A4 west of Maidenhead. It is close to site 11. The site would be capable of accommodating the FBS in an appropriate setting, and, unlike Site 11, is less likely to be affected by traffic noise. It is close to the Berkshire College of Agriculture and FBS pupils could potentially make use of some of its facilities. The site is relatively remote from Maidenhead Town Centre with poor access to public transport. The site is designated Green Belt in a location that is in open countryside; the BLPSV seeks to maintain this designation. It therefore has a high planning risk.*

*Site 44 – Maidenhead Lawn Tennis Club*

- 9.53 *This site is located within the urban area of Maidenhead close to the Town Centre. It lies behind houses with a cemetery to the north and St Marks's Hospital to the west. It is currently occupied by an active tennis club with 10 hard courts and a clubhouse. The proximity of the hospital would likely result in some noise impact on the external school environment. The site has no specific land use designation in either the RBWMLP or the BLPSV. While there is no indication that the LTC is intending to move (it is an active club with some 700 members), the most likely alternative use would be residential, meaning it would be unlikely to be affordable to the ESFA.*

*Site 45 – School on College Avenue*

- 9.54 *The site is designated Important Urban Open Space in the RBWMLP. This would require any replacement school to respect the openness of the site. Given the current educational use, this would not appear a major impediment. However, the site is in active use and is most unlikely to become available for an alternative educational provider. The land cost would likely be high.*

*Site 52 – Summerleaze Lake, Maidenhead*

- 9.55 *This site is located on the northeastern edge of Maidenhead and was formerly part of a mineral extraction site. There are flood risk and ecological constraints. It adjoins a lake and some houses. It would appear that it could successfully provide the right therapeutic context for FBS pupils. The site is designated Green Belt in the RBWMLP; the BLPSV seeks to maintain this designation. It therefore has a high planning risk.*

*Site 53 – School at Ray Mill Road East*

- 9.56 *This is the site of Claire's Court, a private school (part of the same school as site 45). It is located in the northeastern part of Maidenhead in an established residential area. It is a highly-urban context and it might be difficult to create the appropriate external therapeutic environment for FBS. The area is liable to flooding. The site has no specific land use designation in the RBWMLP. The site is in active use and is most unlikely to become available for an alternative educational provider. In any case, the most likely alternative use would be residential, meaning it would be unlikely to be affordable to the ESFA.*

*Site 68 – Sawyers Close, Windsor*

- 9.57 *This site is an open space, with playing fields on the northern edge of Windsor, west of the historic centre. It is bounded by residential and commercial uses and has a narrow frontage to the A308 (Maidenhead Road). It is large and this would allow for the creation of an appropriate environment for FBS, notwithstanding the adjoining urban uses. The site is designated Important Urban Open Space and is in Flood Zone 2; these are major constraints to development. The loss of playing fields would be a particular constraint that would be resisted by local policy and Sport England. Planning risk is medium to high.*

*Site 114 – Land West of Windsor, North and South of A308*

- 9.58 *RBWM's pre-application advice refers to a site in the Infrastructure Delivery Plan (IDP, January 2018) with a draft allocation (HA11) that includes an SEN School; this has been assessed as Site 113. The assessment suggests that the site could be capable of providing an appropriate environment for FBS: notwithstanding road traffic noise on the A308 the site is sufficiently large to enable a quieter location to be earmarked for a school. Importantly, however, the IDP as now finalised makes it clear that the draft allocation would be in addition to existing SEN provision in RBWM - met by FBS and Manor Green School (see paras 4.3.4-4.3.8 above). The IDP assumes FBS will move to a new location (at Braywick Park, subject to obtaining planning permission). The new allocation would be to meet future additional needs for SEN provision arising from the housing growth planned for in the BLPSV. The site is currently in the Green Belt. RBWM has not put forward a case of "exceptional circumstances" to release this site from the Green Belt in relation to educational need. In theory, the site allocation might allow for FBS alongside expansion of SEN provision to match housing growth but this seems unlikely.*
- 9.59 It is accepted that the school has very specific locational requirements related to the special needs of the pupils it serves and it is therefore difficult to find a suitable site. A large number of sites appear to have been ruled out as they are within the Green Belt. As the application site is also within the Green Belt this in itself is not considered an acceptable reason to discount a site. The majority of these sites however also have other constraints or reasons why they would not be suitable/available. Overall the sequential test is an exercise which is less robust than the LPA would usually expect. Although it takes into account a large number of potential sites and for the most part gives detailed and reasoned arguments as to why the site is not suitable or available for FBS.
- 9.60 There is no contention that the SEN educational use proposed would find a rural/quieter site beneficial and there is clearly an inherent difficulty in finding a site within an area where the existing school has ties that is not within the Green Belt. The fact that this is not a new school but a relocation of an existing one is relevant given the nature of the needs of the pupils and likely issues with travel to school. The search for an alternative site is considered to be an adequate search of an appropriate area. Of relevance here is the consideration given to the proposals for Beech Lodge School where the same matter was discussed as part of a called in decision. Beech Lodge School was set up as a charitable non-maintained special school for children age 5-17 whose needs cannot be met in a mainstream setting; the scheme involved the construction of a new school in the Green Belt in a remote location. In that instance the Inspector found that the fact there was no convincing evidence pointing to a better alternative site was also relevant: this is the case here also. Essentially a search for a less harmful site, in planning policy terms, has been undertaken with appropriate parameters and no alternative site is to be found. There is no evidence to suggest that a different site could emerge shortly either; these factors are given substantial weight in favour of the proposal in the planning balance.
- 9.61 The impact on openness has been considered within the officer report under the principle of development within the Green Belt.

## **10. CONCLUSION**

- 10.1 Paragraph 11 of the NPPF sets out that there will be a presumption in favour of Sustainable Development. However, in this instance subsection d(i) of paragraph 11 is engaged as Green Belt policies in the NPPF which protect areas or assets of particular importance provides a clear reason for refusing the proposed development and the proposal would not be considered to

constitute sustainable development (footnote 6). As such, the tilted balance is not engaged and the planning balance is carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

- 10.2 The proposed development is inappropriate within the Green Belt. It would impact on visual and spatial openness as well conflicting with the Green Belt purposes of safeguarding the countryside from encroachment and preventing urban sprawl. Substantial weight should be attached to this harm and very special circumstances will not exist unless this harm and any other harm identified is clearly outweighed by other considerations. In summary the proposals are contrary to paragraphs 134, 143, 144, 145 and 146 of the National Planning Policy Framework, policies GB1 and GB2(a) of the Local Plan and policies SP1 and SP5 of the submission version of the Borough Local Plan.
- 10.3 The proposal results in the loss of an existing sports club, however, Sport England has been consulted on the application and has confirmed that it does not object due to the benefits from the potential links between the school and the sports clubs at Braywick Park. It is also noted that the school will be provided with its own multi use games area and will have use of the new Leisure Centre being developed on the site of the old driving range. The proposal conflicts with paragraph 97 of the NPPF and the proposal would also not comply with policy CF1 of the RBWM Local Plan, which aims to retain community facilities, however, these conflicts are considered to be outweighed by the benefits set out above.
- 10.4 The design of the building is considered acceptable in the context of the area and space around the building allows for good levels of landscaping to be provided and for important trees to be retained. Hardstanding and boundary treatment on site are of a scale that would not significantly impact on the character and appearance of the area subject to suitable landscaping to soften these more urban elements. In summary the proposals comply with paragraphs 127 and 130 of the NPPF, policy DG1 of the Local Plan and policy SP3 of the submission version of the Borough Local Plan.
- 10.5 It is considered that the proposal will be provided with sufficient car parking and would not have a severe impact on the highway network or lead to highway safety issues. The proposal complies with policies P4 and T5 of the Local Plan and paragraph 109 of the National Planning Policy Framework (NPPF). The proposal, subject to the submission of a final travel plan, will also suitably encourage the use of sustainable transport modes in accordance with the requirements of paragraphs 108 and 110 of the NPPF and policy IF2 of the submission version of the emerging Borough Local Plan.
- 10.6 It is considered that development would be safe from most forms of flooding and that staff and pupils could be safely evacuated in the event of a flood. More information has now been provided on the risk of surface water flooding on site and how this will be managed within the drainage strategy. The proposal would comply with paragraphs 163 and 164 of the NPPF and the EA standing advice for vulnerable developments.
- 10.7 Issues with land contamination can be safely remediated and mitigated. A condition will be necessary if the application is approved to secure a verification report which confirms the necessary remediation has taken place. The development will also not cause an issue to local noise sensitive receptors provided the development is carried out in accordance with the noise assessment produced by MACH Acoustics. The proposal complies with paragraph's 178 and 180 of the National Planning Policy Framework.
- 10.8 The extent to which bats may be affected by the proposals has not been fully established and it has not been demonstrated how the impact upon bats will be mitigated. It is considered that the impact upon bats and how this impact will be mitigated is understood prior to planning permission being granted. The proposal fails to comply with paragraph 99 of the government Circular 06/05, paragraph 174 of the National Planning Policy Framework and policy NR3 of the submission version of the emerging Borough Local Plan.
- 10.9 An archaeological field evaluation has been undertaken in relation to the proposed development which did not identify any archaeological material or archaeological remains. Berkshire

Archaeology has commented on the results of the evaluation and have confirmed therefore that there is no requirement for any further archaeological mitigation in relation to this development. It is considered that the proposal complies with paragraph 189 of the National Planning Policy Framework and policy ARCH3 of the RBWM Local Plan.

- 10.10 Notwithstanding those elements of the scheme which are considered to be acceptable, the proposed development constitutes an inappropriate form of development in the Green Belt, would result in harm to the openness of the Green Belt, and would be contrary to two of the purposes of the Green Belt. This harm to the Green Belt is afforded substantial weight against the development. The case of VSC put forward by the applicant has two strands: firstly the educational need and secondly the lack of an alternative site, substantial weight has been given to each of those considerations weighing in favour of the proposal. On balance it is considered that the benefits set out outweigh the substantial harm to the Green Belt. In this instance there is other harm identified being the impact on bats and how this would or could be mitigated; further information has been lodged which will be reviewed by the Council's Ecologist, in the event that the ecologist is content with the information submitted then there would be no other harm. Should the Ecologist maintain an objection then the planning balance will be re-considered and the Panel updated through the Panel Update. On the assumption the matter is resolved it is considered that the proposal would accord with Local Plan policies GB1 and GB2 (a), policy SP5 of the BLPSV and paragraph 133, 134, 143, 144, 145 and 146 of the NPPF.
- 10.11 It is appropriate to consider whether the permission should be made personal to the applicant given the Very Special Circumstances case. Such conditions are not applied as a matter of course and must still meet the tests for conditions set out in the NPPF and NPPG. The proposal is founded on a compelling educational need and in this instance it is considered to be appropriate to limit the permission to a school for children with special educational needs and disabilities.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Other plans and drawings

## **12. CONDITIONS IF PLANNING PERMISSION IS GRANTED**

The proposed conditions will be reported to Members as part of the Panel Update.

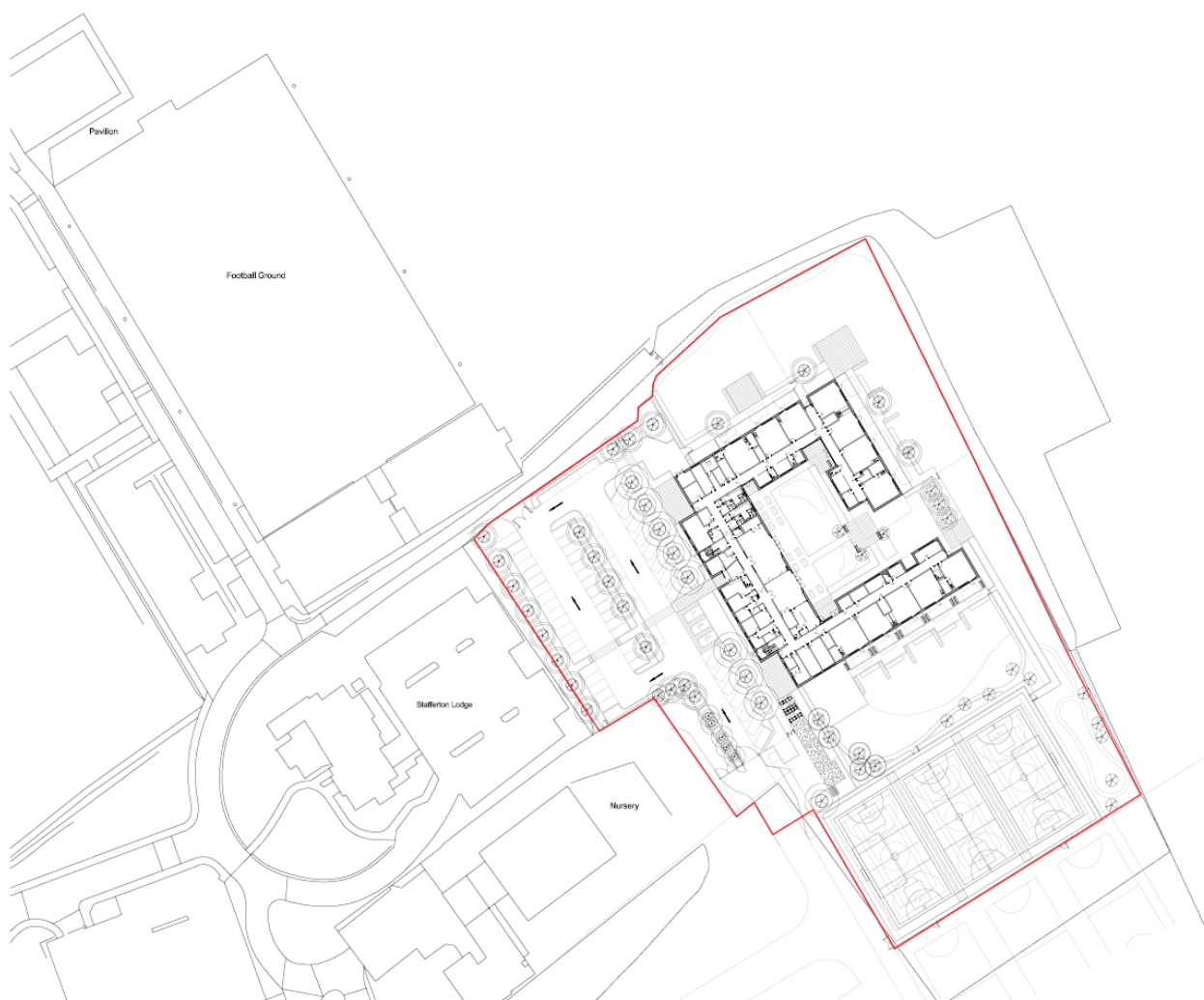


**Appendix A—Site location plan and site layout**

**Site location plan**



## Proposed site plan



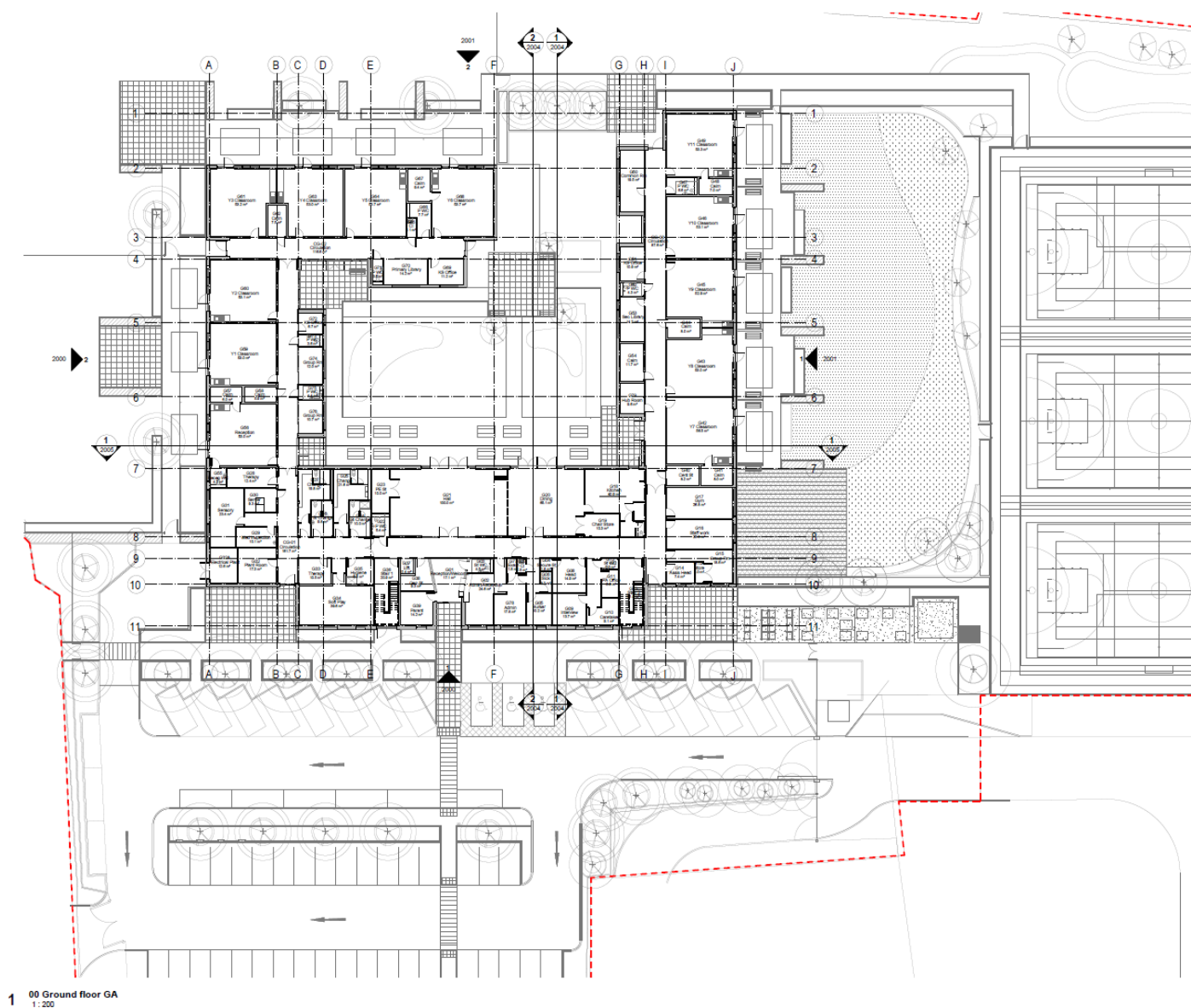


Proposed site plan—colour

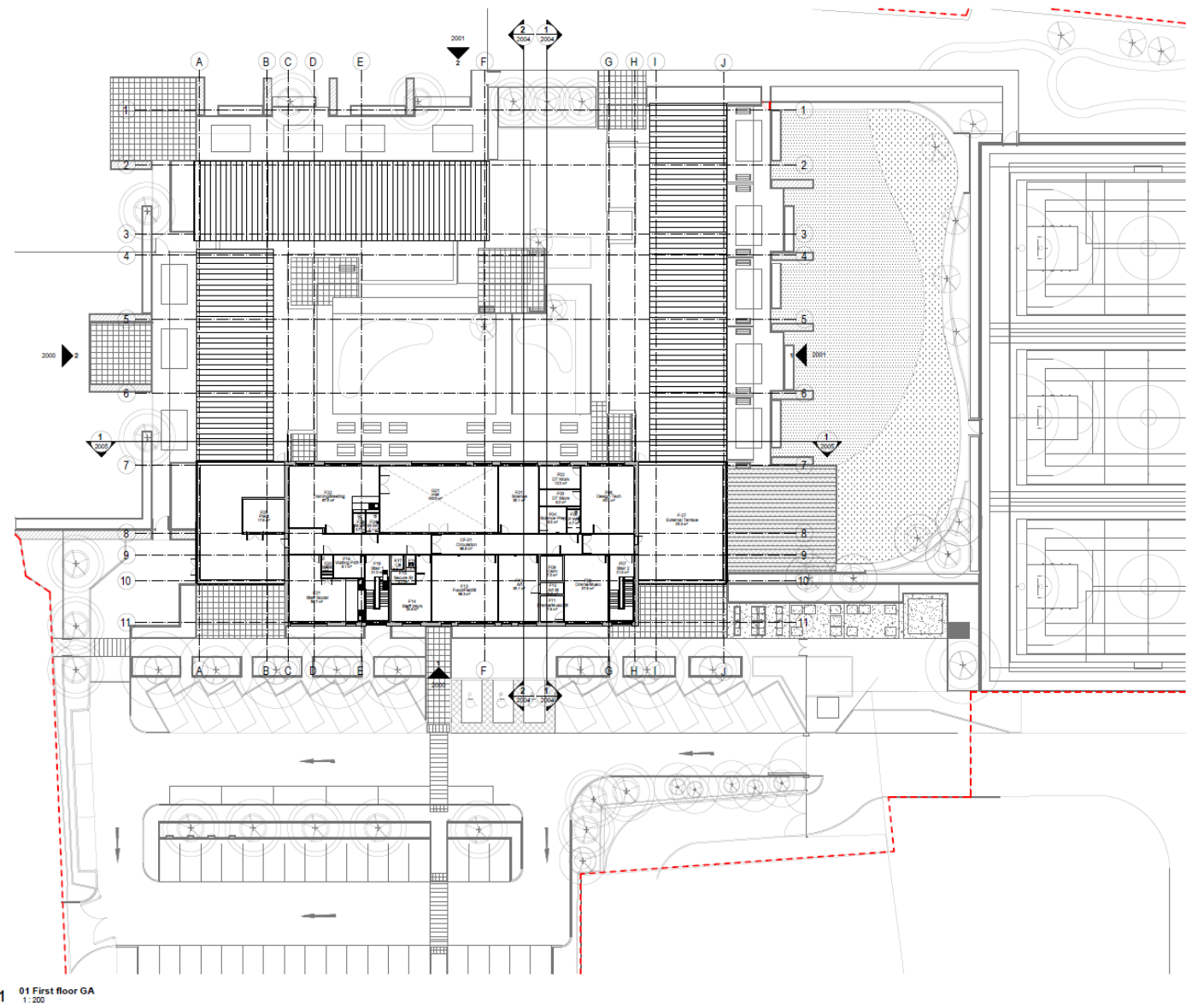


## **Appendix B—Plan and elevation drawings**

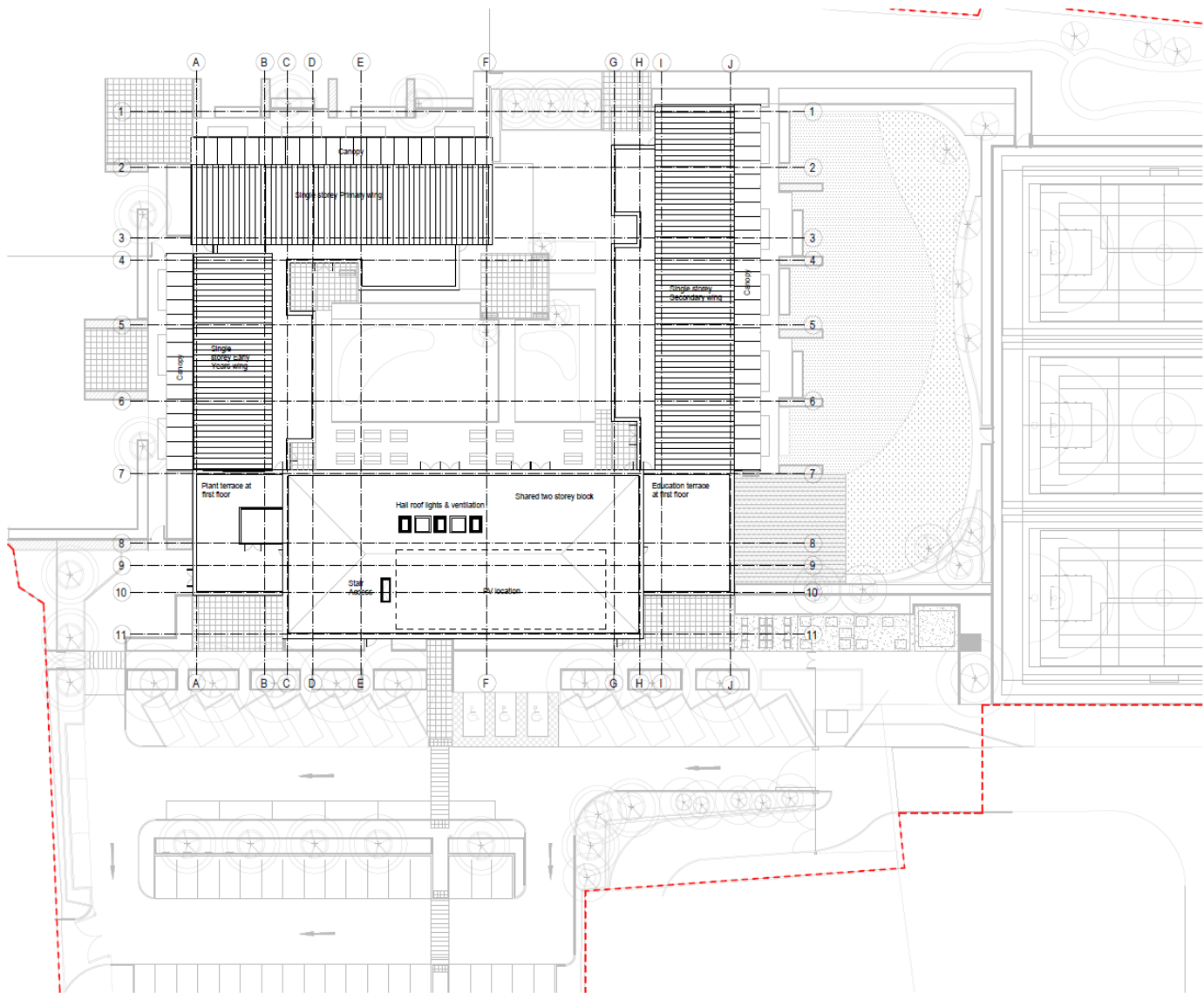
Proposed ground floor plan



Proposed first floor plan

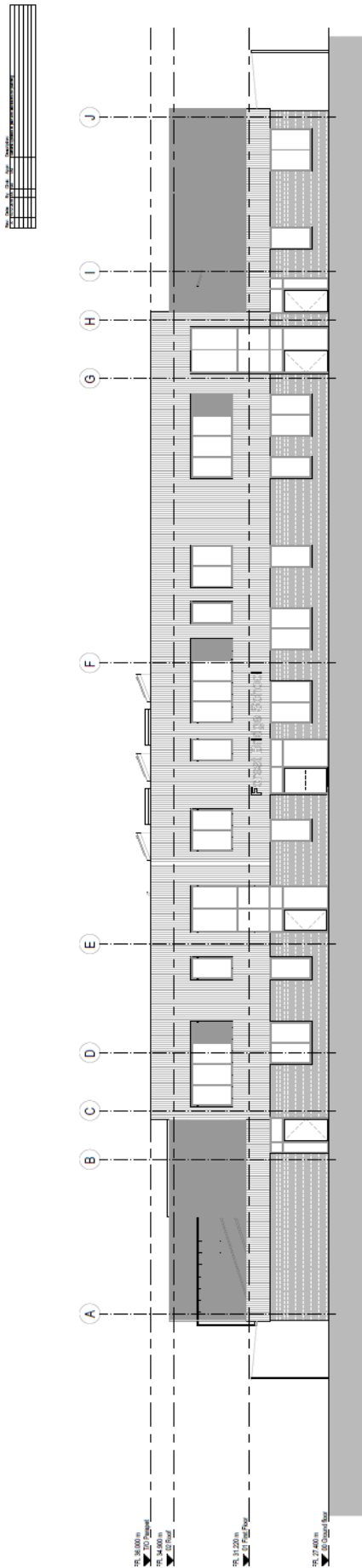


Proposed roof plan

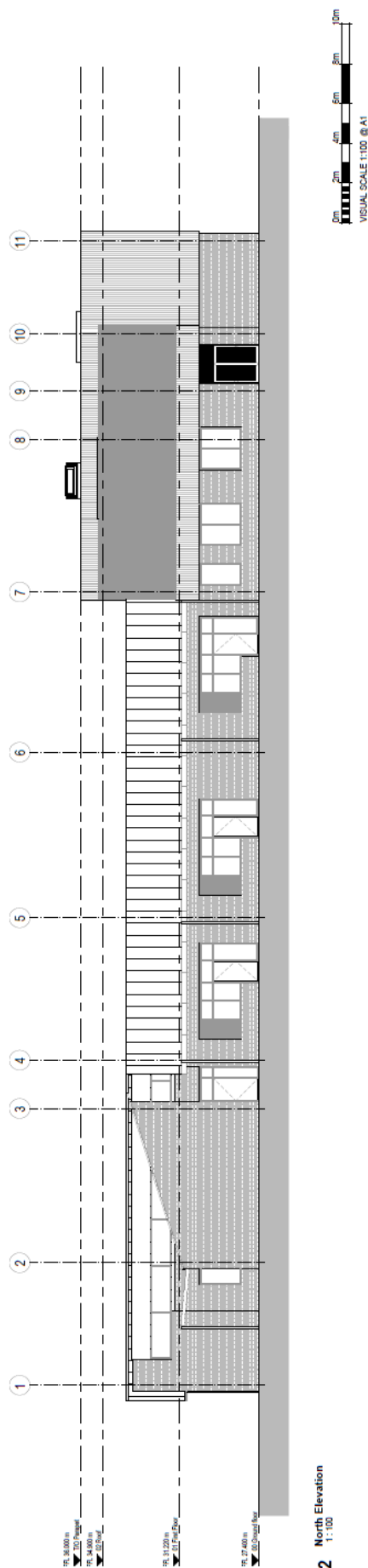


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1:1000

Proposed north and west elevations

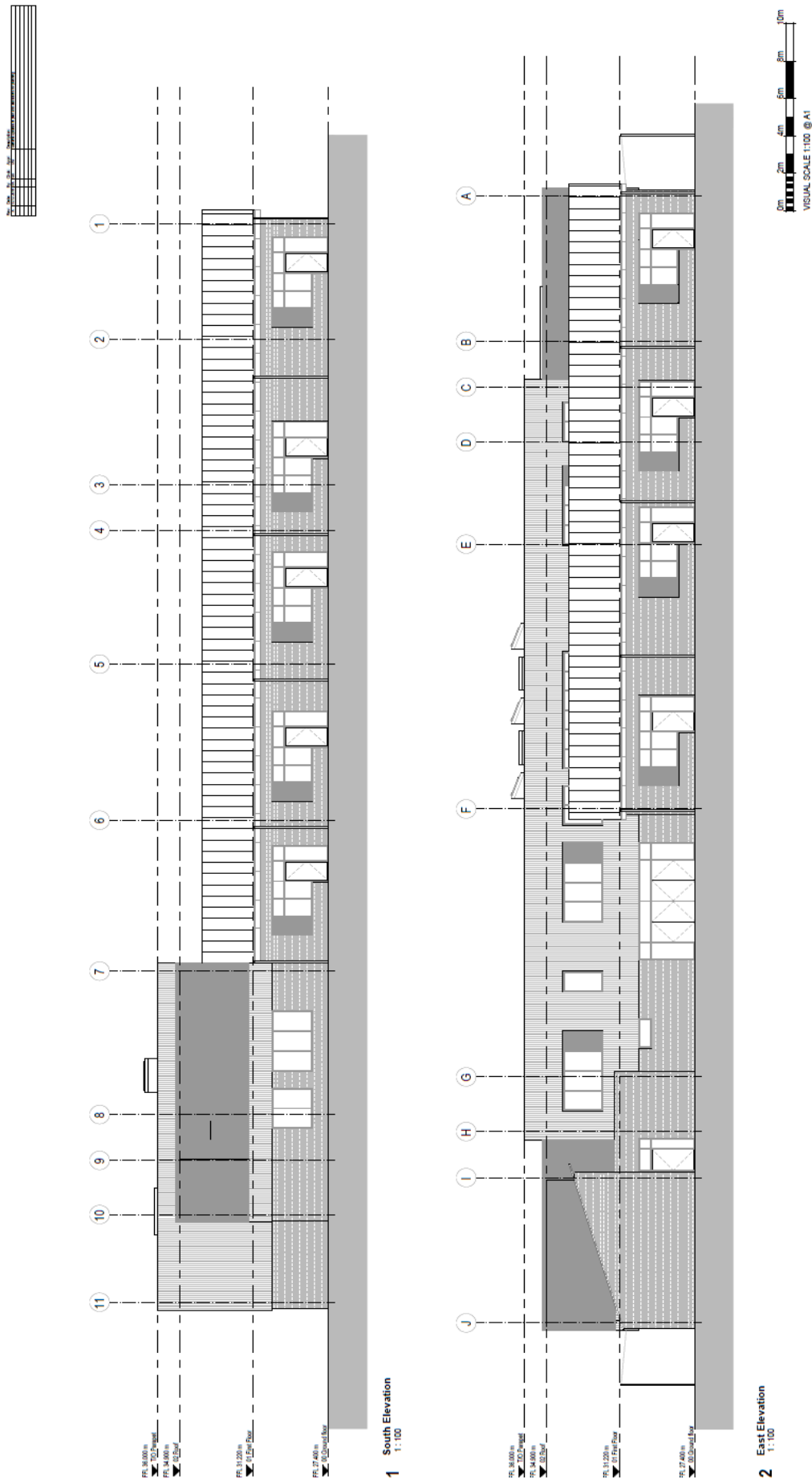


1 West Elevation  
1:100



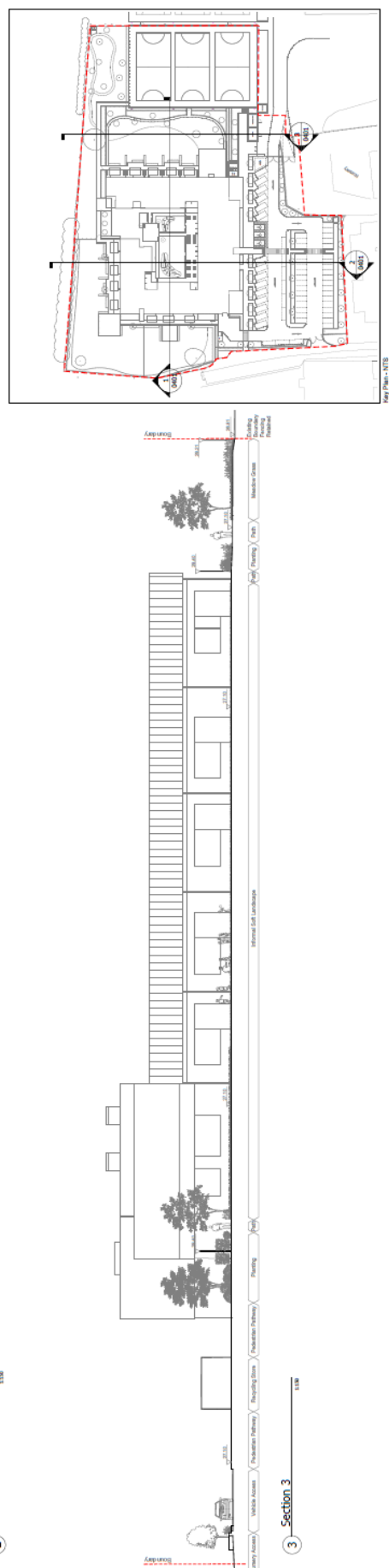
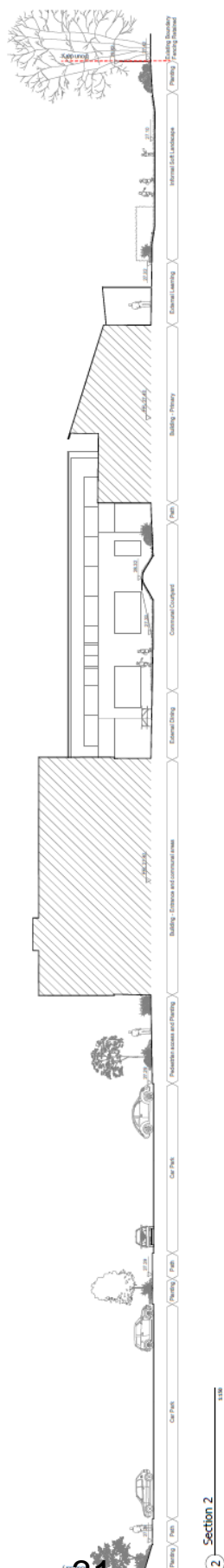
2 North Elevation  
1:100

Proposed south and east elevations





### Site sections



# Boundary treatment plan

