

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 January 2022

Item: 1

Application No.:	21/02500/FULL
Location:	Clares Court Junior Boys School And Ridgeway School The Thicket And Land To West of Cannon Lane Maidenhead
Proposal:	Change of use of the existing agricultural field to sports pitches under use class F1a (provision of education) to be shared with North Maidenhead Cricket Club.
Applicant:	Mr Wilding
Agent:	Mr Andrew Black
Parish/Ward:	Cox Green Parish/Cox Green
If you have a question about this report, please contact: Harmeet Minhas on or at harmeet.minhas@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application relates to a parcel of land located to the west of Cannon Lane, adjacent Claires Court Junior Boys School, Maidenhead. The site is located within the designated Green Belt and is not within or adjacent the setting of a Heritage asset.
- 1.2 This is a full planning application for the change of use of an agricultural field to sports pitches, to be shared between both the Junior School and North Maidenhead Cricket Club.
- 1.3 The report sets out the relevant Development Plan and other policy considerations. The report also sets out the main material planning considerations and assessment in relation to this planning application, which includes reference to supporting information and reports carried out by the applicant.
- 1.4 The proposed development looks to address the current absence of sporting facilities for the use of the school, following the closure of a nearby cricketing club/facility. The proposed change of use would cover approx. 5 hectares of land. No other development is proposed as part of this application, with the existing school car park and changing facilities to be utilised.
- 1.5 Inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal does not propose the construction of new buildings and therefore it falls under *certain other forms of development* described in paragraph 150 of the NPPF (2021). It states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Such uses include at (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Further to this, the absence of any associated operational development would assist in preserving openness.
- 1.6 The proposed development is not considered to raise any issues in terms of highway capacity or SUDS and neither does it raise any issues in terms of ecological or environmental matters.
- 1.7 On balance, it is considered that the benefits weigh in favour of this scheme and therefore the proposal is recommended for approval, subject to matters set out below.

It is recommended the Committee grants planning permission with the conditions listed in Section 13 of this report.
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2. REASON FOR COMMITTEE DETERMINATION

- The application is a major application owing to the area of the site and as such, falls to be considered before Committee.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies to the east of Claires Court Junior Boys school, and to the West of Cannon Lane. The applicant sets out in their supporting statement that the land is former agricultural land and has been used for grazing and to harvest a hay crop.
- 3.2 The application site lies within the designated Green Belt and to the north of the site is a Wildlife Heritage Site (WHS), referred to as 'The Thicket'.
- 3.3 The site measures approx. 5 hectares and is largely bound by mature vegetation around the field with two dwellings located to the north-east corner of the site.
- 3.4 The flood maps held by the EA show the site to fall within Flood Zone 1 (low risk flooding).

4. KEY CONSTRAINTS

- 4.1 The application site falls within the Green Belt designation of Maidenhead. The site comprises a parcel of open land in agricultural use, and sits adjacent a Wildlife Heritage Site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal seeks planning permission for the change of use of an agricultural field to sports pitches to provide sporting facilities for both Claires Court Junior Boys School and North Maidenhead Cricket Club.
- 5.2 The proposed pitches would be used primarily for the boy's school, although during 'cricket season' the pitches would be used by North Maidenhead Cricket Club, a privately owned establishment. In support of the application, the agent has provided a timetable of use for the two pitches which identify that the primary users of the pitches throughout the year would be Claires Court Junior Boys, with North Maidenhead Cricket Club having use during the summer months on a Friday evening between 5 and 8pm and on Saturdays and Sundays between 12 and 8pm.
- 5.3 Claires Court Junior Boys School has a detailed planning history. The most relevant of the applications relates to a recent proposal submitted in 2017 under application reference 17/04026/OUT and subsequently refused in September 2019 as part of a wider redevelopment of the site and wider area. The area of land which forms part of the current application was proposed to be redeveloped to allow for two artificial grass hockey pitches, grass practice area and a new pavilion building to be shared for use by the hockey club, with an artificial grass rugby pitch. The application was then appealed by the applicant and considered by the Inspectorate under an Inquiry setting. The appeal was subsequently dismissed in December 2020.

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, H10,H11
Green Belt	GB1 and GB2
Recreational Facilities	R8
Highways	P4 AND T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

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 15 – Conserving and enhancing the natural environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Green Belt	SP5
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

7.1 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

7.2 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all

representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on Main Modifications closed in September 2021.

7.3 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.4 These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.5 **Supplementary Planning Documents**

- Borough Wide Design Guide

7.6 **Other Local Strategies or Publications**

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

8.1 20 properties in the vicinity of the site were notified directly of the application.

8.2 9 letters of support were received for the application, summarised as:

Comment	Where in the report this is considered
1. Application will benefit the whole community including the school, providing much needed sporting facilities.	Section vii
2. General lack of facilities within the area where cricket provision is required.	Section vii
3. Demand for cricket in the local area has increased with the growth of women's and junior cricket. Currently not enough pitches within the area to cater for demand.	Section vii
4. Provision of the pitches will make up for the loss of North Maidenhead Cricket Club facilities, which closed earlier in the year.	Section vii

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

1. Concerns raised over the need for further overspill parking facilities to accommodate the change of use.	Section ii
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2.	Concerns raised over the size of current changing rooms within the school, and whether these are sufficient for the change of use	Section ii
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Statutory consultees

Consultee	Comment	Where in the report this is considered
Sports England	By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle. Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented.	Section vii
Lead Local Flood Authority	The LLFA sought clarity on whether the alterations on site required sports pitch drainage, which the applicant confirmed would not be required. In light of the comments received from both parties, it is considered that no objections were raised.	Section vi

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	No objection.	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Highway Considerations and Parking Provision
- iii Impact on neighbouring amenity
- iv Landscaping
- v Ecology
- vi Flooding
- vii Other material considerations

Issue i- Green Belt

- 9.2 The application site is located within the Green Belt where the Framework (2021) at paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.3 The proposal does not propose the construction of new buildings and therefore it falls to be assessed under *certain other forms of development* as described at paragraph 150 of the NPPF (2021). It states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Such uses include at (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 9.4 The proposal seeks the change of use of the land to provide sports pitches for the use of the adjoining junior school, and a local cricket club. The proposed sports pitches would be wholly outdoor and used for outdoor sport with no associated operational development. As such, the proposal would comprise an appropriate form of development in principle as set out under paragraph 150 (e) of the Framework (2021).
- 9.5 It must be established whether the proposed change of use would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The previous proposal for a larger scheme, which was dismissed at appeal, sought outline consent for numerous artificial pitches, pavilions, fencing lighting and sporting paraphernalia. These features and their general appearance were considered to significantly reduce the spatial openness of the site. However, the current proposal removes all reference to artificial pitches, associated works and operational development and seeks permission solely for the land to be maintained for sporting use for cricket during the spring/summer and for general sporting use in connection with the school during the winter.
- 9.6 As a result of the nature of the proposal, the land would remain largely free from operational development. Whilst it is noted that the land would have to be prepared and maintained for its intended use, this would not of itself result in a measurable reduction in the spatial or visual openness of the site. Any paraphernalia associated with the sports uses, such as goalposts and cricket equipment, would likely be removed from site after each event for maintenance purposes, which would preserve the openness of the site.
- 9.7 It is noted that concerns have been raised as to the potential requirement for the proposed use to have associated buildings and paraphernalia in the future. The Local Planning Authority can only consider the proposal before them and, in this case, it has been made clear that the existing parking and changing facilities within the school will be utilised. Should the applicant wish to erect any such a facilities in the future, this would be subject to the need for planning permission which would be considered on its own merits.
- 9.8 On balance, it is considered that the proposals would preserve openness and not conflict with the purposes of the Green Belt and, as such, would accord with the requirements set out within the NPPF (2021) and Policy GB2 of the Local Plan (2003).

Issue ii- Highway Considerations and Parking Provision

- 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 this plan.
- 9.10 The applicant has provided limited information on the proposed parking strategy at the site. It is noted that reference is made within the planning statement that parking provision for the facility would be within the boy's school, and it is considered that this would also be the case for weekend use by North Maidenhead cricket club.
- 9.11 At the time of the officers site visit, it was identified that between 47-50 active parking spaces were available within the school grounds. Having considered the timetable provided by the applicant, there would be limited to very little overlap in the use of the school building and the use

the subject of this application. This would ensure there is no direct conflict between the intended users across the week (school and NMCC).

- 9.12 Having regard to Appendix 7; Parking Standards within the Local Development Plan it is noted that there is no specific standard for sporting facilities such as this, although it is noted that the location of the site could result in higher than usual need for parking by external users.
- 9.13 The Parking Strategy (2004) is clearer in its expectations that for sports fields, 12 spaces are required per hectare of pitch for areas of poor accessibility. As a result of this, there would be a requirement for 60 spaces resulting in an approximate shortfall of 10 parking spaces. However, in this case, the proposed facility would be used by pupils of the school for the majority of the time and would only result the occasional visit from another school for competitive matches, which would not generate any significant parking demand. Furthermore, by virtue of the nature and extent of the proposed facility, it is not considered that its intended use by North Maidenhead Cricket Club would result in overspill parking in the vicinity of the site.

Issue iii- Impact on neighbouring amenity

- 9.14 The application site sits within the north-western corner of a larger parcel of land. The site is relatively isolated with two residential properties to the west. These dwellings are located a significant distance from the proposed pitches and any harm arising to their residential amenities would be minimal, or less than significant.
- 9.15 It is accepted that there would be an increase in activity to and from the site as a result of the change of use; however, the siting of the pitches has been carefully considered to ensure the movement from the area of parking, and the general footfall between the school and pitches would be at its shortest. In turn, this ensures the noise generated would not impact the amenities of the properties to the east. Similarly, any noise generated would be similar to the use of the main school during break times and pick up/drop offs. On balance, it would be difficult to substantiate a reason for refusal on these grounds given the separation distances involved.

Issue iv- Landscaping

- 9.16 Policy N6 of the Local Plan seeks to protect trees which contribute to the character and appearance of the area.
- 9.17 The application site is bound by landscaping features and trees of amenity value. The trees and vegetation along the northern, eastern and southern side of the wider land parcel would not be impacted by the proposed development. The retention of these features would continue to enhance this open, rural setting as well as provide ecological opportunities, as touched upon within the next section of this report.

Issue v- Ecology

- 9.18 Paragraph 180 of the NPPF (2021) sets out four key principles that Local Planning Authorities should consider when assessing applications. One of the principles considers that where significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.
- 9.19 The wider site area under the control of the applicant is bound by hedgerows, and the undeveloped nature of the wider site under the applicants control offers ecological opportunity and value to local species. This is furthered by the location of the site to the adjoining Wildlife Heritage Site.
- 9.20 No ecological reports or surveys have been submitted by the applicant in support of the application. It is recognised that the proposed site has been cut-back and maintained under its use as an agricultural field, which minimises its ecological value.

Issue vi- Flooding

- 9.21 As part of the application process, the LLFA were consulted on the proposal. They sought clarity from the applicants on whether sports drainage would be required under the pitches, and recommended planning permission not be forthcoming until clarity had been obtained.
- 9.22 Subsequently, the applicant confirmed that no drainage was to be implemented and it is assumed the pitches would rely on natural drainage solutions. As such, there would be no objections on drainage or flooding grounds.

Issue vii- Other material Considerations

Need for Sporting Facilities

- 9.23 The NPPF (2021) Para 92 sets out the aims of decision makers to ensure healthy lifestyles are supported and enabled by development, notably through sports facilities as well as other opportunities.
- 9.24 The RBWM Playing Pitch Survey and Action Plan (2016) set out the shortfalls and aims for sporting pitches within the borough. Claire's Court Junior Boys school was identified in 2016 as having access to two pitches with overplay of 17 matches per year. Owing to the level of overplay it was suggested consideration be given to alleviating the number of games by introducing further pitches. In turn, the opportunity for further pitches would increase cricket participation within the area with local clubs.
- 9.25 At the time in 2016 it was identified that the cricket facilities in Maidenhead and surrounding villages was sufficient to cater for the current demand. However, should there be an increase in demand or shortfall in pitches then this would require addressing. As North Maidenhead Cricket Club have lost their facilities in the recent past, this has increased pressure and demand on local pitches. When this is given significant weighting as well as the comments received from the ECB where they consider demand outweighs facilities within the vicinity, there is a clear needs based argument for the provision of the proposed facilities.
- 9.26 As no harm has been identified to the Green Belt, neighbouring amenity, ecology or landscape matters it is considered that the proposals would deliver high quality outdoor sporting facilities for the school, and residents which would fill an existing gap in local facilities.
- 9.27 For clarification further information has been sought from the applicant to confirm the parking provision available in association with the proposed use and the location and extent of the changing facilities proposed to be utilised. Any information received will be reported to Members in an update report.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development is consistent with the NPPF (2021) in so far as would not result in an inappropriate form of development within the Green Belt.
- 11.2 It is considered that this proposal would not raise any significant issues in terms of design, appearance, neighbouring amenity, drainage, highways or ecological matters.
- 11.3 It is considered that this proposed development identifies a genuine need and requirement for cricket/sporting facilities for the adjoining school and wider community as identified by the English Cricket Board and Sport England. For the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT



- Appendix A - Site location plan and site layout

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The use of the land as sports pitches hereby approved shall only be carried out between the hours of: 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 2000 hours on Saturday and Sundays, Bank or Public Holidays.
Reason: To protect the amenities of the occupants of the properties in the vicinity of the site.
- 3 No part of the development shall be used until a vehicle parking strategy/highways report has been submitted to, and approved by the Local Planning Authority in writing which sets out the availability of parking within the site for the use of North Maidenhead Cricket Club during their period of use of the pitches, hereby approved. Thereafter, the parking strategy shall be complied with in its entirety.
- 4 Reason: To ensure that the development is provided with adequate parking and turning facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 5 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.