

DEVELOPMENT CONTROL PANEL

4 September 2019

Item: 5

Application No.:	19/00324/FULL
Location:	Charters School Charters Road Sunningdale Ascot SL5 9QY
Proposal:	Provision of a dual use leisure facility for combined school and community to include 25 metre 6 lane swimming pool, 8 court sports hall, gym, dance studio and ancillary accommodation, along with landscaping and parking areas.
Applicant:	Mr Pilgrim
Agent:	Mr Richard Goodall
Parish/Ward:	Sunningdale Parish/Sunningdale Ward

If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development is defined as inappropriate by national and local Green Belt policy and is harmful by virtue of its inappropriateness, the loss of openness of the Green Belt and the conflict with two out of the five purposes of the Green Belt. This harm should be held collectively in **substantial weight**.
- 1.2 The proposed scale and external appearance of the building would not relate well to the more subservient school buildings which it would sit alongside and therefore it would appear as a prominent and incongruous feature within the street scene of Charters Road and the landscape in general, to the detriment of the sylvan character of the area. This harm is afforded **significant weight**.
- 1.3 The rural location of the proposed development is defined as inaccessible and the proposed facility, which is described as a Town Centre use within the NPPF, would encourage the use of unsustainable modes of transport. The harm is afforded **significant weight**.
- 1.4 Further updates are required to the submitted Drainage report before the proposal can be said not to result in any harm to flood risk. Given that there is no in principle objection to the development on this ground however, this harm is afforded **limited weight**.
- 1.5 On the assumption that the objections on flood risk grounds can be overcome through the submission of updated technical reports, the balancing exercise needs to be applied to the primary objections listed in paragraphs 1.1-1.3 above. Various benefits have been put forward by the applicant in support of the proposal in an attempt to outweigh the aforementioned harm.
- 1.6 It has not been established that there is an underlying need for additional sporting facilities to be provided at Charters School either to deliver the PE curriculum or to relieve accommodation pressures. The weight given to educational need is therefore **limited**.
- 1.7 Whilst various social and economic benefits would arise from the proposal including the community benefits of the proposed facility including benefits to health and well-being these benefits are considered to be relatively limited and thereby the weight attached to these cumulative benefits is **moderate**.
- 1.8 Finally, it has been concluded by officers that there is not an established need for an indoor leisure facility containing these facilities within the south of the Borough and therefore the weight applied to the need for the development is only **limited**.
- 1.9 The limited weight afforded to the education need and the need for a leisure facility and the moderate weight afforded to the community benefits would not individually or cumulatively outweigh the harm as identified above to the Green Belt, character of the area and provision of a facility in an inaccessible/unsustainable location. As such, no Very Special Circumstances exist in this case.

1.10 Furthermore, the overall planning balance concludes that there are no other material considerations to outweigh all the identified harm; in fact the NPPF is a significant material consideration and the proposal does not accord with the policies contained therein and accordingly there is no justification to grant planning permission contrary to the Development Plan.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):	
1.	The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would be harmful to actual openness of the Green Belt and result in conflict with two of the five purposes of the Green Belt.
2.	The proposed development, by virtue of its height, scale, bulk and external appearance would not relate well to the existing development within the site of Charters School which it would sit alongside. The proposed building would therefore appear as an incongruous and prominent feature within the street scene of Charters Road which would be harmful to the character of the area.
3.	The proposal comprises a town centre use within an unsustainable semi-rural location which suffers from poor accessibility and reliance on the private motor car. The proposal would therefore encourage the use of unsustainable modes of transport.
4.	The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals.

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 Charters School, is located on the southern side of Charters Road. The complex of buildings at the school is located on the western side of the school site, with the built envelope of the school being defined by open playing fields and surfaced sport pitches to the east of the site. The existing school buildings consist of a mixture of styles, ages and external materials. All of the buildings on site are either single or two storeys in height. The original red brick buildings date back to the 1950s, the single storey buildings to the 1970s and the newer sixth form building was constructed in the 2000s. A new two-storey teaching block has recently been constructed on site. Land to the north of Charters Road is also used as a playing field, with a park area immediately adjacent to the road. The school bungalow is no longer used for residential purposes, but rather for other school uses and currently accommodates the school's specialist education unit.
- 3.2 The vehicular and pedestrian access to the school is provided via Charters Road to the north of the site, with a one way vehicle access system. The existing site accommodates Charters School and Charters Leisure Centre. The existing leisure centre is currently used by the school throughout the day until 16:30, at which time it becomes available to the public. Two secondary vehicular accesses are located off Devenish Road which runs along the west boundary of the school. The northern-most access point leads to a staff car park and the southern-most access point leads to Charters Leisure Centre at the south west corner of the site. Playing fields and car parking also lie within an area of land on the northern side of Charters Road opposite the school.
- 3.3 The site is located within a semi-rural area and lies within the Green Belt. There are residential properties located to the south and west. To the north of the school buildings is Heathermount School – a private school for children with special needs.

4. KEY CONSTRAINTS

4.1 Green Belt

TPOs

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Relevant History

- 5.1 Planning permission was granted for a new sports hall (GIA 2166.5m²) on a similar siting under planning application ref: 10/00544/FULL. This was then renewed under planning application 13/00424/FULL. Neither permission has been implemented and it is noted that these earlier proposals were for a sports facility to be used by the school rather than the community. Planning permission has been granted under planning application ref: 17/01222/FULL for a two storey teaching block (now known as the STEM building). This development has recently been constructed.

Current facilities/arrangement

- 5.2 As stated above, there is an existing leisure centre within the western part of the school site which is used by both the school and the local community. The leisure centre comprises a sports hall (4x badminton courts/1x netball/basketball court), a dance studio and 2 squash courts. The submitted facilities statement sets out that this leisure facility is for school use only on days when the school is in operation and on these days the public has access to the facilities from 4.30pm onwards. These facilities deliver the PE curriculum alongside the external playing areas which includes tennis courts, netball courts, all weather pitches and playing fields.

The proposal

- 5.3 The proposed leisure centre (GIA of 3,840m²) is to be located on the existing tennis courts of the Charters School site. The new leisure complex would be sited to the north-east of the existing complex of school buildings, to the north of the newer tennis courts and to the west of the all-weather pitch. The building would be sited close to the vehicular entrance point off Charters Road on the northern part of the site.
- 5.4 The proposal is for a leisure centre comprising an 8-court sports hall, 6 lane 25m swimming pool, 60 station gym, a dance studio and associated changing facilities, café and reception area. The leisure centre is for a dual use by both the school and the local community and would be open from 6am to 10pm Monday to Saturday and 7am to 9pm on Sunday.
- 5.5 The proposed development is arranged in three main sections, the swimming pool and gym building (the western part), the sports hall building (the eastern part) and a link block containing the entrance and reception area which links the two main buildings. The two main buildings are approx. 11.8m – 12.5m in height (depending on where there are measured from surrounding ground levels). The building would have a depth of between 19.5m and 20.5 and a width of 37m.
- 5.6 To facilitate the proposed leisure centre, an extension is proposed to the existing car parking area to the north of Charters Road, opposite the school. Additionally, the secondary vehicular access off Devenish Road which leads to the existing leisure centre is to be widened and this car parking area increased.
- 5.7 During the school day the proposed sports hall (the east section of the leisure centre) would be for use by the school only and the gym, dance studio and swimming pool (the west section of the leisure centre) would be open to the public. Outside school hours the whole facility would be open to the public.
- 5.8 The application has been accompanied by various plans and supported documents including:

- Planning Statement including case of Very Special Circumstances
- Sequential Test (including Impact Assessment)
- Needs Assessment
- Design and Access Statement
- Transport Report
- Ecological Appraisal
- Draft Landscape Strategy
- Noise Assessment
- Tree Report
- Drainage Assessment
- Lighting Assessment
- Statement of Community Involvement
- Facilities report

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Highways	P4 and T5
Trees	N6, N7
Green Belt	GB1 and GB2
Leisure	R8
Flood Risk	F1
Community Facilities	CF2

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Gaps between villages	EN1

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 4- Decision-making
- Section 8 – Promoting Healthy and Safe Communities
- Section 9- Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land
- Section 14- Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Trees, Woodland and Hedgerows	NR2
Nature Conservation	NR3
Makes suitable provision for infrastructure	IF1
Community Facilities	IF7

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

7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Indoor Sport and Leisure Facility Strategy 2016-2021
- RBWM Infrastructure Delivery Plan 2018
- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

42 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.02.2019 and the application was advertised in the Local Press 14.02.2019

167 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. The development will give so many opportunities for students of Charters School	Sections i & viii

2.	The development will play an important part in education	Sections i & viii
3.	Exercise and fitness are crucial to the health and well-being	Sections i & viii
4.	The facility would be easily accessible to many people, young and old	Sections i, iv & viii
5.	Access to a swimming pool especially brings great benefit to the school and community	Sections i & viii
6.	It would be beneficial to local residents to have a leisure centre on their doorstep rather than driving to Windsor Leisure Centre, Bracknell or Camberley	Sections i & viii
7.	The extra indoor space will be invaluable for the school. Whole school assemblies are important.	Sections i & viii
8.	The facility could have a significant impact on child obesity rates in the area	Sections i & viii
9.	The Oaks would provide top quality holiday clubs for children	Sections i & viii
10.	The south of the Borough suffers from a lack of facilities, especially a good swimming pool	Sections i & viii
11.	Whilst there will be an increase in traffic the proposal would result in significant benefits to the community	Sections i, iv & viii
12.	The proposal will offer low cost facilities for the youth in the community, increasing physical and mental health	Sections i & viii
13.	The current leisure centre has limited facilities and opening hours due to school usage	Sections i & viii
14.	New housing and increased population in the Ascot area over the past 20 years means that the Council needs to increase school places and local facilities	Sections i & viii
15.	The facility will be good for older children/teenagers to access without parents having to drive them further afield	Sections i & viii
16.	There is hope that the income will be beneficial to the school	Sections i & viii
17.	Whilst the site is in the Green Belt there are very special circumstances in this case	Sections i & viii
18.	Children need somewhere to go in Ascot other than parks.	Sections i & viii
19.	The local community would be able to walk or cycle to the facility	Section iv
20.	The building is beautifully designed and will be attractive in the landscape	Section ii
21.	The Borough has invested money in the new centre at Braywick for the residents of Maidenhead. It would be amazing if the same could be done for the residents of Ascot, Sunninghill and Sunningdale	Section viii
22.	Local private gyms are overpriced	
23.	A better sports facilities would help those children and adults with education needs, mental health problems, emotional and social difficulties and depression	
24.	The new facility will help strengthen the PE curriculum and after-school opportunities at Charters School	

6 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The proposed development isn't needed or particularly wanted	Sections i & viii
2. Charters School already has sufficient sporting facilities which are bought and paid for and do not need upgrading. (Charters school had an un-used pool not that long ago)	Sections i & viii
3. More importantly Sunningdale has little affordable housing to rent or buy. The issue of housing needs to be addressed first.	Not a material planning consideration
4. The funds available for this project should be spent elsewhere in the Borough on other more needed projects, including maintenance of roads and pavements	Not a material planning consideration

5.	The traffic issue is a major one. Sunning Avenue suffers from parked cars and litter from children. The junction from Sunning Avenue to Devenish Road is dangerous	Section iv
6.	Residents are already impacted by noise, traffic and floodlights which will get worse. What are the opening times?	Sections iii & iv
7.	Why isn't the money being spent to upgrade existing facilities. What about an outdoor athletics track rather than more indoor gym facilities?	Sections i & viii
8.	This building would result in the closure of the existing leisure centre and further expansion of the school	Sections i & viii
9.	Management of drop off traffic at Charters School and indiscriminate parking has a detrimental impact on highway safety and the proposed facility will increase problems.	Section iv
10.	The opening times of the leisure are not restricted in any way to avoid conflict with school opening times	If the application were to be considered favourably this could be controlled by a facilities management agreement
11.	The on-street parking spaces are not being removed and replaced with yellow lines which residents had been advised would happen	Section iv
12.	There is no suggestion of the introduction of parking marshalls	Section iv
13.	The drawings show an access way across the bellmouth of the residential property, Charters.	Section iv
14.	There isn't enough parking proposed for all the facilities combined with the staff parking resulting in an overspill to neighbouring residential roads.	Section iv
15.	A new drop off area on Devenish Road will result in major traffic and congestion problems	Section iv
16.	There is no mention of improving the local bus service	Section iv
17.	A new leisure centre should not be built in a residential area	Sections i, iv & viii
18.	A swimming pool is not needed when there are swimming pools in Windsor, Bracknell, Camberley and Wokingham	Sections I & viii
19.	Charters School is having to reduce its weekly academic hours due to cost constraints so the money would be better spent on the school	

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections – updates to drainage strategy required	Section vii
Sports England	No objections relating to loss of playing pitches. The proposal for a new leisure centre is supported in principle.	Section i

Consultees

Consultee	Comment	Where in the report this is considered
Sunningdale Parish Council	The Parish Council agree with this application in principle, however there are a few aspects of the application which require further information or analysis.	Section i
Sunninghill and Ascot Parish Council	Two main issues: Impact on the Green Belt and constraints on future growth of school <ul style="list-style-type: none"> • With the level of development on site already 	Section i & viii

	<p>proposed development may not have adverse impact on Green Belt but special circumstances are required and have been provided</p> <ul style="list-style-type: none"> • Other private schools in the area (also in the Green Belt) have had applications for swimming pools and other recreational facilities approved. Charters should be given the same considerations • The facility has the added bonus of being open to residents too • The south of the borough has been poorly served by recreational community facilities. Ascot, Sunninghill and Sunningdale deserve the same as Maidenhead and Windsor. • There is a need for the local population to keep healthy and active 	
Highways	No objection subject to condition	Section iv
Trees	Initial concerns raised in relation to impact on off-site and on-site trees. These objections have overcome by submission of amended plans and updated Arboricultural reports	Section v
Ecology	Initial objection raised relating to impact on Great Crested Newts and inadequate surveys now overcome through the submission of adequate and updated survey. No objection subject to condition.	See section vi.
Environmental Protection	No objection	Noted
Thames Valley Police	None received at time of drafting report	Noted
Education Officer	No objection – further clarification required as to how the facility will be shared between the school and the public	Noted

Others

Group	Comment	Where in the report this is considered
SPAE	<p><u>Supportive in principle.</u> Could deliver benefits for Charters School and the Local Community. <u>However the facility is located in the wrong location giving rise to traffic impacts and impact on the Green Belt.</u></p> <ul style="list-style-type: none"> (i) The community engagement received feedback from only 127 people. 13% raised traffic and parking concerns. (ii) High level of congestion on Charters Road/Devenish Road at the start and the end of the school day. (iii) Charters Road used as a rat run and fast moving traffic (iv) Currently no dedicated cycle routes (v) Footpath on only one side of the road (vi) Bus services infrequent/Train station some distance away. Accessibility poor (vii) Only limited cycle parking has been provided (viii) Current on-site parking does not meet current demand (ix) On street parking in surrounding residential roads high (x) Travel plan has had to rely on generic data (xi) Transport statement focusses only on additional traffic not taking into account existing issues 	See main report

	<p>(xii) Whilst there are 101 new parking spaces only 64 are dedicated for leisure centre users</p> <p>(xiii) Shared parking could be an issue unless properly managed</p> <p>(xiv) Stronger wording needed in the parking management strategy</p> <p>(xv) New parking on north side of Charters Road would impact the Green Belt</p> <p>The proposal would result in the loss of 44 trees including 19 category B trees.</p>	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i Principle of Development

Whether the development is inappropriate development in the Green Belt and whether there is any other harm to the Green Belt

Need for Leisure Facilities

Need for facility for Charters School

Whether there is a loss of open space

ii Impact on the Character of the Area

iii Impact on Residential Amenity

iv Parking/Highways considerations

v Trees

vi Ecology

vii Flooding/drainage

viii Case for Very Special Circumstance (VSC) including alternatives considered

i. Principle of development

Green Belt - Is the proposal inappropriate development

9.2 Paragraph 143 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 144 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt and that "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

9.3 The proposal is for a new leisure centre building within the Green Belt. Paragraph 145 of the NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions.

9.4 Adopted Local Plan policies GB1 and GB2, whilst dated, largely reflect the national Green Belt policy position by only allowing a few certain forms of development, other than in Very Special Circumstances. Policy SP5 of the Borough Local Plan submission version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against

inappropriate development and that permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.

- 9.5 Paragraph 145 of the NPPF allows for a few limited exceptions to the general presumption against development within the Green Belt. Exception (g) is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt than the existing development. Whilst the application site can be deemed to be previously developed land as it comprises tennis courts, hard-surfacing and a small bungalow, the redevelopment of the site with a sizable leisure complex (size detailed in paragraph 5.3-5.5 above) must be said to have a greater impact on the openness of the Green Belt than the existing development due to the introduction of a new large-scale built development on an area of land predominantly free from buildings. The proposal does not therefore comply with paragraph (g) or any of the other exceptions listed in paragraph 145 of the NPPF and therefore the development as a whole is inappropriate development in the Green Belt to which substantial weight is attached in accordance with paragraph 144 of the NPPF and adopted and emerging local policy.

Impact on openness

- 9.6 It is commonly accepted that two assessments need to be carried out when considering the impact on openness of the Green Belt; a) the spatial impact on openness and b) the visual impact on openness. The first assessment is perhaps more straightforward, particularly in this case when comparing a site which is largely open but hard-surfaced and contains only one bungalow to a development with a footprint of approx. 2,975m² and a height of approx. 11.8m-12.5m. It therefore has to be concluded that the proposed development has a greater spatial impact on the openness of the Green Belt than the current development. The visual impact on openness assessment goes beyond this spatial or volumetric assessment and is primarily concerned with how the proposed development would be viewed, i.e. it's positioning within the site in relation to other buildings and boundary treatment and whether any long-distance views will be affected. In this case it is noted that the proposed building would be sited immediately adjacent to the existing cluster of school buildings and therefore it would be viewed alongside an already built up site and as such, the visual impact may not be as great as if the proposed building were sited within a completely open piece of land. Having said this, the proposed leisure centre would be taller than the other buildings it would be viewed alongside, sited closer to the road and to the more open part of the site to the east (the playing fields) and therefore by virtue of its positioning and relationship with surrounding development and landscape it would appear visually prominent. As such, it is concluded that the proposed development would significantly harm the openness of the Green Belt both in spatial and visual terms.
- 9.7 Paragraph 134 of the NPPF states that the Green Belt serves five purposes. It is considered that the proposed development would conflict with the second purpose of the Green Belt which is to prevent neighbouring towns from merging into one another. The extension to the existing parking area on the north side of Charters Road would be located within a 'gap between villages' as defined by policy NP/EN1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. These gaps are identified as being important to protecting the semi-rural, non-urban character of the area. The additional hard-surfacing within this area to facilitate increased parking and vehicular movements would reduce the openness of this part of the site and therefore result in a loss of openness between the two villages of Sunninghill and Sunningdale. Additionally, the proposal would also conflict with the third of these five purposes, which is to assist in safeguarding the countryside from encroachment as the development would be sited on a predominantly open piece of land increasing the sprawl of the school buildings into the open countryside.
- 9.8 In summary the proposals are contrary to paragraphs 145 and 146 of the NPPF, Local Plan policies GB1 and GB2(a) and Policy SP5 of the Borough Local Plan submission version because the proposal would result in harm by virtue of inappropriateness, harm to openness and conflict with two of the five purposes of the Green Belt. **This collective harm to the Green Belt is afforded substantial weight in accordance with paragraph 144 of the NPPF.** It is therefore necessary for the Local Planning Authority to consider whether Very Special Circumstances

(VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail towards the end of the report (Section viii).

Leisure Facilities

- 9.9 Policy R8 of the adopted Local Plan states that the Borough Council will permit development for public or private recreation use except where such development would result in significant environmental or highway problems or where it would conflict with any other policies of the plan. In this case there is a clear conflict with Green Belt policy and therefore the proposal is not supported by adopted policy R8. However R8 is given limited weight due to its age and inconsistency with the NPPF.
- 9.10 Turning to the Borough Local Plan Submission Version policy IF6 specifically recognises the need for new sports and leisure development at Braywick Park to replace the Magnet Leisure Centre. (Indeed planning permission has been granted for such a facility even though the BLP only carried limited weight at the time of determination due to the Very Special Circumstances surrounding that particular case). Policy IF7 of the BLP states that new community facilities should be provided in accessible locations and that proposals should demonstrate that there is a specific need for the facility in the local area.
- 9.11 Section 8 of the NPPF establishes the importance of promoting healthy communities through the planning process. It recognises that the planning system plays an integral role in facilitating social interaction and delivering robust, healthy and inclusive communities. Relevant to this application are those elements of section 8 that talk of the delivery of social, recreational and cultural facilities and services the community needs. To do this the NPPF explains that planning policies and decisions should (inter alia): *“Plan positively for the provision and use of shared space, community buildings (including meeting places, sports venues and cultural buildings) and other local services to enhance the sustainability of communities and residential environments”*
- 9.12 Furthermore, paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantities or qualities deficits or surpluses) and opportunities for new provision.
- 9.13 As such, emerging policy IF7 would appear to be largely consistent with the NPPF in that they both imply that a need for new leisure facilities must be established. Whilst the proposal would result in a facility which would promote the health and well-being of the local community, no established need has been recognised for such a facility in the south of the Borough through either the adopted Local Plan or the Emerging Borough Local Plan. If there had been evidence for an identified need, such a sports facility would have been planned for within the emerging Borough Local Plan which due to its date is based on up-to-date evidence. At this point it should be reiterated that the English Planning system operates a plan led system and that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst this matter will be explored further as part of the VSC assessment where consideration of other supporting evidence such as the Indoor Sports Facilities Strategy 2016-2021 and Infrastructure Delivery Plan 2018 will be made, at this stage in the assessment it can be concluded that there is no policy support for the proposed leisure facility.

Need for facility for Charters School for educational purposes

- 9.14 Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Furthermore, it states that LPAs should give great weight to the need to create, expand or alter schools.
- 9.15 In this case, the proposed development is said to be a dual use facility both for use by the school and the local community. The Planning Statement sets out that the facility will bring about vast

educational benefits to school, both through the updating and expansion of the sports facilities which would aid in delivering the PE curriculum and providing extra curriculum opportunities for students, but also the additional sports hall space is needed to free up the school hall for examinations and large assemblies. It is advised that this is vital given the shift from coursework to exam based assessments for pupils. The Council's education officer has not objected to the proposal, nor has she advised that there is an underlying need for the facility either in terms of delivering the PE curriculum or in order to overcome accommodation pressures. Furthermore the need for these additional facilities is not required or referred to in any of the school's Ofsted Inspection reports as being need to meet a statutory requirement. As such, given there is no recognised need for the facility for educational purposes the 'great' weight referred to by paragraph 94 of the NPPF should be reduced accordingly to only **limited weight**.

Loss of open space

- 9.16 The siting of the new leisure centre and associated car parking would result in the loss of existing tennis courts and a small area of playing field, as such the proposal can be said to result in the loss of open space. Policy R1 of the adopted local plan refers to the protection of urban open spaces and therefore has little relevance to the proposal which would result in loss of open space in the Green Belt.
- 9.17 Policy IF4 of the emerging Borough Local Plan states that existing open space in the Borough will be protected maintained and where possible enhanced to make open space more usable attractive an accessible. The emerging policy is considered to carry significant weight at the current time.
- 9.18 The NPPF defines open space as '*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*' Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless, a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirement; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use.
- 9.19 In this case the proposed leisure centre building would result in the loss of the existing tennis courts, and the extension to the parking area to the north of Charters Road would encroach onto the school's existing playing fields. These areas of open space are used predominantly by the school however there is public access to the tennis courts in the evening. However, it is important to note that there is no objection from Sports England on grounds of loss of playing pitches in light of the facilities which are being provided. It is considered that the loss of open space can be justified in this case on the grounds of part c of para 97 of the NPPF considering the alternative provision which is being proposed. Whilst there is no policy conflict in this regard, neither is there an added benefit to the scheme which can be afforded any weight in favour of the proposal.

Principle of development conclusion

- 9.20 As such, to conclude this section of the report there is a fundamental objection to the application on Green Belt grounds. There is no established need for the facility to serve the local community set out in the adopted local plan or emerging borough local plan. The loss of the open space is accepted as the benefits of the proposed sports and recreational provision outweigh the loss of the tennis courts and small areas of playing field. The proposal may bring about educational benefits through the upgrading of existing sports facilities and creation of additional exam space for educational purposes however it has not been established that there is an underlying educational need for the facility. The proposal on the whole is therefore not supported in principle and its acceptability will therefore very much depend on the benefits put forward in support of the application and whether these individually or cumulatively would clearly outweigh the aforementioned harm and constitute Very Special Circumstances and whether there are any other material considerations which can be afforded due weight in the overall planning balance.

ii. Impact on Character

- 9.21 Policy DG1 of the Local Plan requires that new developments should promote high quality standards of design, be compatible with the established street scene and use appropriate materials. Furthermore, Neighbourhood Plan policy NP/DG3 (Good Quality Design) states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions shall not be permitted. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment. Both these policies are considered to be broadly consistent with those relevant parts of section 12 of the NPPF (Achieving well-designed places). Importantly paragraph 127c of the NPPF emphasises that developments should be sympathetic to local character and history including the surrounding built environment and landscape setting.
- 9.22 The site consists of a range of single and two storey buildings of red brick and white/yellow render, the most recent addition is the two storey teaching block (ref: 17/01222), which is the tallest of all the buildings on site. The majority of buildings are of traditional design and are set back from the road. The site frontage contains mature vegetation which largely screens the built development from the road as you approach the site from the east. Immediately to the front of the main entrance, screening is less and the site becomes more open but the building do not appear prominent due to their set back and low height. Mature screening also exists on the north side of the road. The character of the street scene is therefore semi-rural in nature with the built form not appearing dominant to the surroundings.
- 9.23 The proposed leisure building would be comprised of two main sections designed in a staggered layout, fronting Charters Road. The set back of the two main parts of the building would be 22m and 30m. The western most section of the building (comprising the swimming pool with dance studios and fitness suites above) would be the lower of the two buildings (approx. 11.8m in height), the eastern most section of the building (comprising the sports hall) would be slightly taller at 12.5m in height. The proposed building would be angular in nature with a flat roof. The scale of the proposed building is large compared to the existing buildings on site, indeed it would have the largest footprint and height compared to all existing buildings. Furthermore, the building would be sited further forward than the nearest building to the west, the dining hall block, and as such the proposed development would be highly visible when approaching the site from the west. Regarding the external appearance the proposed swimming pool building is to be clad in brickwork and the sports hall building would be clad in a lightweight metal cladding and render. The blocks would be adjoined together by a glazed link section comprising the reception area.
- 9.24 Given the height and external appearance of the building, it would appear to dominate the site because it would be viewed against the backdrop of the existing school buildings, which are more subservient in terms of their scale and height. Whilst the site is well screened from Charters Road, it is noted that there are gaps in the screening particularly in the vicinity of the proposed development, such that the proposal would be highly visible from the street scene. Changes to the access and parking arrangements on this side of the road would also result in some additional tree removal resulting in the building becoming more visible.
- 9.25 Whilst the proposed building appears to be of a high quality, innovative design and of a scale that is fit for purpose, due to its siting, mass and height, it would be a prominent feature in the vicinity which would appear at odds with the more traditional and subservient scaled buildings at the school site which it would sit alongside and to the existing semi-rural and leafy character of the street scene.
- 9.26 Looking at the wider area, beyond Charters Road, development is primarily residential and of 2 storey's in height and the character of the area remains sylvan in nature. Comparatively, the proposed development which a height range of 11.8 – 12.5m is more akin to a four storey development, unlike any surrounding development. As such, it is considered that the proposed building would be harmful to the character of the area.

- 9.27 Furthermore it should be noted that the extension to the existing parking area on the north side of Charters Road would be located within a 'gap between villages' as defined by policy NP/EN1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. These gaps are identified as being important to protecting the semi-rural, non-urban character of the area. The additional hard-surfacing within this area to facilitate increased parking and vehicular movements would reduce the openness of this part of the site. Whilst this has been identified in relation to Green Belt harm, this additional works and activity would also be harmful to the open character of the area.
- 9.28 To conclude this section of the report, it is considered that the proposed scale and external appearance of the building would not relate well to the more subservient school buildings which it would sit alongside and to the scale of buildings within the wider area and therefore it would appear as a prominent and incongruous feature within the street scene of Charters Road and the landscape in general, to the detriment of the sylvan character of the area. This harm is afforded **significant weight**.

iii. Impact on Residential Amenity

- 9.29 The proposed development is sited centrally within the site and is a significant distance from neighbouring residential properties to the west and south. Also taking into account the intervening tree screening along the site boundaries, the proposals would not result in loss of light or privacy for the occupiers of neighbouring residential properties, or appear over-bearing to the same.
- 9.30 The main impact of the proposal would be the noise and general disturbance from the planned increase in activity within the site, however given the distance from neighbouring properties and the proposed hours of use (which could be controlled by condition in the event of planning permission being granted) it is not considered that it would result in any undue harm to neighbouring occupiers. Impact for vehicular traffic on the highway network is discussed in the following section of the report.

iv. Parking/Highways considerations

Accessibility of location

- 9.31 The area has very limited public transport links. The nearest rail station is Sunningdale which is located approximately 1.3km east of the site. Bus routes 24, 24L and 500 provide a service for Charters School (services before and after the school day) and Route 1 provides hourly services to Ascot and Windsor during the week but only a total of 7 services on a Saturday. There are no services on a Sunday. It should be noted the bus stop is over 800m from the site and given the level of service provided, the bus is unlikely to be used by patrons of the leisure centre. Therefore, the site is deemed to be in a poor accessible area and due to the location of the site and the lack of public transport services, a high vehicle trip generation is envisaged.
- 9.32 The proposal comprises a town centre use within a semi-rural location which suffers from poor accessibility and would therefore increase reliance on the private motor car. The location of the proposed leisure centre in this location would go against the aims of paragraph 103 of the National Planning Policy Framework which advises that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. As such, notwithstanding the comments below on highway safety, the Planning Authority has a fundamental concern with the proposed location of the facility. This harm is afforded **significant weight**.

Highways Assessment

- 9.33 From a highway safety point of view, the NPPF advises at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Additionally, all developments that would generate significant amounts of movements should be required to provide a travel plan and the application should be supported by a transport assessment to assess the likely impacts. Both documents have been submitted in support of the application along with a Car Park Management Plan and a Delivery and Servicing Plan. These technical reports have been analysed by the Highways Officer.

Access Arrangement

- 9.34 Charters Road is a local access road which connects the site to the wider highway network to the north-west via the A330 Devenish Road and to the south via the A30 London Road. The section of Charters Road in the vicinity of the school is subject to a local 30mph speed restriction and is lit. It has a carriageway width of 5.0m with a 1.2m wide footway nearside and 2.0m verge opposite.
- 9.35 Charters School has vehicle accesses on Charters Road and Devenish Road. On Charters Road, there are two separated vehicle accesses: a one-way inbound / outbound access used as a pupil drop-off loop and a one-way inbound / outbound access for the staff and visitor car park. This drop-off loop also accommodates the school buses. Two access points are located on Devenish Road. The northernmost point provides access to a staff car park and the southernmost to the sixth form / Leisure Centre car park.
- 9.36 Pedestrian access is provided via footways at all accesses except for the access to the staff car park at Devenish Road. Footways are present on Charters and Devenish Road. From the information provided the existing vehicular and pedestrian accesses will be retained. The proposals will not affect the existing access arrangements, crossing facilities or visibility splays therefore this is acceptable in highway terms.

Parking Provision/requirement

- 9.37 Parking restrictions in the form of double yellow lines operate within the area to prevent indiscriminate parking. 'School Keep Clear' markings extend across the vehicular accesses to the school on Charters Road. Two marked parking areas are located between the 'School Keep Clear' marking in front of the school on the southern side of the road. The two areas can provide parking for seven vehicles and allow parking for two hours on weekdays between 08:00 – 16:00 with no return within two hours.
- 9.38 Charters School is a secondary school with a sixth form which has 1654 pupils and 238 members of full/part time staff. The information provided suggests the number of pupils is to increase to 1,825 by 2021. The current leisure centre is used by the school throughout the day until 16:30, at which time it becomes available to the public. The site currently has 3 parking areas accommodating 201 spaces and a drop off facility for parents accommodating 10 vehicles with a separate running lane.
- 9.39 The proposed leisure centre will provide and generate a parking demand for;
- 1 8 court Sports hall 1,456m² – 49 spaces (1 per 30sqm)
 - 2 25m Community swimming pool 560m² – 17 spaces (1 per 30sqm)
 - 3 Gym 266m² – 9 spaces (1 per 30sqm)
 - 4 Dance studio 144m² – 5 spaces (1 per 30sqm)
 - 5 Spinning 41m² – 2 spaces (1 per 30sqm)
 - 6 Social and public 220m² – 8 spaces (1 per 30sqm)
- 9.40 To comply with the Local Authorities current Parking Strategy the new leisure centre generates a demand for an additional 90 car parking spaces.
- 9.41 The site will provide 5 parking areas and will accommodate an additional 90 parking spaces including 6 disabled bays and 6 electric charging bays immediately to the front of the leisure centre building. This additional level of parking is accepted.

	Existing Parking	Proposed Parking	Net
Area 1 school only	49	20	-29
Area 2 Drop off / pick up	10	12	+2
Area 3 Leisure centre / school	63	133	+70
Area 4 school only	87	112	+25

Area 5 Leisure centre	0	22	+22
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- 9.42 Additional information submitted by the applicant identifies that visiting mini-buses will be accommodated within the site's parking provision and that on-site parking will be managed to ensure school visitors do not park in leisure centre bays and vice versa. This is explained in the Car Park Management Plan which could be conditioned in the event of planning permission being granted.

Traffic Generation

- 9.43 Due to the location of the site and the lack of public transport services, a high vehicle trip generation is envisaged. However, the surrounding area benefits from footways along both sides and uncontrolled crossing points.
- 9.44 It is a material consideration that Charters School currently has a leisure centre which is open to the public from 4:30pm to 11pm during the week and from 9am to 6pm during weekends (this existing dual use facility includes a 50-station gym, a 4-court sports hall and all-weather pitch).
- 9.45 The trip generation exercise for the proposed development suggests that 53 two-way vehicle trips would occur in the morning peak period (10:00 – 11:00) and 107 two-way vehicle trips during the evening peak period (18:00 – 19:00). Traffic generated by the local community using the new leisure centre is considered to occur outside peak traffic hours and will not conflict with the school peaks (8:00 – 9:00 and 15:00 – 16:00). It is also considered that these additional daily vehicle movements can be accommodated on the local highway network.
- 9.46 Results of speed surveys and traffic counts taken over a 5-day period have been analysed and from the data, the leisure centre peak flows are very low compared to the school peaks. With the inclusion of the predicted traffic flows for the leisure centre, the worst-case figures are not considered to have a severe effect on the local highway network to warrant a refusal. In summary the traffic generated by the local community using the new replacement leisure centre will occur outside peak periods and will not conflict with the school peaks. As such, there is no objection on grounds of highway safety as a result of increased traffic generation. (The data shows the majority of vehicle speeds are above 30mph. This however is a police matter and should not be a reason to refuse the application.)
- 9.47 The Highways Authority has advised that the proposed cycle parking provision in the form of 11 Sheffield stands providing 22 cycle parking spaces will be provided within the proposed car park (Area 5) is acceptable.
- 9.48 In terms of refuse provision, deliveries to the leisure centre are proposed to occur within the car park located adjacent to the new leisure centre building. The swept path analysis drawings confirm all vehicles will access from the eastern entrance off Charters Road in a forward gear. The delivery vehicles would then reverse into the dedicated bay located to the western boundary of the leisure centre building. The details submitted state all deliveries will be planned to ensure they are carried out, outside of the school peak hours and are met by a member of staff who will assist the delivery driver with manoeuvring.
- 9.49 To summarise, the proposed level of parking is sufficient for the proposed development, the proposed traffic generation is not considered to have a severe impact on the local highway network and the access arrangements are in accordance with regulations.

Travel Plan Assessment

- 9.50 A draft travel plan has been submitted in support of the application which aims to promote the use of sustainable transport modes. The travel plan is considered to satisfy the council's requirements regarding parking provision, drop-off/pick-up arrangements, level of cycle parking, assessment of walking, cycling and public transports routes to the site, travel by staff, leisure centre users and visitors (including deliveries), proposed travel plan measures and monitoring and maintenance. Whilst there are no objections to the aims of the Travel Plan to attempt to encourage other modes of transport this is not considered by the Planning Authority to be likely to

fully mitigate the significant harm caused by virtue of the unsustainable location and subsequent likely dependency on private motor vehicles.

v. Trees

- 9.51 The area around Charters school is characterised as ‘Settled woodland sands’ and is typified by a strong framework of mature mixed woodland, some of ancient origin, which merge into the urban structure resulting in the absence of clear ‘town and county’ boundaries.
- 9.52 The Tree Officer has analysed each area of development as shown in the Arboricultural Impact Assessment and provided specific comments in relations to each part of the development with regard to potential impact on trees. Following initial concerns raised by the Tree Officer, amended plans have been submitted.

Car park and access off Devenish Road

- 9.53 The tree officer initially raised concerns regarding the works to entrance way off Devenish Road which would have resulted in the loss of at least ten trees within the site and incursion into the RPA’s of the majority of the remaining trees. Amended plans have been received showing that works to this entrance way would now occur away from these trees thus alleviating these concerns. Furthermore, the parking arrangement in this location has been amended reducing the impact on T31 and T32.

Siting of the leisure centre building

- 9.54 Amended plans also show the omission of parking spaces close to T44, a mature oak tree which provides good screening of the location of the proposed development. The tree officer has advised that to ensure sufficient soft ground within the root protection area of this tree, a further two parking spaces should be re-located. It is considered that a revised parking layout could be requested to resolve this issue in the event that planning permission were to be granted.

Extension to car park – north of Charters Road

- 9.55 With regard to Area C (the car park on the north side of Charters Road) the extension of the car parking would result in the loss of up to 5 relatively newly planted trees, however these are poor quality and have been poorly maintained, and as such replacement planting between the car park and the playing field should provide mitigation. The proposed extension on the eastern aspect of the field car park will result in adverse pruning of several Willow trees, these are lesser quality trees but they provide a good screen from the traffic on Charters road. The car park extensions should be constructed using a cellular confinement system (CCS) to ensure that soft ground under the CCS remains relatively intact.
- 9.56 To summarise, the amended proposals would now not materially harm any important trees within the site and therefore the Tree Officer has removed his objection to the application subject to conditions. Updates are needed to the Tree Protection Plan and SuDs plan but it is considered that these could be dealt with by condition if the application were to be approved.

vi. Ecology

- 9.57 The application has been accompanied by a Preliminary Ecological Appraisal undertaken in November 201 and updated in June 2019 upon request by the Council’s Ecologist. In addition, a great crested newt (GCN) eDNA survey of the pond on site was undertaken in order to establish the presence/ likely absence of GCN from the pond.

Great-crested newts

- 9.58 The result of the GCN survey was negative indicating the likely absence of GCN from the on-site pond. The four off-site ponds could not be surveyed as they were located on private land and access was not possible. Three of the ponds were found to be separated from the site by a busy road and unsuitable terrestrial habitat, which were both considered to be significant barriers to

dispersal. One pond did not have significant barriers to the site and could potentially support GCN. However, the applicant's ecologist has stated that the majority of site is dominated by habitats which are not considered suitable for GCN. The only habitats which would provide suitable terrestrial habitat for GCN would be the tree lines and hedgerows, which are to be retained and protected during development.

- 9.59 Whilst the off-site ponds could not be surveyed, it is considered that even if they were to contain breeding GCNs, the nature and scale of the proposals mean it would not result in an offence according to the Natural England Licence Risk Assessment, which was applied and concluded that an offence is highly unlikely given the size and distance of the development from these ponds. However, as a precautionary approach, it is recommended that Reasonable Avoidance Measures (RAMS) be employed during works on site in order to avoid any adverse impacts on GCN and other amphibians should they be there. This includes the sensitive clearance of the pond, storing of any materials on hard standing area and closing trenches and holes overnight. If planning permission were to be granted for the proposal, the provision and implementation of appropriate RAM's would need to be secured by condition.

Other species

- 9.60 The bungalow, wooden shed and trees on site were recorded as having negligible potential to support roosting bats and it was concluded that the site offered little commuting and foraging habitat for bats. No evidence of badgers or setts were recorded on site and it was considered highly unlikely that reptiles, dormice, otters or water voles would be present on site given the habitat types recorded.
- 9.61 Although there were no badger setts or signs of badgers on site, it is possible that they could travel across the site from the surrounding area. The applicant's ecologist has provided recommendations within the ecology report to safeguard badgers during and after development. These include ensuring pipework and excavations will be covered at night and timing of the construction to avoid hours between dusk and dawn. In addition, appropriate planting to provide additional food resources for badgers could be incorporated into the landscaping plans. If planning permission were to be granted, the recommendations with regards to safeguarding badgers within the ecology report could be subject to condition.
- 9.62 The site may be used by nesting birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Works to the building roofs should be undertaken outside of the bird nesting season or, if that is not practical, areas to be cleared should be checked immediately prior to clearance by a suitability qualified ecologist. This could be referred to via an informative in the event that planning permission is granted.

Designated Sites

- 9.63 The site is within 5km of the Thames Basin Heaths Special Protection Area (SPA) and other statutory and non-statutory designated sites. However, given the proposals are for a new leisure centre and not residential, and given the scale of the proposals and distance from the site, the applicants ecologists considered that there will be no significant impacts on these designated sites as a result of development.

Biodiversity Enhancements

- 9.64 In order to compensate for the loss of habitats within the site and provide a net gain in biodiversity, in line with the above policies, the applicant's ecologist has recommended a number of biodiversity enhancements that should be included within the development proposal. These include new native tree and shrub planting, creation of a new wildlife friendly pond, installation of a green roof, installation of bird boxes on to retained mature trees and incorporation of a wildlife sensitive lighting scheme. The provision and implementation of an appropriate biodiversity enhancement scheme could be secured by a planning condition in the event that planning permission is granted.

vii. Flooding/drainage

9.65 The site lies within Flood Zone 1 and therefore is not at risk of fluvial flooding. However, the Lead Local Flood Authority have been consulted on the application given it is a major development and they have commented on the supporting information in the form of a drainage philosophy statement and a schematic drainage strategy. The Lead Local Flood Authority has objected to the application on grounds that various parts of the drainage strategy fall foul of the requirements. These matters cannot be dealt with via condition. Given that there is no in principle objection to the proposed drainage strategy, this harm is afforded **limited** weight.

viii. Very Special Circumstances

Harm to the Green Belt and any other harm

9.66 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to spatial and visual openness and harm to purposes must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. Also on this side of the balance is the harm to the character of the area, given **significant** weight; and the location of a main Town Centre use in an unsustainable and inaccessible location, also of **significant** weight, and the harm to flood risk/drainage which is afforded **limited** weight.

9.67 On the other side of the balance, the applicant has highlighted several considerations within the Planning Statement that need to be assessed to determine whether Very Special Circumstances exist to outweigh the harm identified above.

Educational benefits and need

9.68 The case of Very Special Circumstances sets out that Charters School is the largest secondary school in the Borough and it is said to be under increased pressure to expand to allow space for admission of pupils. The applicant states that the proposed development is considered to bring about many educational benefits as set out in pages 8-10 of the planning statement and summarised as follows:

- a. Under the proposal, the existing Sports Hall would be released back to the school for use as an examination hall, which is essential given the removal of coursework elements and would allow year groups to sit examinations together in compliance with legal student separation requirements.
- b. The proposal will allow for students to engage in physical activity and the proposed development would allow the school to provide a greater range of curricular and extra-curricular sporting activities.
- c. The school have a number of national swimming finalists who would be able to train at the proposed pool
- d. The proposal would enable the school to act as a community hub, providing more opportunities for student employment, work experience, coaching qualifications, apprenticeships, student coaching and leadership opportunities etc.

Student Need and Accommodation pressures:

9.69 The Case for Very Special Circumstances also sets out the various needs for students in terms of accommodation in addition to the aforementioned educational benefits. These are summarised as follows:

- e. The facility would help accommodate all of the students at Charters School in one place/room allowing whole school and year group assemblies.
- f. The number of students accessing PE and sports related facilities has increased at both 14-16 and post 16 however the existing school does not cater for all aspects of the sports and leisure related courses including additional changing facilities.
- g. Charters School is beyond reasonable capacity to deliver the courses expected as a high performing school with the reputation as an excellent Academy.
- h. The existing leisure centre cannot contribute appropriately to the sports related courses Charters offer to students in the 14-19 ages range

- i. There is a need to facilitate sporting opportunities to students with physical or mental learning difficulties

9.70 No objection has been received from the Council's Education Officer however the amount of time that the facilities are available to the school has been queried, and clarification is required as to how the facilities will be shared. On the whole the Planning Authority considers that it hasn't been demonstrated that there is an underlying need for additional sports hall space to alleviate accommodation pressures and to aid in the teaching of the PE curriculum. There would clearly be educational benefits arising from the provision of such a facility within the school grounds particularly for those pupils studying PE at a higher level and for those students taking part in extra-curriculum sporting activities. However, there is no established educational need for a swimming pool or indeed for 3,840m² of additional leisure facilities and furthermore, the additional educational benefits would only stretch as far as those pupils within the local area and is thus limited. Furthermore the need for these additional facilities is not required or referred to in any of the school's Ofsted Inspection reports nor are they a statutory requirement. As such only **limited** weight is given to the educational benefits/needs argument.

Need for a leisure centre

Need for a swimming pool

9.71 The Needs Analysis has identified that there is an undersupply of 61m² of water space in the borough which will be met when the new Braywick Park Leisure centre is completed and operational. This development has planning permission and is currently under construction. Once complete there will be no water space deficit within the Borough.

9.72 There is an argument that the two main public swimming pools within the Borough are within the north and therefore inaccessible for residents within the south of the Borough. The Needs Analysis sets out that public transport to these existing facilities from the south of the Borough is inadequate (indeed objections from residents have voiced the same concern). Sports England sets out that a maximum drive time of 20 mins to a leisure centre is acceptable for residents. It should be noted that it is only the very southern parts of the borough (parts of Sunningdale) where the drive time to Windsor Leisure Centre would be in excess of 20 minutes. Having said this, Bracknell Leisure Centre and Coral Reef, although outside of the Borough, would be less than a 20 minute drive for these residents in any case. As such, the existing public swimming pool provision within and outside the Borough would cater for the vast majority of residents in terms of meeting the 20 minute maximum drive time.

9.73 Additionally, there are other swimming pools within the south of the Borough such as The Marist, St Mary's School and St George's School in Ascot which are available for public use albeit on a more limited basis because they are school sites. The Planning Statement sets out that these school pools do not address the public need for swimming due to their limited size and/or availability, however considered in conjunction with other leisure centres within the Borough including the two main ones, Windsor Swimming pool and the Magnet (soon to be Braywick Park) and other leisure centres outside of the borough cumulatively they provide sufficient pool capacity to serve the residents of the Borough.

9.74 As such, whilst the proposed swimming pool is supported by Sports England and Swim England because of the added benefit it would bring to the local community, it cannot be said to meet an established need for a further swimming pool space within the Borough. Indeed it is noted within the Needs Assessment that Swim England stated that a 6 lane pool is *more than sufficient*.

Sports Hall

9.75 There are currently 15 sites within the Borough that offer sports hall provision, the largest three being at the Magnet leisure centre, Windsor Leisure Centre and Thames Valley Athletics club all of which are public and therefore their availability is not limited. There is also significant provision within close proximity outside the Borough (for example Bracknell Leisure Centre). Other sports halls are within educational establishments and therefore their availability is limited. However that would be the same as the proposed facility at Charters which is to be used by the school only

during the day and available to the public outside school hours. As such the argument that a potential need for full time sports hall provision within the south of the Borough would be met by the proposal is misleading.

- 9.76 Again the Needs Assessment identifies that the majority of sports hall provision is within the north of the Borough, in and around the town of Windsor and Maidenhead and that the addition of a sports hall would benefit those residents within the south of the Borough. It also sets out that there are several sporting clubs that would benefit from the additional sports hall facilities for their training needs.
- 9.77 An assessment undertaken as part of the Indoor Sport and Leisure Facility strategy actually states that there is a slight surplus in provision of sports hall space and that the existing supply does have capacity to meet demand (paragraph 3.11.4 of the RBWM Infrastructure Delivery Plan).

Fitness Suites

- 9.78 There are currently 8 health and fitness suites within the Borough with 20 or more stations that are available for community use and located within different areas of the Borough. A Latent Demand Report commissioned identified approx 28,000 adults aged 15+ within a 3 mile radius of the proposed facility which would support a gym of 96 stations. The report demonstrates that the facility would serve an affluent area and that there is no comparable facility within a 3-mile radius. Again this does not necessarily demonstrate that there is an underlying need for additional fitness suites within this location of the Borough.

Conclusion on need for facility

- 9.79 The Planning Statement argues that providing new and improved leisure facilities has been a strategic objective of the Council for many years and that extending the facilities at Charters School to provide a dual use facility has been identified in the Council's Indoor Sport and Leisure Facility Strategy 2016 – 2021. This evidence base document recommends to assess the feasibility and appropriateness of the on site development of a 6 court sports hall, a swimming pool and ancillary changing accommodation at Charters Leisure Centre because it is the only facility serving the south of the Borough and to meet education and community needs. It is important to note that the wording of this report says *if appropriate*. As stated within this panel report, that the development is not appropriate due to its location within the Green Belt and as such only limited weight can be given to comments within the Indoor Sport and Leisure Facility Strategy 2016 – 2021. Furthermore, a more updated document, the Infrastructure Delivery Plan (updated 2018) does not include any provision for a new leisure facility within the south of the Borough, stating that the infrastructure requirements are being met through the approved new facility at Braywick Park and intended upgrading of Windsor Leisure Centre, Furze Platt Leisure Centre and Cox Green Leisure Centre.
- 9.80 It should be noted that the statistics show that 45% of the Borough participate in sport compared to 38% nationally and as such it could be argued that residents within the Borough have sufficient leisure facilities on hand in order to participate in sports at a greater level than the national average.
- 9.81 Whilst the proposed facility is supported by Sports England, they do not categorically state that there is an underlying need for the facility. Furthermore, whilst the Borough Local Plan is not accorded full weight at this stage, it provides guidance from Sports England relating to the standards of provision for sports and leisure facilities. The emerging Borough Local Plan does not plan for an additional leisure facility within the south of the Borough.
- 9.82 It remains the case that the proposed development of a new leisure facility at this location is not supported by adopted or emerging policy. Furthermore, as can be seen from above neither is it made clear in supporting evidence based documents that there is a need for it in the foreseeable future. The Planning Statement and Needs Analysis Report sets out that there is a demand for a swimming pool, sports hall and fitness suites within the south of the Borough, however when consideration is given to the existing facilities within the borough as a whole (and those in close

proximity just outside the borough), it is clear that this demand does not stretch to an underlying planning need. This argument is further supported by the fact that the proposed facility would only serve a population of 18,000 (only 12% of the Borough). Given the findings above the need for the facility is only given **limited** weight.

Community Benefits and Need

- 9.83 The community benefits are summarised broadly within the Planning Statement pages 11-12 and in more detail within the supporting Needs Analysis Report. The key points are summarised below:
- j. There is no leisure facility within the area (the southern part of the Borough) to cater for the local community meaning that local residents have to travel a significant distance or not attend.
 - k. The proposed facility seeks to serve three wards and a population of 18,274 against a Borough wide population of 150,140 (based on 2017 population projections). There is an imbalance of opportunities between residents in the north and south of the Borough which the proposal seeks to address.
 - l. The building can be used for other types of community uses and given its size could host larger events to serve the wider community.
 - m. Planning permission was granted for a dual use school and community facility at the Marist School on VSC which has only limited community benefits compared to the current proposal.
 - n. When not in use by the school the facility will be open to the community during the day as well as at evenings. The existing leisure centre is at full capacity. As well as use by the general public the facility can be used by other groups within the local community including other schools and sports clubs.

Health and Well-being

- 9.84 The case for Very Special Circumstances emphasises the great importance that is placed on the health and well-being of people. The NPPF recognises the role that planning plays in facilitating social interaction and creating healthy, inclusive communities (paragraph 91). It specifically states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles especially where this would address identified local health and well-being needs, for example through the provision of sports facilities. The NPPF also, at paragraph 92, advocates positive decision making in planning for shared space and community facilities, including sports venues, in order to enhance the sustainability of communities and residential environments.
- 9.85 Whilst it is concluded by officers that there is not an underlying need for the sports facility in the Borough, it is still possible for it to bring about added benefits to the community in terms of health and well-being and social interaction. It is considered that because the facility would only serve 12% of the population of the Borough, the community benefits associated with the scheme cannot be afforded as much weight compared to a facility that were sited in a more accessible and densely populated area of the Borough such as Windsor or Maidenhead. As such the community benefits arising from the proposal are only held in **moderate** weight.

Sequential Test

- 9.86 The submission of the sequential test in support of the application was sought for two reasons; a) it was required to demonstrate that there are no other alternative suitable site outside the Green Belt or in less sensitively located areas of the Green Belt to locate the facility; and b) because the proposal is for a town centre use.
- 9.87 As way of a policy background, paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are

neither in an existing centre nor in accordance with an up-to-date plan (it should be noted that the proposed leisure centre constitutes a main town centre use as defined within Annex 2 of the NPPF). This advice necessitates Local Planning Authorities to require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are still not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Furthermore, paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities, should require an impact assessment if the development is over 2,500m² (where there is no locally set threshold). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on a) existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal or b) town centre vitality and viability, it should be refused.

9.88 The applicants have submitted a sequential test (which includes an impact assessment). Whilst the development is for a dual use with the school thus requiring the leisure centre to be sited at Charters School, it is also to serve the local community (namely the settlements of Ascot and Sunningdale (including Sunninghill)). Therefore the geographical area of the sequential test includes the built up areas of Ascot and Sunningdale (broadly aligning with the neighbourhood plan area), but includes other potential sites which might fall outside this area but might be sequentially preferable. Generally, sequential testing for town centre uses should look at a catchment area around the existing town centre which in the case of the Borough would be Windsor or Maidenhead, however it is a specific requirement of the proposal that it is to serve the settlements of Ascot, Sunningdale and Sunninghill which are District Centres rather than towns and therefore the proposed area which has been tested is considered reasonable for this application. Having said that, it is considered that the centre of Ascot should be the starting point for the sequential testing given that it is the largest out of the three District centres. This methodology has not been adopted by the sequential test (it is stated that in this case the centres are too small to have any obvious distinction between town centre and edge of centre) and instead the sequence applied to the sequential testing is within settlement followed by outside settlement.

9.89 Sites of a minimum of 0.8ha in area (the size of the application site) have been identified following a review of the following to enable site selection:

- o. of all existing and proposed local planning allocations including those within the neighbourhood plan;
- p. all promotion sites included within the 2016 HELAA;
- q. on the ground investigation of the whole assessment area; and
- r. review of on-line land data bases.

9.90 A table of 9 available sites of greater than 0.8ha have been identified within Appendix 1 of the applicant's sequential Test, all of which are concluded to be both unachievable and unsuitable, many of the sites allocated for residential development. These listed sites have been cross referenced with those in the Council's HELAA (2018) and can be found listed within Appendix C (Employment, Retail and Other Use Sites) and Appendix D (Site Assessments Sunningdale and Sunninghill and Ascot). There is an expectation however that the applicant should go beyond those sites listed within the HELAA. The Sequential test report shows that one additional site was identified through site investigation. Regarding land search, the report states that on-line search options have been assessed and show no further sites beyond those already identified however there is no actual evidence of this. Furthermore, it is considered that the commentary relating to these 9 sites is insufficient in detail, indicating that these alternatives have not been properly explored, particularly those sites close to the centre of Ascot which would be preferable due to their accessibility. As such, it is considered that the sequential test does not sufficiently rule out potential available sites which could be more suitable for the siting of a leisure centre to serve residents within the south of the Borough.

9.91 The two major centres within the Borough are Maidenhead and Windsor and the Impact Assessment explains that given these centres have facilities comparable or better than those being proposed and closer to their respective centres there would be no reason for the proposed facility to draw users in any meaningful numbers from the existing centres. It is stated that the proposal is not intended to offer an alternative provision but to provide a facility to those residents who currently live within the catchment area of the intended facility. Furthermore, in terms of the smaller centres of Ascot, Sunninghill Cheapside and Sunningdale, there are no leisure facilities in these centre to compete with. This Impact Assessment is not based on any formal assessment or evidence. It could be argued that the residents which the intended facility is to serve do indeed travel to Windsor, Maidenhead or Bracknell to use the existing leisure facilities available to them and if the new centre were to be provided it may have an impact on the existing facilities within the Borough centres. The wording of paragraph 90 of the NPPF states that only if a proposal is likely to have a *significant adverse impact* on an existing centre should it be refused. In this case given the scale of the proposed leisure centre it is concluded that it would unlikely have a significant adverse impact.

Environmental Sensitivity

9.92 The fact that the site avoids environmentally sensitive sites is put forward as an important consideration. The lack of harm arising from the proposed development to important sites such as Special Areas for Conservation (SAC), Special Protection Areas (SPA) etc. is something that is required by planning policy and not something that is afforded additional weight in the planning balance.

High Quality Design

9.93 As above, high quality design is something that is required by planning policy and not something that can be afforded additional weight in the planning balance.

Efficient Use of Brownfield Land

9.94 Section 11 of the NPPF concerns the effective use of land. Whilst the site is considered previous developed land, it is still in the Green Belt and therefore its redevelopment is not considered to have the same benefit as the re-use of brownfield sites in settlement areas and a need for the development at this site has not been sufficiently demonstrated. No weight is afforded to this consideration.

Precedent

9.95 The Planning Statement outlines various cases where planning permission has been granted for new indoor leisure facilities both within and outside the Borough as examples of similar development. These examples have been assessed by the LPA and our own assessment of their comparability/relevance is provided:

Site	Proposal	Relevance/Comparability
The Marist, Ascot	Planning permission granted for a dual use facility of 1,491 sq.m.	Within Green Belt Principally school facility and therefore sequential test not required. Limited community use. Half scale of proposed development at Charters therefore less harm to GB. More sustainable location. VSC demonstrated based on educational need.
Braywick Leisure Centre	Relocation of council run leisure centre from sequentially preferable town centre site to edge of centre site. Circa 9,500	Within Green Belt. VSC included the need for the facility, existing location no longer provide appropriate facility. Sequential testing carried out. Would be the main leisure centre to serve Maidenhead, existing in need

		of replacing, evidence base in form of emerging Borough Local Plan, indoor and outdoor facilities strategy and infrastructure delivery plan support. Substantially more sustainable location.
Winchester River Park	Relocation of Council run leisure centre	Outside Green Belt Of limited relevance as site not in Green Belt. Also relocation of existing facility not new.
RAC Club Woodcote	New indoor facility. Private members club. Circa 3,700 q.s.m (similar scale to proposal)	No sequential testing. VSC based around benefits to members. No community use. Not within Borough. Redevelopment of existing sports centre rather than new.

9.96 The Council's assessment in the right hand column in bold shows that these examples are either of little relevance to the current proposal or are not comparable. In particular it should be noted that there is a clear difference between the current proposal and that for the relocation of the Magnet Leisure Centre to Braywick Park. In the case of Braywick Park the site was allocated in the BLP, the facility would be the only one to serve one of the largest towns in the Borough following closure of the Magnet and the facility was considered to bring significant community benefits to a much wider population than the current proposal.

Conclusion – Weighting of Green Belt harm against Very Special Circumstances Case

9.97 This section of the report has highlighted that there would be various educational and community benefits which would arise from this development. It is acknowledged that the application is highly supported by Sports England and no objection has been received by the Council's Education Officer. However there is a clear distinction between a development which would provide some benefits to those users to which it would serve and a development which would serve an underlying planning need. A large focus of the application is to provide a facility to serve the residents within the south of the Borough because it is argued that the spread of existing facilities within the Borough is uneven with the majority of facilities being focussed within and around Maidenhead and Windsor. A key point however is that the majority of the population of the Borough live in and around the two towns of Windsor and Maidenhead and therefore the existing facilities are best serving the residents of the Borough by being located in the most densely populated locations. The spread of facilities therefore has to be uneven to serve the spread in population. The educational and community benefits are clear in this case and such benefits are endorsed by the NPPF, however given that these are benefits however and not evidenced established needs or requirements the weight attributed to them is **moderate**.

9.98 The proposal for a new leisure centre is not supported by adopted or emerging planning policy, or by other evidence base documents. Advice from Sports England is that the facility would be of an excellent standard and provide great opportunities for the school and community but it has not been established that there is an underlying need for a new swimming pool, additional sports hall or health and fitness suites. The weight attributed to the need for the facility for leisure and recreational purposes is therefore **limited**.

9.99 In terms of educational need, the proposal is not objected to by the Council's education officer, nor has it been confirmed that there is an underlying need for additional sporting facilities to be provided at Charters school either to deliver the PE curriculum or to relieve accommodation pressures. The weight given to educational need is therefore **limited**.

9.100 The sequential test concludes that there are no other suitable sites within the south of the Borough that would be sequentially preferable to locate the development. However, given that

there is no demonstrable educational or community need for the facility the sequential test is therefore **not afforded any weight** in the Very Special Circumstances case.

- 9.101 Other considerations put forward by the applicant regarding environmental considerations, design, re-use of brownfield land and precedent are considered to be circumstances which any development has the potential to bring about and therefore are **not afforded any weight** in this case. The benefits of local employment arising from the construction phase is given **limited weight**. The proposal will lead to a modest number of employment opportunities from the end use and as such this is only afforded **limited weight**.
- 9.102 As such, the cumulative weight that can be attributed to the considerations put forward in favour of the development by the applicant as detailed above is considered to only amount to **moderate cumulative weight**.
- 9.103 At this point, it is worth noting that even if the environmental and technical matters such as the harm to ecology and harm to flood risk are overcome through the submission of updated technical reports and surveys, the harm to the Green Belt (substantial) and the character of the area (significant) and the harm afforded to siting the proposed facility in an inaccessible location (moderate) will still remain and would not be outweighed by the weight attributed to the considerations put forward in support of the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 Paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 10.2 The report has highlighted that the proposal is contrary to the development plan and those relevant policies of the development have been found consistent with the NPPF and are therefore afforded due weight in the planning balance.
- 10.3 It has also been concluded in this report that there are not considered to be any Very Special circumstances which would outweigh the harm to the Green Belt and the other identified harm. This harm to the Green Belt is therefore afforded **substantial** weight in the overall planning balance. In addition there is additional **significant** harm arising from the impact on the character of the area and the **significant** impact of the unsustainable inaccessible location.
- 10.4 Whilst various social and economic benefits would arise from the proposal including the community benefits of the proposed facility as outlined above, these benefits are considered to be relatively limited and thereby the weight attached to these cumulative benefits is **moderate**.
- 10.5 As such in this case, the benefits of the proposal do not outweigh the identified harm; the proposal is contrary to the development plan and no material considerations have been identified which would indicate otherwise; as such, the proposal is recommended for refusal.

11. APPENDICES TO THIS REPORT

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

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt, would be harmful to actual openness of the Green Belt and result in an encroachment of the countryside. The proposal is therefore contrary to saved Policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003), emerging Policy SP5 of the Borough Local Plan: Submission Version, January 2018 and paragraph 145 of the National Planning Policy Framework, July 2018.
- 2 The proposed development, by virtue of its height, scale, bulk and external appearance would not relate well the existing development within the site of Charters School which it would sit alongside

therefore appear as an incongruous and prominent feature within the street scene of Charters Road which would be harmful to the character of the area. The proposal is considered to be out of keeping contrary to policies DG1, H10 and N6 of the Local Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

- 3 The proposal comprises a town centre use within a rural countryside location which suffers from poor accessibility and reliance on the private motor car. The location of the proposed leisure centre in this location would go against the aims of paragraph 103 of the National Planning Policy Framework which advises that significant development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 4 The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals. Accordingly the proposal is contrary to paragraph 165 of the NPPF.