

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

13 September 2017

Item: 2

<b>Application No.:</b>	17/01437/FULL
<b>Location:</b>	Dedworth Middle School Smiths Lane Windsor SL4 5PE
<b>Proposal:</b>	Construction of a part single-storey building (new Sports Hall) and a part two-storey building (teaching block), new hard and soft landscaping works, and new staff car parking area to replace existing hard play area.
<b>Applicant:</b>	Mrs Longworth-Krafft
<b>Agent:</b>	Miss Katerina Ioannis-Antoniou
<b>Parish/Ward:</b>	Windsor Unparished/Clewer North Ward
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 This application proposed a new building to provide 7 new classrooms and a 3-court sports hall, together with changing rooms, showers and toilets. The new classrooms are required for the planned expansion of Dedworth Middle School to provide 240 additional pupil places and 16 additional (full time equivalent) new staff. The sports hall is required in connection with the school expansion as the existing indoor sport provision is inadequate for the school. The design appearance and impact of the building is considered to be acceptable.
- 1.2 The new building would be sited on a fragmented and underutilised part of the school playing field surrounded by the new Artificial Grass Pitch to the north, main school building to the east and single storey classroom buildings to the south.
- 1.3 Sport England has objected to the loss of the playing field. Sport England suggests alterations to the siting of the building, upgrading of the building including more storage space, more changing rooms and showers, and the provision of lockers for community use, in order to overcome their objections.
- 1.4 It is considered that the school has more than sufficient remaining playing field to provide satisfactory outdoor sport provision. The proposed sports hall as submitted, is considered satisfactory in meeting an identified community use as well as providing a much needed indoor sports facility for the school.
- 1.5 The proposed development is considered to be acceptable in terms of impact on neighbouring properties and on the highway network.

#### **It is recommended the Panel authorises the Head of Planning:**

- |    |   |
|----|---|
| 1. | <b>To grant planning permission subject to the following:</b> <ol style="list-style-type: none"><li>i. expiry of the statutory advertisement period (22<sup>nd</sup> September 2017) and no new material issues being raised, and</li><li>ii. heads of terms for the section 106 referred to at iv below being agreed; and</li><li>iii. the referral to the Department for Communities and Local Government and confirmation that the Secretary of State does not intend to call the application in; and</li><li>iv. the conditions listed in Section 10 of this report and subject to the completion of a Section 106 agreement to secure a Community Use Agreement for the Sports Hall.</li></ol> |
| 2. | <b>To refuse planning permission if an undertaking to secure a Section 106 Community Use Agreement is not completed by 13<sup>th</sup> November 2017, for the reason that the proposed development would not adequately ensure the community use of the new sports hall and for the loss of playing field contrary to NPPF.</b>   |

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the Council owns the land.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This school site is not in the Green Belt and not in an area liable to flooding. The proposed new building (sports hall and classroom block) would be sited on part of the school playing field surrounded by the existing artificial grass pitch AGP (to the north) and existing school buildings to the east and south.
- 3.2 The new car parking area would be provided on an area of existing hardstanding which is used as a playground during normal school hours and as an informal overflow carpark during the evenings in connection with after school activities.

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

- 4.1 The most recent application for this part of the site was for the Artificial Grass Pitch. Other planning history is not relevant to this proposal.

Ref.	Description	Decision and Date
16/00907	Construction of synthetic turf pitch, flood lighting, fencing, drainage and ancillary works.	Approved 6/12/2016

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

- 5.1 National Planning Policy Framework Sections – Core Principles; Section 7 (Requiring good design); Section 8 (Promoting healthy communities); Section 11 (Conserving and enhancing the natural environment).

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Aircraft noise
DG1, R8, CF2.	P4, T5	N6	NAP2

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 runs from 30 June to 27 September

2017 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>

## **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

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 The principle of the development
- ii Highways and parking considerations
- iii Tree considerations
- iv Archaeology considerations
- v Ecology

### **The principle of the development.**

6.2 The development proposes 1,340 of new floor space arranged over 2 floors to provide 7 new classrooms, a 3-court sports hall with associated changing rooms, store room, toilets changing rooms, showers and plant room. The overall height of the classroom building would be approximately 8.5 metres. The overall height of the sports hall would be approximately 9.5 metres. The existing school building immediately to the east is in the order of 6 metres in height.

6.3 The building would be sited on a fragmented and underutilised part of the school field between the new all-weather/artificial grass pitch (AGP), existing single storey buildings and an existing 2-storey school building. The new building extends beyond the western perimeter fencing of the existing AGP, by approximately 9 metres. The planning statement submitted with the application states that the existing space to be developed is not currently used for official sports facilities or pitches, and instead is used for casual recreation/play by pupils. At its closest point the building is 105 metres away from the nearest public road and approximately 70 metres from the west boundary of the school site.

6.4 The new building would be L shaped with a flat roof. The proposed materials for the teaching block would be brick. The sports hall part of the building would be clad in aluminium panels for the upper part of the elevations with louvre panels to match the cladding and brick for the ground floor (blue/black brickwork). The building would be a contemporary design. In terms of overall height the new building would be taller than the existing two storey school building to the east.

- 6.5 The new classrooms are required for the planned expansion of Dedworth Middle School. The school is a specialist arts school for 9-13 year olds, with academy status. There are currently 480 students enrolled at Dedworth Middle School, with a Planned Admission Number (PAN) of 120. The planning application aims to increase the school by 2 forms of entry, increasing the PAN to 180 children.
- 6.6 The proposal will allow the school to provide a total of 720 school places and have a total of 60 (full time equivalent) members of staff.
- 6.7 The applicant's supporting statement explains that the proposed expansion of Dedworth Middle School forms part of a phased scheme known as the Expansion of Secondary School provision. This scheme is based on the annual projections of demand for school places as part of the School Capacity (SCAP) survey provided by the Borough, which has concluded that there is a lack of middle school places in the identified areas, including Windsor.
- 6.8 The applicant states that the school currently lacks satisfactory on-site indoor sports facilities, it's position is that the existing hall is not large enough to provide satisfactory sports activities for the existing school size. The applicant advises that the proposal will provide indoor sporting opportunities to pupils and the public that are accessible, not dependent on the prevailing weather conditions, on an area that is currently underused for sports.
- 6.9 The siting also allows for the retention of existing mature trees and a patch of grass adjacent to the existing school building. A new carpark area to provide 16 car parking spaces is to be created on the existing hard surfaced playground.
- 6.10 The applicant sets out that, therefore, the school not only requires new classrooms but also requires improved sport hall facilities. The building proposed in this application is to be located to the south of recently constructed AGP (Ref 16/00907) in order to provide a connection between the indoor and outdoor sports facilities.
- 6.11 The block plans submitted with the application refer to new floodlights to serve the existing tennis courts (immediately adjacent to the AGP). However, these are on land outlined in blue and not within the red line of the application site. Furthermore, these were not included on the application form in the description of the development and there are no details of the design and appearance the lighting columns or the specification of the floodlights. As such, a new separate planning application would be required for these floodlights. An informative will be included on the decision notice to make it clear that the planning permission does not purport to grant permission for these floodlights. (See informative 5 in Section 9 below.).
- 6.12 Sport England has raised objection to the application on the basis that the proposal prejudices the use, or leads to the loss of use of land being used as a playing field or has been a playing field in the last 5 years, as defined in the Town and Country Planning (Development Management Procedure)(England) Order 2015 (Statutory Instrument 2015 No 595). The consultation with Sport England is therefore a statutory requirement.
- 6.13 Sport England (SE) advises that it has assessed the application in the light of the NPPF particularly para 74 and Sport England's policy on planning applications affecting playing fields 'A sporting Future for the Playing Fields of England'. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the 5 exceptions stated in its policy apply.
- 6.14 The area affected is considered by SE to be playing field land, officers concur with this position. SE advises that, in discussions with the applicants regarding the location of the adjacent Artificial Grass Pitch (AGP), the applicant confirmed that the area now the subject of this planning application would continue to be used for training grids once the AGP was in place (email from SE to the Council 27/5/2016). The proposal will lead to the loss of this land, to a 3-court sports hall and classroom block.

- 6.15 SE advises that the proposal needs to be considered against exception E5 of SE's policy on planning applications affecting playing fields; which states: The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.
- 6.16 Sport England has assessed the potential benefit of the new by taking into account a number of considerations. As a guide SE considered whether the facility:
- meets an identified local demand or strategic need e.g.as set out in a local authority or NGB strategy (rather than duplicating existing provision);
  - fully secures sport related benefits for the local community;
  - complies with relevant SE and NGB design guidance;
  - improves the delivery of sport and physical education on school sites and
  - is accessible by alternative transport modes to the car.
- 6.17 SE identifies from the Council's Sports Strategy that there is an identified need for a community sports hall (4-court hall) which could be met by this proposal/site. Sport England advises that it would not object to the proposals if the sports hall met SE design guidance and the impact on the playing field were kept to a minimum i.e. the new building is placed as close to the existing buildings as is feasible.
- 6.18 Sport England advises that it also recommended the following during the pre-application stage:
- improvements to the design of the sports hall, including additional storage, addition of lockers and improvements to changing rooms;
  - reduce the impact on the playing field by moving the building so it does not extend past the building line of the artificial pitch.
- 6.19 SE adds that whilst the applicant has made some changes to the scheme, more should be done to ensure that the proposal will deliver a new community sports hall that will benefit the school and the community and compliment the artificial pitch facility on the site (which would benefit from the use of the proposed changing provision). SE notes that there is a significant need for a new community sports hall in this location which this application has the potential to meet. However, without further changes, Sport England concludes that the sports hall (along with the adjoining classroom block) will result in a significant loss of playing field without complying with the relevant Sport England design guidance: Sports Halls or deliver a large enough facility to meet the identified need in the local area.
- 6.20 SE considers that proposals do not currently meet exception E5 and therefore objects to the proposed development. However SE advises that if the following amendments were made they would be likely to be in position to support the proposals: These are listed as:
- a Community Use Agreement ;
  - amendments to the scheme to meet Sport England's design guidance on Sports Halls to include
  - Extra storage (with storage areas being at least 12.5 % of the size of the hall.
  - Extra showers;
  - Increase in changing room size;
  - Community lockers;
  - SE also recommends that the building is moved further back off the playing field, in line with the AGP.
- 6.21 Should the LPA be minded to approved this application against the recommendation of Sport England; then in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, the application should be referred to the Secretary of State via the National Planning Casework Unit.

- 6.22 The LPA considers that there would be no conflict with paragraph 74 of the NPPF. Paragraph 74 of the NPPF opposes the loss of playing fields unless the land is surplus to requirements, is replaced by equivalent or better provision in terms of quantity and quality in a suitable location and the development is for alternative sports and recreational provision the needs for which clearly outweigh the loss. The LPA considers that this part of the playing field is surplus to requirements, the proposed sports hall would provide better sporting provision in terms of quantity and quality, and would allow for alternative sports and recreation provision which would also be available to the general community.
- 6.23 With regard to SE's suggested changes to the scheme the applicant has advised that there are already extensive changing facilities, showers and toilets in the existing school building which are currently used by community users in connection with the AGP. The new facilities would therefore be in addition to these existing facilities. The applicants also makes the point that people using sports facilities out of hours most frequently change and shower in their own homes, rather than on the premises.
- 6.24 Furthermore, larger changing rooms, additional showers and storage areas and provision of community lockers, would compromise the space within the building for classroom purposes if the proposed floor space is not expanded. Moreover, a larger building would further encroach on the open areas of playing field.
- 6.25 The Council's Sports Development Manager, in support of the application has advised that from a recent survey carried out by the Council with local residents, it was highlighted that the highest demand was in the following activities: keep fit, aerobics, badminton, dance yoga and Zumba. All of these activities can be delivered successfully in a 3-court hall (such as the one proposed at Dedworth Middle School). Therefore, it is considered that the proposed sports hall would address local need. The applicant has advised that this survey information will inform the school's strategy in hiring out the sports hall.
- 6.26 There is considered to be more than adequate remaining playing field to accommodate formal outdoor sporting activities. The submitted plans identify 2 x (50m x 30m) football pitches; 1 x (60m x 40m) Rugby pitch, 2 x (98mx 48m ) football pitches and 1 grid area of 50 x 30m within the remaining playing field. These are in addition to the floodlit AGP pitch (60m x 40m) and the 3 tennis courts.
- 6.27 In addition to these pitches identified on the submitted plans, it is considered that an additional 50m x 30m pitch could also be provided adjacent to the west elevation of the new sports hall. Moving the building closer to existing buildings (9 metres towards the east) would result in the loss of trees and reduce outlook from and light to the existing and proposed buildings – which would not be desirable from a planning point of view.
- 6.28 Furthermore, the LPA does not consider that the additional area of retained playing field that would be gained by moving the building across 9 metres (as suggested by SE), would provide any meaningful additional playing field, on this site.
- 6.29 It is important to note that the floodlit AGP is subject to a Community Use agreement and is used by the community outside of school hours. Therefore, the area of the AGP should be counted twice in terms of usability.
- 6.30 The applicant has referred to the provision of floodlights to the tennis courts, which would extend the use of the existing facilities in the future. However, the tennis court is not within the application site boundary (red outline) and as such would need to be subject to a separate planning application. This is not a material consideration to the benefit of this application.
- 6.31 The LPA considers that, as the school is an Academy, the community use of the Sports Hall should be controlled through a Community Use Agreement (under Section 106).

- 6.32 The LPA considers the Sports Hall to be a significant benefit in terms of community sport provision which together with the direct benefit to school children through the much needed improved indoor sport provision, outweighs any detriment caused by the loss of this fragmented part of the playing field. The LPA considers that the sports hall would provide better provision in terms of quantity and quality of sports and recreational activities than this underutilised and fragmented part of the existing playing field.
- 6.33 Regarding managing the physical separation between the classrooms and sports hall, the applicant has advised that the design carefully considered how this could be achieved with the specific intention of out of hours use of the hall by the community. To this end, there would be secure doors internally that are accessible only by a magnetic or keypad entry system, which would prevent access by community members and enable the secure envelope of the classrooms to be maintained.
- 6.34 In conclusion, the LPA is satisfied that the proposed new building would not result in a significant area of the school playing field being lost. This is a rather fragmented part of the field that is close to school buildings with windows and not practical to use for ball games. The school has ample playing field elsewhere on the site to provide satisfactory outdoor sporting facilities for the school. The siting of the new building on existing hard surfaced areas would encroach on either playground areas or parking areas – so would not be practical or desirable.
- 6.35 The new classrooms are needed for the planned expansion of the school. The sports hall will provide much needed indoor sports facilities for the school, which can also be used for the community for identified indoor sporting and fitness activities.

#### **Impact on neighbouring properties and impact on the visual amenities of the area**

- 6.36 The nearest neighbouring property (in Knights Close and Roses Lane) are over 70 metres away. Any view of the new building would be in the context of existing school buildings and at a distance. There is also good tree screening along the western boundary of the school grounds.
- 6.37 It is not considered that the proposed new building would be visually obtrusive from any public vantage point. Furthermore, the new building would not give rise to any additional loss of light, outlook, or privacy and would not have an over-dominating impact on neighbouring properties.
- 6.38 It is not considered that the use of the new building would give rise to any unacceptable additional noise or disturbance to local residents through the use of the building itself, nor through additional traffic movements to the site. This is a school site where there is no condition to restrict the number of pupils attending.

#### **Highway and parking considerations**

- 6.39 The site is located to the north west of Smiths Lane, which is a local distributor road that links the A308 Maidenhead Road to the B3022 Dedworth Road. Smiths Lane is a single carriageway road that is subject to a 20mph speed limit that is further enforced by speed humps. Access to the school is gained from Smiths Lane and shared with Dedworth First Green School and Dedworth Library. The applicant proposes no changes to the existing access arrangement. Permission is sought to expand the School from a 4 form-entry (FE) to a 6 FE, increasing the total capacity of the school from 455 to 720 pupils. It is understood that the school will employ an additional 16 full time equivalent (FTE) members of staff in conjunction with the expansion, increasing staff numbers from 57 (FTE) staff to 77 (FTE).
- 6.40 The application is accompanied by a Transport Statement which includes the following contents:
1. A Parking Beat Survey carried out on Thursday 23<sup>rd</sup> February 2017
  2. Personal Injury Accident (PIA)
  3. Parents and Staff Travel Survey and Traffic Generation

- 6.41 The Parking Beat Survey (PBS) concludes that there is residual capacity of 140 on street parking spaces in the morning and 96 spaces in the afternoon during the peak demand periods.
- 6.42 Regarding the Personal Injury Accident (PIA), in summary the applicant reports:  
'The accident analysis identified that seven incidents occurred in the three year study period, six of which occurred outside of peak times and none resulting in injuries to a child road user. This presents a case for low risk of an incident involving a child occurring.'
- 6.43 Regarding Traffic generation (Parents/Guardians). Of the 414 respondents to the survey 41.3% (171) were car borne trips. (The applicant's consultant has incorrectly reported a figure of 188 pupils arriving by car). The applicant has also suggested car occupancy/sharing rate of 1.2 pupils per car which would equate to 143 vehicular trips during the school's *am* and *pm* peak periods. Regarding Traffic generation (Staff), the survey showed that 46 of the 72 employees travel by car.
- 6.44 The proposed school expansion could potentially attract 364 additional parents/guardians trips during the day. (The assessment for staff travel is based upon full-time equivalent figure and, parent and pupil assessment is based upon 41% of the 414 responses to the survey and, not the 455 pupils currently present at the school). The applicant reports that taking account of breakfast club and the after school activities the development would result in an additional 172 parent/guardian two-way trips in the morning peak period and 112 parent/guardian two-way trips in the afternoon period.
- 6.45 Whilst the Highway Officer agrees with the applicant's methodology used, the increase in vehicular movements is significant. The applicant reports in the Transport Statement that access through the site is arranged to direct drivers along a looped one-way system in a clockwise direction. The Highway Officer comments that at the pre-application planning stage the applicant was advised to widen the site entrance to allow for the free flow of two-way movements through the site entrance and along Smiths Lane. The Highway Officer has advised that if the expansion introduces congestion at the school entrance the applicant will need to consider increasing the width of the access. (It is noted that this is access widening is not a requirement at this stage; if it were to be required later there is currently no mechanism to secure it under this planning application.)
- 6.46 Currently, the site provides 46 car parking spaces, 80 cycle spaces, 2 disability spaces and provision for a mini-bus parking bay. The 46 spaces are shared with DFGS and Dedworth Library.
- 6.47 The development proposes a provision of 16 additional parking spaces, compliant with RBWM's Parking Strategy (2004). The submission is accompanied by a School Travel Plan which is being assessed by a Road Safety Education Consultant.
- 6.48 The proposed expansion of the school is in principle considered acceptable on transport grounds subject to the school adhering to the targets set out in the revised amended School Travel Plan. Conditions to secure parking as per the approved layout and a construction management plan are recommended. (See Conditions 7, 8 in section 9 below)

### **Tree considerations**

- 6.49 This site contains trees that add significantly to the character and appearance of the area. The trees are a valuable component of the landscaping and will need to be retained and protected as part of any development.
- 6.50 The proposal will require the removal of a single tree within the group G2. It is not considered that the loss of this tree would not have a significant impact on the visual amenity of the area and



it could be mitigated through planning of suitable replacement tree, which can be secured by condition. (See Condition 4 in Section 9 below).

- 6.51 In order to minimise the impact on trees the alignment of utilities for the new block should be located outside the root protection areas of the retained trees or installed using a trenchless method. It is considered that this detail can be secured by condition. (See Condition 6 in section 9 below).
- 6.52 It is noted from the proposed site plan that a new footpath is proposed within the root protection area of tree identified as T7 on the submitted plans. The foot path is not shown on the tree protection plan and appears not to have been considered as part of the Arboricultural Method Statement. It would appear that there is scope for this footpath to be relocated outside the root protection area of the birch tree. If the footpath cannot be relocated, full tree protection details including an overriding justification for construction and appropriate mitigation and tree protection measures will need to be provided to show how this tree can be successfully retained. It is considered that this detail can be secured by way of condition. (See Condition 6 in Section 9 below).
- 6.53 A condition to secure Tree Protection details is also recommended. (See Condition 3 in Section 9 below).

### **Archaeology**

- 6.54 There are potential archaeological implications with this proposed development as evidenced by Berkshire Archaeology's Historic Environment Record. A large medieval tiled hearth was recorded in 1983 less than 100m to the west (in Knights Close) of the proposed new sports hall and teaching block.
- 6.55 In addition less than 200m to the south-east of the application area, exploratory archaeological investigations in 2008 to the rear of 17-27 Smiths Lane recorded remnants of a medieval field system with at least two field boundary ditches containing a small number of sherds of 13th – 15th century date.
- 6.56 Dedworth is referred to as *Dideorde* in the Domesday Book of 1086 and by the 13th century comprised two manors, the location of which are unknown. By the time of Rocque's 1671 map of Berkshire, Dedworth is an established hamlet a short distance south of the application area.
- 6.57 The proposed development is of a modest scale but lies within previously undeveloped green space. The proposed development therefore has the potential to disturb important medieval buried remains. It can be noted that a recent proposal (16/00907/FULL) for a synthetic sports pitch within the School grounds did not elicit a recommendation for archaeological work as the proposed impacts were superficial and were not expected to impact on archaeological levels. The current application, by virtue of proposals for new buildings, will require far more substantial ground disturbance.
- 6.58 The archaeological implications can be mitigated by an appropriate programme of archaeological work - which can be secured by way of a planning condition. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. (See Condition 9 and Informative 1 in section 9 below.)

### **Ecology**

- 6.59 The site does not contain habitats which are considered suitable for supporting great crested newts, badgers, reptiles, water voles, dormice or otters. All the buildings and trees within or close to the development boundary were inspected and were recorded as having negligible potential to

support roosting bats. No further survey or specific mitigation with regards to these species is required.

- 6.60 The trees have the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to sensitive timing of vegetation removal and protective measures with regards to breeding birds. This advice is to be incorporated into a planning condition. (See condition 11 in Section 9 below)
- 6.61 Paragraph 109 of the NPPF states that: "The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures". In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that "Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".
- 6.62 The applicant's ecologist has suggested a number of ecological enhancements at the site including planting of native species or species with a known value to wildlife, installing a number of bird and bat boxes on the new buildings or retained trees, creation of log piles for stag beetles and sympathetic lighting. These enhancements can be secured by condition. (See condition 10 in Section 9 below)

#### **Other considerations**

- 6.63 This site is not in an area liable to flooding. The Local Lead Flood Authority has been consulted on the application in relation to drainage matters. Comments were awaited at the time of writing the report and will be reported in the panel update.
- 6.64 The Environmental Protection Team has been consulted. They raise no objection, suggesting informatives to control smoke, dust and working hours (during construction). See informatives 2,3,4 in Section 9 below.
- 6.65 It is noted that on the planning application 16/00907 (for the Artificial Grass Pitch) there were conditions to restrict the use for outside organisations on school days to after 5pm in order to ensure that there is adequate separation between the use of the school and the evening use in order to minimise traffic and to prevent on-street parking issues which could lead to an unsafe highway situation in the vicinity of the school. It is considered that a similar condition should be applied for the use of the Sports Hall. See Condition 12 in Section 9 below.
- 6.66 It is noted also that on application 16/00907 there was also a condition requiring the school cycle facilities are made available to all users in to ensure that there is adequate cycle parking provision at the site. It is considered that a similar condition should be applied for this current application in respect to the Sports Hall. See Condition 13 in Section 9 below.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

- 7.1 71 occupiers were notified originally of the application. The planning officer posted a yellow site notice on the front boundary railings on 11 June 2017.

- 7.2 Further neighbours surrounding the school site have been notified more recently. The application is also to be advertised in the Maidenhead Advertiser (the expiry date for the advert is 22<sup>nd</sup> September 2017). Any further comments received will be reported in the panel update report, if received in time.
- 7.3 No letters of objection have been received at the time of writing the report.
- 7.4 One letter of support has been received from the Council's Sport Development Manager, summarised as:

Comment		Where in the report this is considered
1.	<p>A new 3-court sports hall will help compliment activity across the site and local area and there has been particular interest in activities such as fitness classes that easily suit this sized sports hall (from a recent questionnaire) with local residents highlighting the highest demand for the following activities: Keep fit, aerobics, badminton, dance, yoga and Zumba, all of which can be delivered in a 3-court sports hall.</p> <p>There is also an opportunity for other informal sport and activity, with the rest of the site catering for a wide selection of sport and activities giving local residents a range of activities on their doorstep. An additional offer of a 4-court hall for sports such as indoor netball can be found at Windsor Leisure Centre when an additional level of play is required to support development from this site.</p>	See paragraphs 6.2-6.34

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Sport England	Objection on the loss of the playing field. Sport England suggest that objections could be overcome with the siting of the building so that it is in line with the Artificial Grass Pitch; provides more storage areas, more shower and changing facilities and community lockers; and a Community Use Agreement.	See paragraphs 6.2-6.34.
Highways	No objection – conditions suggested to secure parking provision and a construction management plan.	See paragraphs 6.38 -6.47 and Conditions 7,8 in Section 9.
Local Lead Flood Authority	Comments awaited. These will be reported to panel if available in time.	See paragraph 6.62

### Other consultees

Consultee	Comment	Where in the report this is considered
Council's Tree Officer	No objection to the loss of one tree. The Council's Tree Officer requires paths, utilities, to be sited outside of root	See paragraphs 6.48-6.52 and

	protection areas. Suggested conditions – regarding landscaping, tree protection and details of utilities and drainage runs.	Conditions 3,4,5 in Section 9.
Environmental Protection	No objection suggested informatives regarding smoke and dust control and construction working hours.	See paragraph 6.63. See Informatives 2,3,4 in Section 9.
Archaeology consultant.	There are archaeological implications. A condition has been suggested regarding securing the implementation of a programme of archaeological work.	See paragraphs 6.53-6.57 See Condition 9 and Informative 1 in Section 9.
Council's Ecologist	No objection. Conditions suggested.	See paragraphs 6.58-6.61. See Condition 10, 11 in Section 9.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

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

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or hard landscaping installed, without the written consent of the Local Planning Authority  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 No development shall take place until full details and plans showing the location of a replacement tree have been submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of the tree shown on the approved plan, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species

and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 5 No tree shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any tree work be undertaken other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 6 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 7 Prior to the commencement of development and irrespective of any indications to the contrary on the submitted plans, full details of the route of the proposed drainage runs (including attenuation tanks), utility runs and new footpaths together with a arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The utilities and drainage runs (including attenuation tanks) shall be located outside of tree root protection areas unless a trenchless system is proposed. The footpaths should also be located outside of tree root protection areas. If the footpath cannot be relocated, full tree protection details including an overriding justification for construction and appropriate mitigation and tree protection measures will need to be provided to show how this tree can be successfully retained.  
Reason: To protect trees that contribute to the visual amenities on the site. Relevant Policy N6.
- 8 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 9 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.  
Reason: The site lies in an area of archaeological potential, particularly in relation to medieval remains associated with the historic settlement of Dedworth. Relevant Policies - Local Plan ARCH 2.
- 10 The development shall be carried out in accordance with the biodiversity enhancement measures set out in the Ecology Report submitted with the planning application. Furthermore, bat boxes shall be provided prior to substantial completion of the new building report., and shall be subsequently retained  
Reason: In the interests of biodiversity. Relevant Policy - Local Plan N9, Paragraph 109 of NPPF.

- 11 The removal of any vegetation and tree/s shall take place outside of the bird breeding season (from 1st March until 31 July inclusive), unless otherwise agreed in writing by the Local Planning Authority.  
Reason: Trees have the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended.
- 12 On school days the Sports Hall shall be used by outside organisations only after the hours of 5pm.  
Reason:To ensure that there is adequate separation between the use of the school and the evening use in order to minimise traffic and to prevent on-street parking issues which could lead to an unsafe highway situation in the vicinity of the school. Relevant Policies - Local Plan DG1, T5, P4.
- 13 The school's cycle parking facilities shall be made available to all users of the Sports Hall.  
Reason:To ensure that there is adequate cycle parking provision at the site. Relevant Policies - Sustainable Design and Construction SPD.
- 14 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.

### **Informatives**

- 1 The potential archaeological impacts can be mitigated by a programme of archaeological work so as to record and advance our understanding of their significance in accordance with national and local planning policy. Berkshire Archaeology would be pleased to discuss an appropriate programme of archaeological work with the applicant or their archaeological consultant. A preliminary phase of exploratory field evaluation may be appropriate, with any further investigation subject to the results of the evaluation. The applicant should therefore provide for an appropriate period for archaeological investigations prior to the commencement of the development.
- 2 The applicant should be aware the permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00 until 18.00; Saturday 08.00 until 13.00. No working on Sundays or Bank Holidays
- 3 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.
- 4 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities

- 5 This permission does not purport to grant planning permission for floodlights to the tennis courts. This would need to be considered under a separate planning application.
- 6 This decision should be read in conjunction with the Section 106 Community Use Agreement.