

**Royal Borough of Windsor and Maidenhead
Planning Committee**

MAIDENHEAD DEVELOPMENT MANAGEMENT PANEL

28 August 2019

Item: 4

Application no.:	17/04001/OUT
Location:	Claire's Court School Senior Girls, 1 College Avenue, Maidenhead, SL6 6AW
Proposal:	Outline planning permission with means of access only to be considered at this stage with all other matters to be reserved for redevelopment of the existing school facilities and the erection of 53no. dwellings
Applicant:	Berkeley Homes
Agent:	PRP Planning
Parish/Ward:	Maidenhead Unparished/Belmont Ward
If you have a question about this report, please contact: Antonia Liu on 01628 79 6034 or antonia.liu@rbwm.gov.uk .	

1. SUMMARY

- 1.1 This application is one of two involving the redevelopment of sites currently occupied by Claire's Court School to housing, (the other application being 17/04002). These applications link to three further applications, collectively known as the 'Ridgeway Project', which together propose a new school, hockey pitches and 157 dwellings. This application is in outline, assessing whether the principle of 53 dwellings on the site, together with the proposed access, is acceptable.
- 1.2 The existing school on the site is a community facility, which would not be lost if the separate application for a new school (17/04018) is approved. The proposal would also contribute to the housing supply (including affordable housing) in the Royal Borough, would be compatible with the character of the area in which it would be located and would result in fewer traffic movements to and from the site than the existing school use.
- 1.3 However, the application for the new school and hockey pitches is recommended for refusal and therefore, if application 17/04018 is determined in accordance with that recommendation, this application would involve the loss of a school, (specifically a day nursery and a Junior and Senior Girls School and Sixth Form, amounting to 550 places), together with the loss of approximately 260 jobs, and would also involve the loss of an important area of open space.
- 1.4 While there are benefits to the proposed development they do not outweigh the adverse impact caused by the loss of day nursery and school places, loss of jobs and loss of open space, which would result from approving the application.

It is recommended that planning permission be REFUSED for the following summarised reasons (the full reasons with policy references are identified in Section 12 of this report):	
1.	Loss of an important community facility. Specifically, the loss of a day nursery and school resulting in the loss of approximately 550 places for children together with the loss of approximately 260 jobs. Not outweighed by the benefits of the scheme.
2.	Loss of important open space.

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; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site, measuring approximately 1.6ha, is located within Maidenhead and currently comprises of Claire's Court Junior and Senior Girls School at 1 College Avenue. College Avenue bounds the site to the south with detached houses on the opposite side of the road. To the east are detached and semi-detached houses which also front onto College Avenue which turns northwards. To the north is Grassy Lane and to the west is College Road both with detached residential dwellings on the opposite side. The wider surrounds is predominately residential in character mainly comprising of inter-war and suburban housing, with Maidenhead Town Centre located approximately 370m to the east.
- 3.2 The site itself consists of school buildings sited to the south and west with areas for play and sports to the northeast. The main parking area is located on an area of hardstanding along the College Road frontage with an in-out vehicular access arrangement. There is an Oak positioned in between the accesses, which is subject to a TPO, ref: 055/2001/TPO. There are also a number of mature trees sited along the boundary with Grassy Lane. Overall the site gradually slopes downwards from west to east, and south to north by approximately 2m-3m but with a more pronounced change in ground level between the site and Grassy Lane with Grassy Lane sited approximately 1m below the site.

4. CLAIRE'S COURT BACKGROUND AND 'THE RIDGEWAY PROJECT'

- 4.1 Claire's Court is an independent day school founded in 1960 and currently located at 3 separate sites in Maidenhead, at the Ridgeway (Junior Boys), Ray Mill Road East (Senior Boys) and College Avenue (Nursery, Junior and Senior Girls, and 6th Form). It is the largest independent school in the Borough and the only all-year groups school which offers education from Nursery to Sixth Form for boys and girls in Maidenhead. The school represents just under 20% of the RBWM independent school capacity.
- 4.2 Junior Boys at The Ridgeway has a nominal capacity of 280 pupils; Senior Boys at Ray Mill Road East is 360; and the Nursery, Junior and Senior Girls, and Sixth Form at College Avenue is 550. However, while the total nominal capacity is 1190 pupils the school group is unable to operate at more than 96% capacity (1142 pupils) due to physical and statutory constraints. From the annual school census as of January 2018 there were 1055 pupils on the roll, which equates to 89% capacity. Around 56% of pupils live within the Borough.
- 4.3 Claire's Court School provides support for pupils with special educational needs. From September 2017 there have been 10 pupils at Claire's Court with Education, Health and Care Plans (EHCP) funded by the Local Authority.
- 4.4 The nursery situated at College Avenue is an 80-place Early Years setting for 3-4 year olds, which is seasonally based with the funded Early Years component delivered in the morning. The nursery therefore provides 40 FTE places.
- 4.5 The school group experienced growth of approximately 15% between 2013 and 2017. If this is sustained at the current rate (2%) then the school will reach operational capacity during the 2020-2021 academic year.
- 4.6 In terms of work-force, there are 171 full time members of staff, 50% of whom live in the Borough, and 120 part-time with 64% living in the Borough. The staff number in FTE is 231 with 54% living within the Borough. In addition, the school employs 93 contractors consisting of specialists that provide a regular service but with a low level time input. Approximately 44% of contractors reside inside the Borough. Claire's Court is the 10th largest employer in RBWM.
- 4.7 An Educational Needs Statement / Report (Appendix 5, Very Special Circumstances Report) has been submitted which identifies problems of operating across multiple sites. The report was

updated and provided in Appendix 2 of the Very Special Circumstances Addendum. In summary, this includes economic inefficiencies with the duplication / triplication of facilities and administrative and caretaking services; and time inefficiencies with travel between sites for lessons and activities by staff and pupils, and approximately 12% of families having siblings based at different school sites.

- 4.8 College Avenue has at its cores Victorian buildings and the site has been progressively and fractionally developed over the years. The space at College Avenue is broken down by age in the submitted Very Special Circumstances Report (paragraph 5.31) and is as follows:

College Avenue							
Decade of Construction	1890	1940	1950	1960	2000	Temp.	Total
GIA sqm	968	373	1103	1340	389	723	4896 sqm
GIA as % of Total	20%	8%	23%	27%	8%	15%	

- 4.9 A Conditions Survey has also been submitted (Appendix 6, Very Special Circumstances Report), which reports that the buildings are in fair to good condition but have surpassed their life expectancy and renewal work is necessary with immediate works required to replace the majority of roofs, fascias and rainwater goods.
- 4.10 In terms of sufficiency and suitability of accommodation, based on national criteria for mainstream schools outlined in the Department for Education Building Bulletin 103 (2014), the Educational Needs Statement / Report identifies problems relating the existing accommodation at College Avenue. In summary, identified problems include under-sized teaching spaces, poor acoustic conditions and sound insulation between rooms and floors and poor DDA accessibility.
- 4.11 The fundamental aim of the proprietors is to consolidate the existing three sites into one campus onto extended grounds at the existing Ridgeway Junior Boys School to address constraints in terms of operational capacity, diseconomies from operating across three separate sites, condition of existing accommodation, and sufficiency and suitability. A cost plan indicates that the cost of the new school campus would be approximately £29 million, which is proposed to be met through the sale, and redevelopment to housing, of the Ray Mill Road East site for £3.6 million, the College Avenue site for £8.5 million, and land at the Ridgeway for £12.2 million, with the remaining amount made up from school investment and borrowing.
- 4.12 The 'Ridgeway Project' also includes the development of a recreation area including sports pitches to support the school together with the provision of a new home for Maidenhead Hockey Club (MHC), a community club of approximately 450 members playing on a regular basis at local and regional level. This element is excluded from the cost plan for the new school campus. However, taking into account the £29 million cost for the new school campus, paragraph 1.6 of the Very Special Circumstances Report states that the school and recreation facilities will cost approximately £38 million to build and fit out, thereby indicating that the sports pitches and pavilion will cost approximately £9million.
- 4.13 In determining a planning application the Local Planning Authority is required under planning law to assess a proposal against the relevant Development Plan policies unless there are material considerations which indicate otherwise. The National Planning Practice Guidance (NPPG) advises that the scope of what can constitute a material consideration is very wide, but in general planning is concerned with land use in the public interest. As such, the protection of a purely private interest could not be a material consideration, however it is considered that the school's operational and financial situation would constitute a material consideration as the repercussions could impact the educational use of land which is in the public interest. When assessing the operational and financial matters as a material consideration it is necessary to assess precisely who the said benefits accrue to, and attribute weight accordingly.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application is for outline permission for the demolition of the existing school facilities and the erection of 53 dwellings. Outline planning permission enables the principle of development to be established with specific details to be agreed later as reserved matters. In this case, in addition to the principle of development, approval is sought in relation to the accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access, circulation, and how these fit into the surrounding access network (access). The proposal originally submitted also included layout and scale for consideration, but these were subsequently removed from the application by the applicant. While all other matters are reserved apart from access, information on the use, amount of development for each use, indicative layout, and the upper and lower limits for height, width and length of each building are required to be submitted with an outline application.
- 5.2 The indicative layout is shown on plan ref: 2107.1-C-1005-L which comprises of an internal T-shape road layout with the trunk leading into the site from College Road with the top arm running parallel to the eastern boundary. Fronting onto the trunk element of the road on the northern side is a row of 6 semi-detached houses flanked by a detached house at either end, and on the eastern side of the top arm is a row of 12 semi-detached houses also with a detached house at each end. A single detached house is located to the western side of the top arm adjacent to the northern boundary, and there is another single detached house sited to the south of the entrance with an area of open space to the west of this house. To the south of the area of open space is a block of flats. There are another two block of flats to the north-west corner of the site served by a second access from College Road. The proposed houses would have ridge heights of between 9.9m and 12.5m, while the block of flats would have a ridge height of c.12m. A schedule of accommodation is provided in paragraph 7.12 of the submitted Planning and Affordable Housing Statement, and comprises the following:

Type	No. of Units
<i>Private Residential</i>	
2 Bed Flats	10
4 Bed House	15
5 Bed House	9
Private Total	34
<i>Affordable Shared Ownership</i>	
1 Bed Flat	4
2 Bed Flat	15
Affordable Total	19

- 5.3 The planning history for the site is as follows:

Planning references	Proposal	Decision
08/01631/FULL	Single storey side extension to existing temporary building	Approved - 20.08.2008
05/00473/FULL	Construction of new lift shaft and stairs to serve basement, ground, first and second floors linking the Chapel to the main building. Removal of existing external fire escape stairs	Approved - 18.04.2005
04/01355/FULL	Erection of a covered walkway under existing roof overhang with new access ramp	Approved - 15.12.2004
04/00587/TEMP	Construction of temporary single storey classroom and toilet block.	Approved - 22.09.2004
00/36004/FULL	Two storey extension to provide tutorial rooms G.F. Stores and Plant Room.	Approved - 14.02.2002
00/35769/TEMP	To site single storey classrooms and ancillary buildings	Approved - 05.10.2000
90/00688/FULL	Extension to provide four classrooms	Approved - 11.03.1991

583/66	New training block and school	Refused – 10.10.1966
526/65	Infants School and dormitory	Approved – 31.08.1965
536/65	Outside toilets	Approved – 22.09.1965
268/65 334/64 869/63 868/63	Swimming pool	Approved – 28.04.1965 Refused – 26.08.1964 Refused – 26.08.1964 Refused – 26.08.1964
519/63		Refused – 21.08.63 Appeal dismissed
665/61		Approved – 25.09.1961
6/62	First floor addition	Approved – 25.01.1962
764/61	Lobby and music room	Approved – 19.11.1961
681/58	Oil storage tank and shed	Approved – 01.12.1958
536/57	Additional classrooms and hall	Approved – 06.11.1957
444/57	Additional classroom	Approved – 25.09.1957
367/57	Classroom and hall/gym	Approved – 31.07.1955
265/55	Private chapel	Approved – 27.07.1955
467/54	Extension to refectory	Approved – 30.11.1954
219/54	Dormitory	Approved – 30.06.1954
17/51	Additional classroom	Approved – 28.02.1951
204/50	Additional classroom	Approved - 27.09.50

5.4 There are 4 other linked and pending applications which are as follows:

Planning reference	Site	Proposal
17/04018/FULL	Claire's Court School, Cannon Lane	Construction of an all-through school comprising nursery and junior building; central building and senior building. Provision of landscaping, amenity area, sport/running track, environmental garden and covered multi-use games area. Provision of staff and visitor car parking, parent drop off and coach parking area
18/00130/OUT	Claire's Court School, Cannon Lane	Outline application (layout, scale and access) for the erection of 157 residential units.
17/04026/OUT	Claire's Court School, Cannon Lane	Outline application (access) for the development of 2 artificial grass hockey pitches, 2 artificial grass practice areas, a new pavilion building for shared use by the hockey club and school together with an artificial grass rugby pitch and associated other recreation grass pitches.
17/04002/OUT	Claire's Court School, Ray Mill Road East	Outline application (layout, scale and access) for the erection of 11 no. dwelling.

5.5 While there is a relationship between the applications and due regard should be given to that relationship, each application should be considered on its own merits.

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The Council, in determining the planning application, has a statutory duty to have regard to the provisions of the development plan so far as material to the application and any other material considerations, (Section 70(2) Town & Country Planning Act 1990), and to determine the application in accordance with the development plan unless other material considerations indicate otherwise, (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 6.2 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Protection of Existing Facilities	CF1
Design, character and appearance	DG1, H10, H11
Open Space	R1, R3, R4
Affordable Housing	H3
Housing Mix	H8
Highways	P4, T5, T7
Trees	N6
Archaeology	ARCH3

These policies can be found at

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 5 - Delivering a Sufficient Supply of Homes

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 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
Design in keeping with character and appearance of area	SP2, SP3
Housing provision	SP1, HO1, HO2, HO3, HO5
Trees and nature conservation	NR2, NR3
Environmental protection and pollution	RP2
Highways and parking	IF2
Makes suitable provision for infrastructure	IF1, IF4, IF7, IF8

- 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. 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 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.

This document can be found at:

Supplementary Planning Documents / Guidance

- Interpretation of Policies R2, R3, R4, R5 and R6
- Planning Obligations and Developer Contributions

Other Local Strategies or Publications

7.2 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

47 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 18.01.2018 and the application was advertised in a local paper distributed in the borough on 25.01.2018

Representations supporting and objection to the application received up to the 15 August 2019 are summarised below. Any representations received after this date will be reported in an update to Panel.

Around 2103 letters were received supporting the application, summarised as:

Comment	Approximate number of representation on this issue	Where in the report this is considered
1. Would facilitate relocation and provision of high quality education securing the future of Claire's Court School, and high quality sports facilities, including new homes for Maidenhead Hockey Club.	2098	Paragraph 9.56
2. Would provide much needed houses within the Borough.	2078	Paragraph 9.56
3. Includes transport infrastructure improvements	2077	Section 10
4. Would reduce traffic in town centre and across the Borough as teachers and parents will not have to travel between the 3 Claire's Court sites, and solve on-street parking problems during drop-off / pick up peaks	27	Paragraph 9.34.
5. Provision of affordable housing	20	9.29 – 9.32
6. Would provide 2 acres of public open land at the Ridgeway site for community use	10	9.6 – 9.11
7. The proposal would safeguard / provide jobs, and would encourage investment in Maidenhead	6	9.2 – 9.5
8. If Claire's Court school closes then over 1000 children will have to find alternative places	2	9.2 – 9.5, 9.56
9. Increase in demand on physical and social infrastructure is not an issue	1	Section 10
10. General support, no planning reason given	2	Noted.

Around 59 letters were received objecting to the application, summarised as:

Comment		Approximate number of representation on this issue	Where in the report this is considered
1.	Increase in traffic resulting in congestion and to the detriment of highway safety.	49	Paragraphs 9.33 – 9.38
2.	Density represents overdevelopment of the site	45	9.12 – 9.23
3.	Height of buildings is overbearing, overly dominant and out of keeping	40	9.39-9.42
4.	Layout and type of development is out of keeping with pattern of development with semi-detached and detached housing fronting onto the streets	35	9.12-9.23
5.	Pressure on physical infrastructure (sewers, water pipes etc.)	31	Section 10
6.	Inadequate parking resulting in on-street parking pressures	29	9.36
7.	Access onto Grassy Lane resulting in loss of green verge and trees that characterises the road, introduction of more traffic to a quiet road, and width is too narrow to accommodate turning and extra traffic	30	9.35
8.	Loss of / harm to trees	24	9.21 – 9.23
9.	Loss of privacy	23	9.40
10.	Area of open space would attract anti-social behaviour, no details of management, maintenance, security	22	Comment noted. 9.41
11.	Increase in noise	17	9.41
12.	Light pollution	17	9.41
13.	Harm to ecology	16	9.45 - 9.50
14.	Increase in pressure on social infrastructure (schools, GP surgeries etc.)	14	Section 10
15.	Loss of educational facility in town centre	8	9.2 – 9.5
16.	Housing not required	8	9.53 - 9.55
17.	Affordable housing should be pepper potted throughout the site, and on all 3 residential development sites for the linked applications.	7	Noted.
18.	Existing building is not in poor state of repair, and should be retained as it is of historic and architectural interest	5	Noted.
19.	Flood Risk from surface water flooding	5	9.43 – 9.44
20.	Increase in air pollution	4	9.39 – 9.42
21.	Loss of sunlight and daylight	3	9.39 – 9.42
22.	Design and details of the houses are out of keeping with the streetscape and locality	2	9.12 – 9.23
23.	Letters of support are not from local residents directly affected by the development and should not carry as much weight	2	Noted.
24.	Affordable housing not required	1	9.29 – 9.32
25.	Location of LEAP close to road is not safe for children	1	9.12 – 9.23
26.	Materials not in keeping with arts and crafts movement	1	Reserved matters
27.	Quality of design is often watered down through subsequent amendments and should be protected via condition	1	Covered by reserved matters.

Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objection subject to a condition relating to a programme of archaeological field evaluation in accordance with an approved written scheme of investigation.	Paragraphs 9.51-9.52
Ecology	No objection subject to conditions relating to a European Protected Species licence for bats issued by Natural England, a lighting strategy and Biodiversity Enhancement Plan; and either a condition or informative relating to breeding birds.	Paragraphs 9.45-9.50
Environmental Protection	No objection subject to conditions relating to a Construction Environmental Management Plan, Dust Management Plan, restriction on construction fires, details on mechanical plant and equipment, vehicle deliveries, contaminated land, a lighting scheme and air quality.	Noted.
Highways	No objection subject to conditions relating to access as approved, visibility splays as drawn and the stopping up of the existing access.	Paragraphs 9.33 – 9.38
Sports England	Supports the application subject to a condition that details of design and layout of Artificial Grass Pitches, Multi Use Games Areas and Pavilion have been submitted to and approved in writing by the Local Planning Authority (consultation with Sport England).	Noted.

Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	Affordable housing should be dispersed through the scheme. The new access off Grassy Lane is regrettable and consideration should be given to providing an access through the site to the north-east corner of the site rather than Grassy Lane. Additional parking should be provided if possible to ease on-street parking pressures. If the public open space is removed this should be reallocated to increase spaciousness, private amenity space and parking. It is important that the architectural design reflects the prevailing character of the area.	Comments noted.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Character of the Area
- iii Open Space Provision In New Residential Development

- iv Housing Mix
- v Affordable Housing
- vi Highways
- vii Residential Amenity
- viii Sustainable Drainage
- ix Ecology
- x Archaeology
- xi Planning Balance

i Principle of Development

Loss of Community Facility

- 9.2 Local Plan policy CF1 states that the Council will not permit the loss of existing community facilities and buildings unless it is satisfied that there is no longer a need for them or an acceptable alternative provision is to be made elsewhere. The policy itself does not define what a community facility is, however, while the Independent school at College Avenue does not primarily exist to meet the needs of local residents and is not an asset available to meet the needs for all in the community, it is considered that the school does meet a local community need. As reported in section 4, of the 1055 pupils on the roll of the school group around 56% live within RBWM, and it is not a matter of dispute that the school group contributes to the choice of school places and is very popular, successful and highly regarded due to the quality of education provided. Furthermore, College Avenue provides the equivalent of 40 FTE early year education places at the Nursery. Under the Childcare Act 2006 and Childcare Act 2016, the Council has a responsibility to secure sufficient childcare for working parents to meet the universal and extended entitlements (up to 1,140 hours of free early education or childcare per year for children aged 3 to 4 years old). Therefore in the assessment of whether CF1 should be applied, it is considered in this context that it should.
- 9.3 As a material consideration, BLPSV policy IF7 states that existing community facilities should be retained and applications for redevelopment will be resisted unless it can be demonstrated that there is no longer a demand for the facility within the area or the proposed development would provide sufficient community benefit to outweigh the loss of the existing facility or there is provision for new or replacement facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community. In the justification text for BLPSV policy IF7 the definition of community facility includes schools. It does not distinguish between the types of schools. Given the extent of unresolved objections BLPSV Policy IF7 should be allocated significant weight as a material consideration. As a further material consideration, paragraph 92 of the NPPF states that planning decisions should provide the social, recreational and cultural facilities and services the community needs and guard against the unnecessary loss of valued facilities, while paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of communities.
- 9.4 Given the policy context it is considered that the existing Nursery, Junior and Senior Girls School, and 6th Form School at College Avenue constitute community facilities and the proposed redevelopment of the site for housing would result in its loss. There is no substantive evidence that there is no longer a need for the school. Given the housing targets set out in the BLPSV, for the early years provision the Council's Infrastructure Delivery Plan (IDP) indicates that there would be a need for an extra 1,016 funded early years and childcare places for 2-4 year olds which is expected to be met primarily through a mixed market of private and voluntary providers. For primary education the analysis in the IDP indicates that the demand for reception places in the Borough could increase by 23.4 'Form of Entry' (FE) (the equivalent of one class of 30 pupils)

with the majority of the increase in Maidenhead. For secondary education the IPD indicates that the demand could increase by 22.3 FE with the majority of the increase in Maidenhead. For special education needs, the Borough is in the process of assessing the likely future demand arising from the housing target in the BLPSV, but for the purposes of the IDP an assumption has been made that 300 places overall will be needed. In respect of future requirements, the Council has identified capacity to meet the projected demand, but on the basis that the current independent school sector will continue to provide the same number of spaces. It should be noted that Section 5 of the Very Special Circumstances Report also presents a case against the lack of need for the school.

- 9.5 In respect of an acceptable alternative provision it is proposed that the Nursery, Junior and Senior Girls, and Sixth-Form School is re-provided at a new all-through (all year groups) school campus at the Ridgeway, which is subject to a linked planning application, ref: 17/04018/FULL. This alternative provision is considered to be acceptable in principle, as unlike state funded schools, the Claire's Court school group does not serve a set catchment area so there is more flexibility in its location. Furthermore, the school would still be located in the Maidenhead area. However, the application for the school under 17/04018/FULL is recommended for refusal. As such, it is considered that the re-provision of the community facility cannot be achieved. Therefore the proposal is contrary to Local Plan policy CF1, BLPSV policy IF7 and the provision of paragraph 94 of the NPPF.

Loss of Open Space and Land for Sports and Recreation

- 9.6 Open space within the Borough underpins people's quality of life and well-being by providing green lungs in urban areas and opportunity for sports and recreation, which are important to the health and well-being of communities, as well as acting as a visual amenity. The Council's Open Space Study (2019) indicates that there is currently adequate provision of amenity space against the Field In Trust national guidelines of 0.6ha/1000 population. However, taking into account the anticipated increase in population there would be a shortfall at the current level. Therefore, it is important to protect open space where appropriate.
- 9.7 Local Plan policy R1 states that the Council will not approve proposals which would result in the loss of existing areas of important urban open land, which are identified on the Proposals Map, and other areas of open space which are important to the visual and environmental quality of urban areas, unless they are replaced by new provision which is at least comparable in terms of facilities, amenity and location. The supporting text to policy R1 states that other areas of open land includes playing fields and other privately owned amenity spaces and which may not be publically accessible but would still contribute to the visual and environmental quality of the area. This application site not allocated as an important urban open space on the proposals map, but it is considered to be an important area of open space within the locality.
- 9.8 As a material consideration, BLPSV policy IF4 states that existing open space in the Borough will be protected and maintained, and the provision of alternative open space is deemed appropriate as part of development proposals if in a 'close by' suitable location, which is flexible in meeting the needs of the community and lends itself to a greater range of functional uses required in that area. The supporting text of policy IF4 indicates that this applies to public and private open spaces as both underpin quality of life and well-being, and green 'lungs' in urban areas. Given the extent of unresolved objections, BLPSV policy IF4 should be attributed significant weight.
- 9.9 As a further material consideration, paragraph 97 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the open space or land is surplus to requirements; or the loss would 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 benefits of which clearly outweigh the loss of the current or former use. Annex 2 of the NPPF defines open space as '*all open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity*'.
- 9.10 Within the site is an area of open space, which is used as a multi-use games area (MUGA) and playing field, measuring approximately 5436sqm. As such, it is an important area of open space

within the locality. Based on the indicative layout, approximately 1650sqm of open space would be provided within the site as part of the residential development, which falls well below the amount of existing open space. Approximately 38,000sqm of playing fields is proposed at the Ridgeway, which is subject to linked planning application ref: 17/04026/OUT for the recreation area and sports pitches to support the school and to provide a new home for Maidenhead Hockey Club. While this provision will not be comparable in terms of location, this would compensate for the loss of open space at College Avenue in terms of quantity and quality, in addition to the potential loss of open space arising from the linked proposal for the Junior Boys School at the Ridgeway, ref: 17/04018/FULL. It is noted that Sports England has raised no objection due to this reasoning.

- 9.11 However, the application for the pitches and pavilion under 17/04026/OUT is recommended for refusal and, as such, the re-provision of open space cannot be achieved. The proposal therefore involves the loss of important open space contrary to Policy R1 of the Local Plan, Policy IF4 of the BLPSV and paragraph 97 of the NPPF.

Residential Development

- 9.12 The site is not allocated for housing in the Local Plan or BLPSV. However, the site lies within the urban settlement of Maidenhead, is considered to fall under the definition of previously developed land, and is not within a flood zone. Given the key aim to boost significantly the supply of housing as set out in paragraph 59 of the NPPF, and the substantial weight that should be given to the value of using suitable brownfield land within settlement for homes as set out in paragraph 118 of the NPPF there is no objection in principle to the redevelopment of the site for housing development subject to the re-provision of the community facility and open space.

ii Impact on Character of the Area

- 9.13 For an outline application, while all matters apart from access is reserved, it should be demonstrated that a proposal for 53 dwellings can be satisfactorily accommodated on site without undue harm to the character of the area.
- 9.14 Local Plan policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment, policy DG1 resists development which is cramped or which results in the loss of important features which contribute local character, and in established residential areas policy H11 resists development would introduces a scale or density which would be in incompatible with or cause damage to the character of the area. As a material consideration, BLPSV policy SP2 expects larger developments (over 10 residential units) to foster a sense of place, while SP3 requires development to achieve a high quality design and sets out design principles. With regard to unresolved objections to BLPSV policy SP2 and SP3 it is considered that these policies should be given significant weight. As a further material consideration, paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed and attractive places. Paragraph 124 of the NPPF goes on to state that good design is a key aspect of sustainable development and indivisible from good planning, while paragraph 130 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.
- 9.15 The site is located within an area defined as a 'Leafy Residential Suburb' in the Council's Townscape Character Assessment, along with the adjacent houses sited to the south, east and west of the site. However, the northern boundary of the site forms the edge of this character area with the houses to the north falling within an area defined as an 'Inter-War Suburb'.
- 9.16 The key characteristics of a 'Leafy Residential Suburb' are a low to medium density residential development defined by suburban-style detached and semi-detached two-storey houses on medium to large plots, located on wide primary roads with narrower subsidiary streets terminating in cul-de-sacs or 'turning circles'. The leafy character is a result of properties being set

significantly back from the road, often bounded by hedges to the front, behind which are private gardens with mature trees and shrubs. The leafy character is reinforced by street trees and/or planting. An 'Inter-War Suburb' incorporates similar characteristics including medium density residential development but largely defined by suburban style two-storey semi-detached houses on a distinctive network of curvilinear and linear streets, and 'dead ends'. The semi-detached houses are typically set on regular plots with shorter front gardens and larger rear gardens. Green spaces in and around housing, including grass verges and small ornamental street trees.

Density

- 9.17 The proposed development would result in a density of around 33 dwellings per hectare (dph). This would be higher than the density of the existing locality which is around 15 – 20 dph, but would represent a more efficient use of land which is encouraged by Section 11 of the NPPF and would still represent a low density development that is typically up to 35 dph, thereby generally in keeping with its surrounds.

Layout

- 9.18 The indicative layout illustrates a low density development mainly defined by semi-detached houses on medium sized plots terminating in a 'dead end', which incorporates key characteristics of a 'Leafy Residential Suburbs', but the short front gardens conform more with the characteristics of the 'Inter-War Suburb'. However, located on the edge of the 'Leafy Residential Suburbs' area as it transitions to 'Inter-War Suburb', the blended character is considered to be acceptable.
- 9.19 The proposal would also incorporate blocks of flats, while flatted development are not prevalent in the area there is no objection in principle. The indicative scale parameters illustrate blocks which would be larger than the majority of buildings within the locality, the indicative plans show how an appropriate setting could be achieved with sufficient green, circulation space around the blocks. Scale and appearance are reserved matters, and there is no indication that a suitable scaled and designed block of flats could not be developed on site.
- 9.20 In terms of the leafy character, given the limited set back of proposed buildings from the internal road there would be limited scope for the cultivation of large trees or significant planting to the front of the proposed buildings. The layout nevertheless demonstrates that a green margin to the street could be created using smaller tree species and shrubs, in keeping with an 'Inter-War Suburb' character area. The central area of open space would also contribute to greenery within the site. While it is unlikely this open space could accommodate large trees or a significant amount of planting, it could also accommodate smaller trees and shrubs. As existing, the site presents a relatively hard edge along the western and southern boundary due to the substantial school buildings along these perimeters and the minimal landscaping to soften and screen the development. Given the limited set back of the proposed buildings from the western and southern boundary there would be limited opportunity to plant medium to large trees along these boundaries, but again it is considered that smaller trees and shrubs could be planted in this location to improve the visual qualities of this section of the street and contribute to the leafy character of the area.
- 9.21 In terms of existing trees, they are considered to contribute significantly and positively to the green and leafy character of the area. There are only 2 trees on site, which are no. 5 (an oak covered by TPO ref: 055/2001/TPO) and no. 8 (sycamore) as shown on the submitted Tree Constraints Plan ref: 8442-KC-XX-YTREE-TCP01 Rev A, but there are also a number of mature trees positioned along the boundary of the site, most notably on the verge adjacent to Grassy Lane and College Avenue.
- 9.22 Local Plan policy N6 requires new development to allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweighs the justification for development then planning permission may be refused. As a material consideration, BLPSV NR2 states that development proposals should carefully consider the impact of proposed development on existing

trees and where harm is unavoidable provide appropriate mitigation measures, but where the amenity value of trees outweighs the justification for development than planning permission may be refused.

- 9.23 Based on the indicative layout, there is potential conflict between the proposed development and existing trees no. 28-31 (maple), 49 (turkey oak) and 50 (turkey oak) along the northern perimeter of the site, TPO tree no. 5 on the western perimeter, and trees no. 6 (Norway Maple) and 7 (Sycamore) on the southern perimeter due to close proximity. Furthermore, no details on underground utilities which would be required to serve the development have been provided to demonstrate no additional incursion into Root Protection Area (RPA). Within a short distance of the stem, the roots of trees are highly branched so as to form a network of small-diameter woody roots, and all parts of this system bear a mass of fine non-woody absorptive roots typically concentrated within the uppermost 600mm of the soil. The uptake of water and mineral nutrient by the root system takes place via the fine non-woody roots and associated beneficial fungi, and the root system tends to develop sufficient volume and area to provide stability. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of the roots and soil structure is treated as a priority. With the exception of trees no. 28-31 the noted trees are mature, with the influence of trees no. 28-31 increasing over time. However, as an outline application, it is also considered that alterations could be made to reduce the conflict. Nevertheless, in relation to the indicative layout, with the removal of the existing hardstanding in the locality of these trees there is potential betterment of the rooting environment and it is considered that there are potential technical solutions to mitigate the impact of any new hardstanding (no dig construction).

iii Open Space Provision In New Residential Development

- 9.24 As set out in paragraph 9.6 of this report, taking into account the anticipated increase in population there would be a shortfall of amenity space by 2033 at the current level of provision. As such, this needs to be mitigated by ensuring that current levels are not only safeguarded but increased by including open space in new development. Local Plan policy R3, R4 and R5 requires this site to make appropriate provision for public open space within the development, which should amount to 15% and should incorporate a local area for play (LAP) and a local equipped area for play (LEAP). The indicative layout shows approximately 10% of open space (1650sqm) can be accommodated on site, which is considered acceptable. While not in compliance with the minimum standards set out in Local Plan policies, it is noted that policy R3 sets out a minimum on-site open space provision of 4.3ha per 1000 population, which is well in excess of the requirements set out in national guidance (Guidance for Outdoor Sports and Play: Beyond the Six Acre Standards) for equipped / designated play areas (0.25ha/1000) and in excess of assessed need within the Borough for amenity green space (0.60ha/1000) and provision for children and young people (0.25ha/1000) identified in the Councils Open Space Study (2019). Furthermore, the supporting text for policy R3, R4 and R5 states that the minimum provision can be applied flexibly. As such, no objection is raised to the proposal on this ground.
- 9.25 With regard to the provision of a LAP and LEAP guidance in 'Beyond the Six Acre Standard', which supersedes the standards for a LAP and LEAP set out in Appendix 2 of the Local Plan, sets out the minimum dimensions for a LAP (10 x 10m) and LEAP (20 x 20m). It is considered that proposed space as shown is sufficient in size to accommodate this.

iv Housing Mix

- 9.26 Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation within the Borough and will favour proposals which include dwellings for small householders and those with special needs. As a material consideration, BLPSV policy HO2 states that the provision of new homes should contribute to meeting the housing needs of the current and projected households by providing an appropriate mix of dwelling types and sizes reflecting most up-to-date evidence.

9.27 The proposed housing mix is set out in paragraph 7.12 of the submitted Planning and Affordable Housing Statement. The most up-to-date evidence on identified need is set out in the Berkshire Strategic Housing Market Assessment (SHMA) (2016) with the utmost need being 3-bed units. In comparison with this identified need by number of bedrooms, with its focus on 4+ bedroom units the proposed development would not provide an appropriate mix for market housing. However, the proposed balance is not in itself objectionable when compared with the completions by housing size for the past 3 years (2015 to 2018) (Monitoring Report 2018, Table 7) and given that the Council's 5 Year Housing Land Supply Statement (March 2019) reports a housing delivery rate of 97% based on the 2018 Housing Delivery Test. The completions by housing size relate to all housing, but given that affordable housing as a percentage of total net completions are 23% (2013/14), 14.2% (2014/15), 2.5% (2015/16), 2.6% (2016/17) and 4.5% (2017/18), the picture still suggests that the proposal would contribute to the apparent shortfall of 4+ bed housing.

	1 bed	2 bed	3 bed	4+ bed
Need (2013 – 2036) (Market Sector)	966 7.9%	3,508 28.6%	4,737 38.6%	3,074 25.0%
Completions (2013 – 2018) (Total)	531 20.5%	1112 43%	486 18.8%	453 17.5%
Proposed (Market Sector)	0	10	0	24

9.28 Paragraph 9.3 of the submitted housing statement advises that the mix of units is indicative for this outline application. However, if minded to approve it is recommended that the proposed housing mix should be secured by condition. The viability report submitted to support the proposed affordable housing provision and subsequent viability assessment is based on this schedule of accommodation. Changes to the housing mix would have implications on these matters, which justifies the need for a condition to secure the proposed housing mix in the interest of proper planning.

v Affordable Housing

9.29 For residential development sites of 0.5ha or over or schemes proposing 15 or more net additional dwellings, such as this, Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. BLPSV Policy HO3 is given limited weight due to the extent of unresolved objections but for a scheme of this size would result in the same affordable housing requirement. On this basis 16 units should be affordable as part of this proposal.

9.30 Policy H3 of the adopted Plan is silent on tenure, but it makes reference to identified local need which the SHMA sets out in detail. The SHMA sets out a tenure of 80% of social/affordable rented and 20% intermediate housing to meet, which would equate to 13 units of social/affordable rented and 3 units of intermediate housing. Paragraph 64 of the NPPF, which is a material consideration, states that at least 10% of the overall homes are expected to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. This would equate to 5 units. 'Affordable homes ownership' is not defined but on the basis of the definition of affordable housing in Appendix 2 of the NPPF the indication is that this would be made up of starter homes, discounted market sales housing or other affordable routes to home ownership (shared ownership or shared equity units). In this respect, while the SHMA does identify the need for affordable housing in this borough as being predominantly social rent and then affordable rent, the NPPF is more recent and given significant weight. As such, for a policy compliant scheme the expectation would be that the scheme would bring no more than 5 units forward for Low Cost Home Ownership and the remainder for rented products.

9.31 The proposal is for 53 units with a total of 19 affordable units which equates to 36%. However, it should be noted that the affordable housing element associated with 17/04002/OUT at Ray Mill Road East is provided at this site, hence the additional provision of 6%. All of the affordable units are for shared ownership. To demonstrate that the proposed development is unable to support a tenure mix with a higher proportion of social/affordable rent in line with need, the applicant submitted a viability report in May 2018. This was independently assessed by the District Valuer.

It should be noted that the funding of the new school subject to planning application ref: 17/04018/FULL is being met from a combination of sources including the land receipts from this site (and the 2 other sites at Ray Mill Road East and The Ridgeway), and therefore included in the residual land value for the purposes of the viability assessment. The District Valuer concluded that the proposed development is deliverable but a higher proportion of social/affordable rent would be unviable.

- 9.32 On balance, it is considered that the proposed total units for affordable housing and tenure mix is acceptable and if minded to approve can be secured by a S106 agreement. As the affordable housing element associated with 17/04002/OUT at Ray Mill Road East is provided at this site, if the application 17/04002/OUT at Ray Mill Road East were to be refused then the affordable housing requirement for that scheme provided at this site falls away. In such circumstances the applicant has confirmed it would be necessary to seek a change in the affordable housing provision at College Avenue and a review mechanism should be included as part of the S106 agreement. There are no objections to this in principle.

vi Highways

- 9.33 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. As a material consideration, BLPSV policy IF2 states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy. Given the lack of unresolved objections to policy IF2 it is considered that this policy should be afforded significant weight in the consideration of this application. As a further material consideration, paragraph 108 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken up; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network or on highway safety should be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Trip Generation

- 9.34 A traffic survey to/from the school shows that the school generates 179 inbound and 133 outbound vehicle during the morning peak, while the afternoon peak shows the school generates 122 inbound and 155 outbound vehicle movements. It should be noted that this does not include pick-up and drop-offs by parents / guardians as they are restricted from school grounds, and therefore the number of inbound and outbound vehicles movements generated by the school during the am and pm peaks within the immediate locality are likely to be higher. To determine the potential number of trips generated by the proposed residential development, the TRICS database was interrogated and, based on a comparable residential site of similar size and accessibility criteria, the data demonstrates that the development would potentially generate 8 inbound and 27 outbound vehicle movements between the morning peak, and 25 inbound and 14 outbound vehicle movements during the afternoon peak. As such, the development is likely to result in a reduction in vehicular activity during the peak times and would not result in undue harm to the local highway infrastructure network in terms of capacity and congestion.

Access

- 9.35 The indicative layout shows that the proposal seeks to provide two vehicle accesses from College Road. Drawing ref: 2107.1-A-1105-D has been submitted to demonstrate satisfactory visibility splays, which if minded to approve can be secured by condition.

Car Parking Provision

9.36 Car Parking is normally a consideration with layout, and therefore a reserved matter. However, the submitted Transport Statement confirms that the proposed market housing (plots 1-34) will be provided with the maximum car parking spaces (92 spaces) outlined in the Council's adopted Parking Strategy (2004), while the affordable housing (plots 35-53) will be provided with 29 spaces (a ratio of 1.5), resulting in a provision slightly below the maximum standard (34 spaces). The Transport Statement justifies the below maximum provision for the affordable units to reflect the nature of these plots. The Council's Parking Strategy makes no distinction between market and affordable unit and no evidence has been put forward that affordable homes attract a lower level of car ownership to justify this statement, nevertheless, the overall parking provision is considered to comply with the maximum car parking standards and is therefore acceptable. The indicative layout demonstrates how the proposed level of parking can be achieved on site through individual garages and driveways and communal parking courtyards.

Cycle Parking and Refuse Provision

9.37 At least 1 cycle parking space should be provided for each unit. It is considered that there would be sufficient space within the site and within the relevant plots to accommodate this, details of which can be secured by condition.

9.38 Layout is a reserved matter, but a swept path analysis would be required to demonstrate that a refuse vehicle (2.5m x 11.35m) can enter and exit the site in forward gear and refuse storage and collection points should comply with the guidelines set out in Manual for Streets. If minded to approve it is recommended that this is secured by condition.

vii Residential Amenity

9.39 Local Plan policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would cause damage to the amenity of the area. As a material consideration of significant weight, BLPSV Policies SP3 and HO5 also seek to ensure no undue harm to residential amenity enjoyed by the occupants of adjoining properties would be caused. Paragraph 127 of the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users, but this is balanced against paragraph 123 which seeks to ensure that developments make optimal use of land when considering applications for housing, with local planning authorities required to take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site, (as long as the resulting scheme would provide acceptable living standards).

9.40 The proposal is sited within a residential area, close to neighbouring properties, and a number of concerns have been raised by local residents over the impact on neighbouring amenity including loss of sunlight and daylight, loss of privacy and being visually overbearing. Based on the indicative height parameters and layout there is no indication that a scheme with an acceptable impact on neighbouring amenity could not be delivered. The existing houses to the north, west and south are separated from the development by Grassy Lane, College Road and College Avenue respectively. Due to the separation distance and orientation of the existing and proposed building, it is likely that there would be no undue overlooking, visual intrusion or loss of light to these neighbouring houses. There would be a back-to-back distance of over 40m between the proposed development and the existing houses fronting east onto College Avenue (3a to 17 College Avenue), and a side to minimum rear-to-side distance of approximately 12.5m with the houses fronting south onto College Avenue (Donnington Cottage and Donnington House), which would be sufficient to mitigate any undue overlooking, visual intrusion or loss of light. However, layout, scale and appearance (siting of windows) are reserved matters and therefore the impact on neighbouring amenity would be considered further as part of any reserved matters application.

9.41 Concerns have been raised by local residents over potential noise and disturbances and light pollution. If minded to approve, it is considered the effects of noise, vibration, dust and site lighting during the construction of the development can be mitigated by a construction environmental management plan. In terms of light pollution, if minded to approve, details of the external lighting including the siting, design (luminaire type and profiles, mounting height, aiming angles, and energy efficient measures) and beam orientation can be secured and controlled

through a condition. Given the nature of residential use it is not considered that there would undue noise and disturbances generated, but any noise that unreasonably and substantially interferes with the use or enjoyment of the a home or other premises is covered by the Environmental Protection Act 1990.

- 9.42 There are no specific Local Plan policies regarding the provision of suitable residential amenity for future occupants of the development. However, as a material consideration of significant weight, BLPSV Policy HO5 seeks to ensure satisfactory residential amenity for the proposed accommodation, while paragraph 127 of the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users. The indicative site layout shows that the site could accommodate a development for 53 units without any potential loss of light, overlooking or visual overbearing for the proposed units due to their siting, orientation and separation distances. Individual internal layouts for the proposed houses and flats have not been provided with this application, but it is considered that based on the indicative scale of the proposed units that all units would have sufficient internal floor space to accommodate adequate room shapes and sizes.

viii Sustainable Drainage

- 9.43 As a material consideration, BLPSV policy NR1 requires development proposals to incorporate sustainable drainage systems, but given the extent of unresolved objections this policy should currently be allocated limited weight. However, as a further material consideration, paragraph 165 of the NPPF requires major development, such as this, to incorporate sustainable drainage systems (SUDS) unless there is clear evidence that this would not be appropriate.
- 9.44 A SUDS scheme has been submitted to support the application which proposes source control and infiltration for surface water control of the site. The scheme also includes soakaways for the houses, access road and communal areas. While further details were requested by the Lead Local Flood Authority it is considered that the SUDS scheme is acceptable in principle and a detailed design can be submitted for consideration as part of the reserved matters. This can be secured by condition.

ix Ecology

- 9.45 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. BLPSV Policy NR3, which should be allocated significant weight in the consideration of this application, states that proposals should demonstrate how they maintain, protect and enhance the biodiversity of application sites and requires proposals to mitigate or as a last resort compensate for any adverse biodiversity impacts where unavoidable adverse impact on habitats and biodiversity arise. Protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.

Bats

- 9.46 In 2014 the buildings on site were assessed for their potential to support roosting bats. Buildings B and C, as identified on Map 4 within the submitted Ecology Report and Mitigation Strategy, were recorded as having moderate potential, Building A as having low potential and the remaining buildings as having negligible potential. During further surveys in 2015 and 2016, one soprano pipistrelle was recorded roosting within Building A. No other buildings were recorded as being used as bat roosts.
- 9.47 As the buildings will be demolished, bat mitigation measures have been proposed including pre-demolition surveys of all buildings with the potential to support bats, sensitive timing of the works to avoid hibernation period, removal of all bat roosting features within the buildings by hand under ecological supervision, the provision of permanent roosting features on retained mature trees, and sensitive lighting. All of this would be detailed within a method statement to accompany a

European Protected Species licence (EPSL) obtained from Natural England. In addition, the applicant had agreed to additional bat roosting features to be incorporated into a number of new buildings on site in order to provide appropriate compensation for the loss of the roost within the existing school building. If these compensation measures are incorporated into the development it is considered the proposals will not have an undue detrimental effect to the maintenance of the population of bats species, and therefore if minded to approve should also be secured by condition.

Amphibians and Reptiles

- 9.48 There are a number of ponds and lakes within 500m of the application site, but separated from the site by roads and residential development. It is considered that the site itself provides limited suitability for these species, and therefore no further survey for these species is required.

Breeding Birds

- 9.49 The buildings and vegetation were recorded as having the potential to support breeding birds and there is a bird box situated on Building A. If minded to approve it is recommended that an informative note is included to advise that the removal of vegetation and bird boxes, and building demolition should be timed to void the breeding bird season.

Biodiversity Enhancements

- 9.50 The submitted ecology report provides recommendations for ecological enhancements including wildlife friendly planting, border planting, provision of a wildflower meadow, sensitive lighting, construction of invertebrate loggeries, and installation of bird boxes within the site. If minded to approve, it is recommended that the biodiversity enhancements detailed in the Ecology Report are secured by condition.

x Archaeology

- 9.51 Local Plan policy ARCH3 states planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 189 of the NPPF which states that where a development site 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.
- 9.52 According to Berkshire Archaeology's Historic Environmental Record there are no known heritage assets within or in close proximity to the application site, but the known archaeology of the wider Middle Thames Valley includes prehistoric, Neolithic, Bronze Age, and Roman remains. It is therefore considered that there are potential archaeological implications with this proposal and further archaeological investigation would be merited, particularly given the size of the site (0.73ha) and undeveloped areas within it. Paragraph 15.33 of the Very Special Circumstances Report states that there are no archaeological impacts from the development at the College Avenue site, although no substantive evidence has been submitted to support. As such if minded to approve, it is recommended that a programme of archaeological field evaluation in accordance with a written scheme of investigation, and any subsequent mitigation strategy is secured by condition. In this instance it is considered that further archaeological investigation can be undertaken post-permission as there has been some previous development on the site.

xi Planning Balance

- 9.53 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of the NPPF (2019) clarifies that:

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer)’

- 9.54 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted the BLPSV for Examination in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033) to meet the Boroughs Housing need. However, the BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply should be the 'standard method' as set out in the NPPF (2019). At the time of writing, the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.55 There are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the 'tilted balance' is engaged.
- 9.56 Weighing in favour of the proposal is the provision of housing (including affordable housing) on previously developed land, which is attributed substantial weight in accordance with the NPPF. Against this would be the loss of a community facility, i.e. the loss of the day nursery, junior and senior girls school and sixth form, amounting to 550 pupil places, of which approximately half are currently taken up by children living within the Royal Borough, to which great weight is attributed (in accordance with paragraph 94 of the NPPF). The loss of the College Avenue site to housing with no replacement school provision would also mean the potential loss of approximately 262 full and part-time jobs of residents living in the Royal Borough, to which significant weight is attributed against the development (in accordance with paragraph 80 of the NPPF). Having regard to the loss of nursery and schools places together with the loss of employment, substantial weight is given to the loss of the community facility. In addition, the proposal would result in the loss of open space which, in the absence of evidence to demonstrate it is surplus to requirements or unless it is replaced by new provision comparable in terms of facilities, amenity and location, (which in this case cannot be provided with the recommendation to refuse application 17/04026/OUT), amounts to significant weight against the proposal. Accordingly, with the tilted balance applied, the adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 Concerns have been raised by local residents on the increased pressure social infrastructure including schools and GP surgeries. To help delivery of infrastructure to support growth of an area, the Council has approved a Community Infrastructure Level (CIL). In line with the Council's Charging Schedule the proposal development would be CIL liable. The required CIL payment for the proposed development would be £100 per square metre based upon the chargeable residential floor area. The chargeable floor area would be calculated at the reserved matters stage, but based on the floor area provided in the viability assessment this may be a figure of approximately £730,700 although there is relief for social housing.

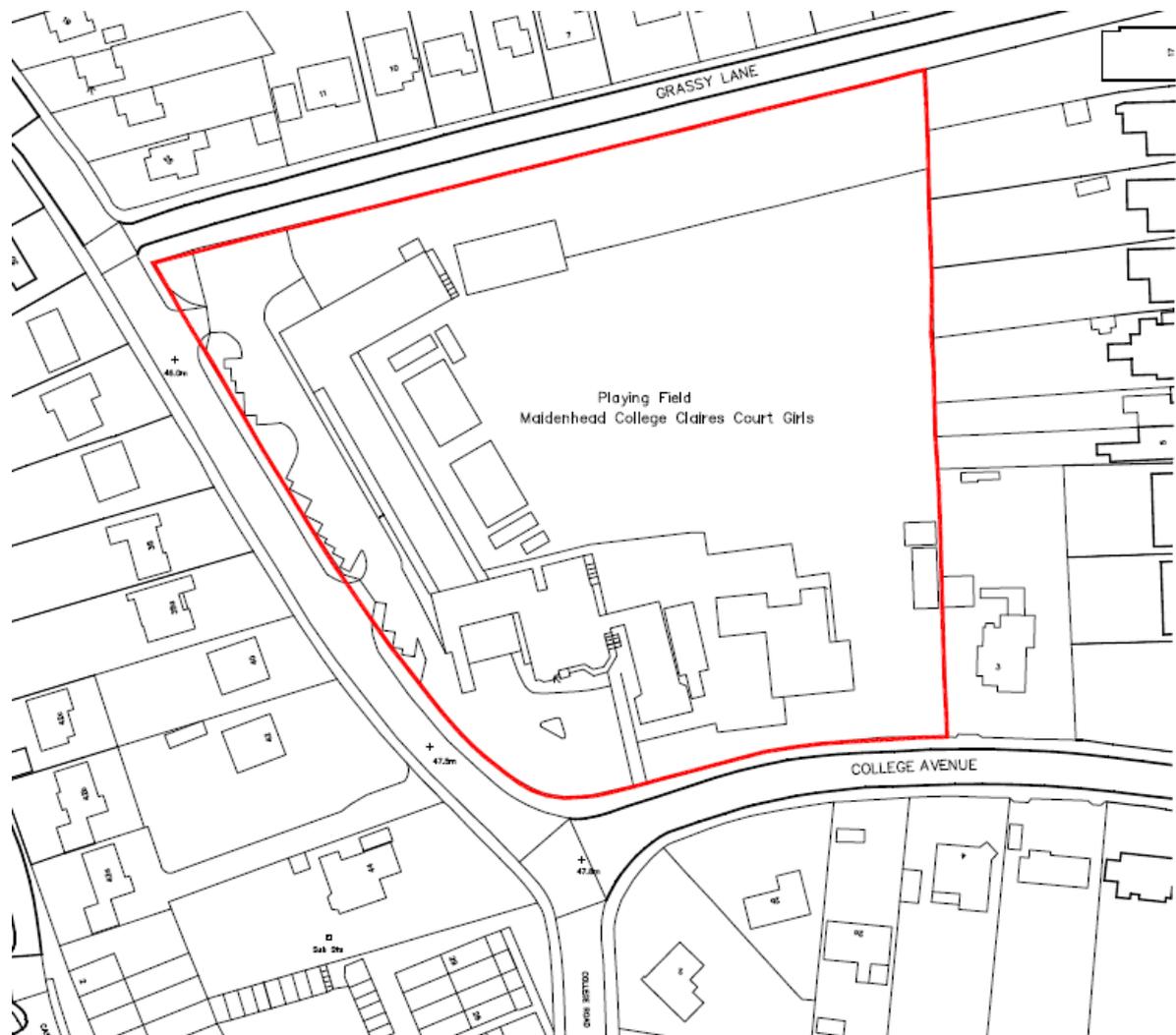
11. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Indicative Site Layout

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1. The proposal would result in the loss of an important community facility, leading to the loss of day nursery and school places and loss of jobs, and it has not been demonstrated that there is no longer a need for the facility within the local area or that an acceptable alternative is to be provided elsewhere within the local area. As such, the proposal is contrary to adopted Policy CF1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Alterations Adopted 2003), Policy IF7 of the Borough Local Plan Submission Version 2018 and the provisions of Paragraph 94 of the National Planning Policy Framework (2019).
2. The proposal results in the loss of important open space which would not be replaced by new provision of comparable facilities, amenity and location. It is therefore contrary to the saved Policy R1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (including Alterations Adopted 2003), Policy IF4 of the Borough Local Plan Submission Version 2018, and paragraph 97 of the National Planning Policy Framework (2019).

Appendix A- Site location plan



Appendix B- Proposed illustrative layout



Appendix C- Access parameter plan



KEY

- APPLICATION BOUNDARY
- PRIMARY ACCESS POINT
- EXISTING RETAINED TREES
- EXISTING TREES OUTSIDE OF SITE BOUNDARY

NOTE:
PRIMARY ACCESS ALIGNMENT CAN DEVIATE BY UP TO 5m UPON DETAILED DESIGN

