

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 March 2016

Item: 2

Application No.:	15/02107/FULL
Location:	Land To The North of Longlea Fifield Road Fifield Maidenhead
Proposal:	Re-location of Phoenix gym club including building ,access, car parking and landscaping.
Applicant:	Mrs Bushell- Phoenix Gymnastics Club
Agent:	Mr Jan Molyneux- Stephen Bowley Planning Consultancy
Parish/Ward:	Bray Parish
If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

1. SUMMARY

- 1.1 Amended Plans have been received which reduce the depth of the building from 47.5m to 42m, the width from 35m to 24m and the overall height from 14m to 10.25m. The number of car parking spaces has also been reduced from 121 to 84 and the building set into the site by a further 15m. A flood risk assessment, sustainable drainage system and a visual impact study have now also been submitted and their conclusions are discussed further in the report.
- 1.2 The proposed site is located within the Green Belt and the development proposed constitutes an inappropriate form of development in the Green Belt. Furthermore, it would reduce openness across the site. Inappropriate development in the Green Belt can only be considered acceptable if there are very special circumstances which clearly outweigh the Green Belt and any other harm. The case of very special circumstance (VSC) put forward by the applicant are primarily; the achievements/benefits of the club, the number and range of users, the constitutional requirement of the club to serve the Maidenhead catchment area and the lack of available alternative sites. These considerations are not considered to constitute VSC and therefore do not clearly outweigh the substantial weight given to harm caused through inappropriateness, the actual loss of openness to the Green Belt and the significant weight given to the lack of an acceptable sustainable drainage system which is discussed further below.
- 1.2 The building has been designed to appear as an agricultural building and as such would not appear visually at odds with its location. It will be partially screened and if viewed along Fifield Road or from the surrounding area will appear as an agricultural barn. The building would be sited 135m back from the front boundary of the site and would not appear overly prominent within the street scene. Any lighting will be conditioned so that it is appropriate for this semi rural location.
- 1.3 The site has been laid out to provide sufficient car parking, whilst the car parking area could be at odds with this countryside location it will be screened by landscape bunds and planting and therefore the harm from its visual impact is considered to be low. Landscaping has also been incorporated within the site to break up the expanse of hardstanding. The proposal is therefore not considered harmful to this countryside location. The access provided is considered acceptable and highways raise no objections. This proposed location so close to the existing site also means that a significant number of the users are already using the adjoining highway network and therefore the displacement of traffic is kept to a minimum.
- 1.4 The proposal would not have a detrimental impact on ecology or trees subject to the scheme being constructed in accordance with the recommendations of the ecology report and the necessary conditions.

- 1.5 The gym would operate from 9.00 – 21.00 Monday to Friday and 9.00 – 18.00 Saturday and Sunday. The building would be constructed to prevent noise pollution of an unacceptable level emanating from the building. The car park has been sited so that the closest car parking space would be approximately 37 metres from the side boundary of the neighbouring Longlea Nursing Home with a footpath and tree belt intervening. Given these distances and the hours that the gym would be operating it is not considered to have a detrimental impact on the occupiers of the nursing home. The siting of the building and its design also means that there would be no loss of light or privacy to the occupiers of this adjacent nursing home.
- 1.6 Flooding is a serious issue for local residents; whilst this site is not sited within the flood plain numerous residents have highlighted it as a local issue. The Council as Lead Local Flood Authority has raised an objection to the scheme and recommends the development for refusal on this ground.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The proposal is inappropriate development which is, by definition, harmful to the openness of the Green Belt and conflicts with one of the purposes of including land in the Green Belt. There are no ‘Very Special Circumstances’ to justify this inappropriate development and the harm identified below.
2	An adequate sustainable drainage system has not been secured and as such it has not be demonstrated that the proposal would not increase the risk of flooding.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider that it would not be appropriate to use delegated authority in this instance due to the level of public interest in this item.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is rectangular in shape and sited on the east side of Fifield Road. Currently the site has no means of access and comprises of arable farmland. An intact hedgerow is present along the southern boundary of the site. The western boundary of the site is comprised of young broad-leaved plantation woodland. To the north, east of the site is the continuation of the arable field. To the south of the site lies the small settlement of Fifield. The site abuts Longlea which is a nursing home.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of a new gymnastics building, access, car park area and associated landscaping. The building would be approximately 42 metres deep and 24 metres wide with an overall height of 10.25 metres. 84 car parking spaces would be provided.
- 4.2 The gym would provide a replacement home for Phoenix Gymnastics Club which currently rents a building within Water Oakley Farm. The landlords have received planning permission for its demolition and redevelopment for residential purposes and therefore the club is obliged to relocate. The building would fall in a Class D2 use.
- 4.3 There is no relevant planning history for the site however the following applications have previously been submitted for a replacement gym building on the Water Oakley site, currently occupied by the applicant.

Ref.	Description	Decision and Date
05/02734/OUT	Outline application for the erection of a replacement gymnasium with associated access and car parking	Permitted 01.11.2006

09/02247/OUT	Renewal of planning permission 05/02734 Outline application for the erection of a replacement gymnasium with associated access and car parking)	Permitted 03.03.2010
12/03120/OUT	Renewal of planning permission 05/02734 (Outline application for the erection of a replacement gymnasium with associated access and car parking) renewed under permission 09/02247/OUT	Permitted 11.02.2013

4.4 It should be noted that the section 106 agreement under the 2012 application secured support for the applicant in remaining on site and in searching for a new site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework

- Chapter 2 Ensuring the Vitality of Town Centres (sequential test for main town centre uses)
- Chapter 4 Promoting Sustainable Transport
- Chapter 7 Promoting Healthy Communities
- Chapter 9 Green Belt
- Chapter 11 Conserving and Enhancing the Natural Environment

5.2 Royal Borough Local Plan

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

	Green Belt	Character Issues	Highways /Parking issues
Local Plan	GB1, GB2,	DG1,	T5, P4

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Public Rights of Way Improvement Plan - view at: http://www.rbwm.gov.uk/web/prow_improvement_plan.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the development constitutes an appropriate form of development in the Green Belt and impact on openness;
- ii Impact on the character and appearance of the area;

- iii Highways;
- iv Impact on neighbouring amenities;
- v Flooding;
- vi Sustainability and Town Centre Uses;
- vii Ecology.
- viii Other Considerations; and
- iv Planning Balance.

Whether the development constitutes an appropriate form of development in the Green Belt and actual impact on openness.

- 6.2 The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to keep land permanently open. Paragraph 89 of the NPPF indicates that with some exceptions, the construction of new buildings is inappropriate development in the Green Belt. Although the Local Plan pre-dates the publication of the NPPF, Policy GB1 adopts a broadly similar approach to national policy. On the point of indoor sport the Local Plan policy is identical.
- 6.3 The gym is inappropriate development in the Green Belt and, by definition, harmful to its openness and it would also conflict with one of the purposes of Green Belt namely “to assist in safeguarding the countryside from encroachment.” In addition, the physical presence of a substantial building and presence of parking will result in an actual reduction in openness on the site. The proposals are contrary to Policy GB1 of the Local Plan and NPPF. It could only be approved, if there are ‘Very Special Circumstances’ (VSC) that clearly outweighs the harm to the Green Belt cause by inappropriateness and any other harm. The applicant has made a case for VSC and this is considered at the end of the report under the ‘Planning Balance’ after consideration of all the other issues.

Impact on the character and appearance of the area

- 6.4 The proposed building has been designed to have the appearance of an agricultural building so that it assimilates well in views with the character and appearance of the area. It was suggested that the building be timber clad, however, size and sections of the building would make this excessively heavy. Whilst the building would be set back behind the existing building line of Fifield Road this is considered acceptable given the agricultural appearance of the barn and how it would read as being part of the rural character of the adjacent fields rather than comprising part of the residential character of Fifield Road.
- 6.5 By setting the building back approximately 135 metres from the front boundary of the site it also prevents the building from appearing overbearing within the street scene. All planting along the boundaries is to remain apart from the small area required to make way for the access. The access has also been carefully sited to the north of the development to minimise views of the car park. A detailed landscaping scheme including bunds has also been proposed which would substantially screen the car parking area and minimise any harm to the character and appearance of the area. Lighting would also be controlled by condition if the application was to be recommended favourably in order to prevent harm to the rural character of the area.
- 6.6 With regard to impact on trees the west boundary of the site is a mature shelter belt (planted approximately 15-20 years ago) comprising of mixed native species such as hawthorn, black thorn alder, oak, spindle etc. An established mixed native hedgerow interspersed with mature trees aligns the southern boundary and public footpath beyond.
- 6.7 The proposed entrance to the gym will require the loss of a tapered section of the mature shelter belt (27m at its widest point, 10m at narrowest point) and 2 'B' category trees in order to create a new entrance in to the site. The oak and alder trees are early mature and are not important in context of the wider landscape. Their removal is unlikely to be visible beyond the immediate

vicinity and their loss is mitigated by the presence of established trees within and adjacent to the application site. The gym and associated parking are situated well outside the root protection areas (RPA's) of retained off-site trees so the arboricultural impact is limited to the western boundary. As such the proposal would not have a detrimental impact on trees and would not cause harm to the character and appearance of the area in this regard.

- 6.8 A landscape and visual impact statement has been submitted with the application. The site and its surrounding landscape were assessed during October 2015. A total of sixteen viewpoints were selected to represent residents of Fifield and its surroundings; along with users of adjacent roads and public rights of way which surround the site. The visual impact assessment identified a total of four viewpoints with significant visual effects, representative of users of public rights of way (including footpaths) adjacent to the site which have direct views and road users looking into the site through the new access on Fifield Road. Following mitigation measures, vegetation growth and weathering, the residual visual impacts (15 years to establish) would not remain significant. For the remaining receptors, the report concluded that once a successful mitigation strategy has been implemented, the views of the development will be difficult for the casual viewer to distinguish the development from the surrounding existing development in the area. The potential landscape character effects would be considered minor/negligible i.e. not significant. With regard to impact on the character and appearance of the area the proposal complies with Local Plan Policy DG1 and GB2 and would accord with Core Planning Principle 7 and other parts of the NPPF which requires development to respond to local character.
- 6.9 Objectors have also raised the issue that it is not only the building and car park that would be harmful to the semi rural nature of the area but also the increase in the traffic coming through the village. In assessing this issue the existing location of the club needs to be taken into account, (see Appendix A) all traffic travelling currently to the gym from the south is likely to already be coming through the village. The traffic coming from the north along the A308 will turn into Fifield Road and will not need to go through the village. Notwithstanding this, the trip generation proposed is not considered to be so intensive to result in significant harm to the semi rural character of the area, or result in unacceptable pollution or vibration levels.

Highways

- 6.10 Fifield Road is a local distributor road that provides an alternative link between the A308 Windsor Road and the B3024 Forest Green Road. The site is situated in an area where the vehicular speeds are de-restricted (60mph). However, approximately 50m south of the proposed access Fifield Road reverts to a 30mph speed limit. The road is unlit and offers limited pedestrian opportunities along the majority of its length.
- 6.11 The applicant proposes constructing a priority junction off Fifield Road. To comply with current standard the new access would need to provide visibility splays of 2.4 x 215m in both directions. Referring to the *Proposed Site Access* plan the site can achieve the splays to the right (north) of the access. However, to the left, the new access can only provide splays of 2.4 x 150m, primarily due to the alignment of the road.
- 6.12 The Highway Authority is prepared to take a pragmatic approach and accept a departure from their current standard given the close proximity of the 30mph speed limit, and for most part the sightlines are across the 30mph speed limit. This approach appears justified and is supported by the Local Planning Authority. The provision of the new access would need to be secured by way of a S278 Agreement between the applicant and the Authority should the application have been recommended favourably.
- 6.13 The parking criterion for a Class D2 (assembly and leisure) development is assessed on an individual basis and should reflect the needs of the particular use. In this submission the applicant proposes a 40% reduction in the floor area compared to the original application, together with the omission of the school bus parking spaces and a 30% reduction in the overall number of car parking spaces.
- 6.14 Having considered the reduction in floor area of the building and a lesser reduction in the sites parking provision, the Highway Authority conclude that the parking is sufficient to accommodate

the activities on the site. Furthermore the revised site and landscaping plan does allow vehicles to enter, manoeuvre and exit the site in a forward manner.

- 6.15 The applicant stated in the Transport Assessment that the proposal has the potential to generate between 626 and 1246 vehicular trips per day. This transport statement was based on the original scheme and has not be amended to take into account the reduced building area. The higher figure represents the worst case scenario; all the classes and session being full. The peak commuter traffic periods is defined as the one-hour period of time with the highest volume of traffic. For the am peak period this occurs between 8 a.m. and 9 a.m. and, for the pm this is between 5 p.m. and 6 p.m.
- 6.16 Using the worst case scenario figures with **no allowance** given to the reduction in the floor area the building or the reduction in the site parking provision, the proposal would lead to 10 vehicles during the am peak period and 75 during the pm peak period. The highest movement of traffic occurs between 6 pm and 7 p.m. Between this period 55 vehicles arrive at the start of the hour with 83 departing an hour later. The Highway Authority's recent traffic count along Fifield Road between 22nd January 2016 and the 7th February 2016 showed that vehicular activity varies considerably during both peak periods. See Table below:

Date	AM Peak Period 08:00 – 09:00	PM Peak Period 18:00 – 19:00
23 January 2016	83	73
24 January 2016	43	61
25 January 2016	331	17491
26 January 2016	327	19389
27 January 2016	325	198
28 January 2016	329	171
29 January 2016	278	169
30 January 2016	87	80
31 January 2016	34	66
1 February 2016	319	190
2 February 2016	358	197
3 February 2016	405	190
4 February 2016	301	188
5 February 2016	257	176
6 February 2016	88	70
7 February 2016	48	67

- 6.17 Given the variance in vehicular activity across Fifield Road during the peak periods, the impact of an additional 10 to 75 movements would be imperceptible. The worst case scenario figure of 1246 trips does not mean that there will be this number of vehicles descending upon the area at one specific time. Vehicles will arrive and depart between 08:00 and 22:00. Furthermore, it is unlikely that the routes to and from the site would change significantly. Drivers will continue to travel either from the east and west of the Borough via the A308 or from the south via Fifield Road.
- 6.18 Based upon the National Planning Policy Framework development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There are no structural or design defects on Fifield Road or in the surrounding highway network which would exacerbate or lead to a worsening of highway safety. Whilst the visibility splay would be slightly below standard the area most affected is within a 30mph zone and the harm to highway safety would not be severe.

Impact on Neighbouring Amenities

- 6.19 There are no neighbouring properties on three sides of the application site. The only neighbour lies to the south and comprises of Longlea Nursing home.
- 6.20 Given the siting of the proposed building over 30 metres from the side boundary of the nursing home and corner to corner over 80 metres away and with the retained intervening tree screen the

proposed building would not result in loss of light or privacy for the occupiers of the nursing home. Nor would the building have an overbearing impact. The main impact of the proposal would be the noise and general disturbance from the car parking area. The nearest car parking space would be over 40 metres from the side boundary and the hours of use of the gym could be controlled. For these reasons the impact is not considered to be significant.

- 6.21 The Council's environmental protection officer raises no objections and subject to conditions should the application be considered favourably.

Flooding

- 6.22 The site does not lie within the flood plain however the issue of local flooding has been raised by a large number of residents. Furthermore, as the proposal constitutes a major form of development the applicant is required to submit a sustainable drainage system and a flood risk assessment (FRA) in order to prevent any increase in surface water run off from the site and/or increase in flood risk. The Lead Flood Authority originally raised objections. As a result of this a revised scheme has now been submitted as well as a flood risk assessment.
- 6.23 The FRA states that the overall surface water flood risk to the site is 'very low', despite the western area of the site shown to be at 'low' to 'high' risk. This assessment is based on the two ditches either side of Fifield Road. The eastern bank of the eastern ditch provides a 400mm freeboard, which the FRA states will serve to prevent surface waters from entering the western part of the site. The FRA states that surface water flooding in the locality of the site would be restricted to Fifield Road itself, with waters flowing downslope to the north. The FRA also states that there is a small ditch along the southern boundary, which it notes will restrict surface water flows that may enter from off-site to the south.
- 6.24 The Lead Local Flood Authority has confirmed that it cannot be assumed that these ditches are excluded from the Environment Agency Risk of Flooding from Surface Water mapping. Nor can it be assumed that the ditches would deal with the volume of surface water runoff generated during a 'medium' or 'high' risk event within the vicinity of the site and hydraulic modelling would be required to demonstrate this. Detail must be provided on how the risk of surface water flooding shown to affect the western area of the site will be managed without impacting on neighbouring properties or the function of the proposed drainage arrangements.
- 6.25 The surface water drainage strategy states that runoff will be discharged to ground; however infiltration tests have not been undertaken for the site. It is recognised that the intention is to direct runoff eastwards, where clays give way to sand and gravel; however evidence is not provided within the FRA to demonstrate that this scheme is viable. If discharge to ground is not viable for the site, surface water runoff will need to be directed to the surrounding ditches. If this is the case, the high surface water flood risk will need to be considered. It is also noted from the plans provided that the SuDS features located in the west of the site, adjacent to Fifield Road, lie within an area of 'low', 'medium' and 'high' risk of surface water flooding associated with a flow route through the site. The surface water drainage strategy states that it is assumed that run-off from external source areas will not enter the site. Given that there is insufficient evidence submitted with the FRA to support the change in surface water flood risk for parts of the site from 'high' to 'very low', it cannot be assumed that surface water from offsite will not flow onsite and will not impact on the SuDS features in this area. The flood risk associated with the new access over the existing drainage ditch will need to be assessed to demonstrate that flows within the ditch will not be restricted. This assessment needs to be submitted in support of the planning application in order to demonstrate that the proposed development will not increase flood risk.
- 6.26 In the absence of this information the development does not comply with paragraph 103 of the NPPF as it has not been demonstrated that the proposed development would not increase flood risk.

Impact on the vitality of Town Centres

- 6.27 One of the objectives of the NPPF is ensuring the vitality of town centres and Annex 2 of the NPPF identifies the uses that are to be located in such centres based on the town centre first approach. The current Development Plan is silent in respect of the locational approach for leisure

uses and it does not allocate suitable sites for such uses. The NPPF states that Local Planning Authorities should allocate suitable sites to meet the scale and type of retail, leisure, commercial and other uses needed in town centres.

- 6.28 Annex 2 refers to “more intensive” sport and recreation uses as being considered a town centre use. It is debatable as to whether the development could be described as intensive however should the development be considered a town centre use then it is for applicant to demonstrate that there would not be any sequentially preferable sites. An impact assessment on both town centres is not however necessary given the size of the development proposed.
- 6.29 The applicant has carried out an intensive site search for town centre sites, edge of centre sites and accessible out of town sites. However this site is the only site that is available to the club and given their 3 year search and the number of sites investigated it is considered that compliance with the sequential test has been demonstrated and that there is not an available site within the town centre, edge of town centre or a preferable site closer to the town centres of Windsor and Maidenhead.

Ecology

- 6.30 An extended phase 1 Habitat Survey was submitted with the application, this survey was carried out in the optimum period April - September. The report confirms that there were no signs of badgers identified within the site. With regard to bats seven trees present within the hedgerow along the southern boundary of the site were assessed as having a low-moderate roosting suitability for bats and are classified as Category 2 tree (trees with no obvious potential, although the tree is of a size and age that elevated surveys may result in cracks or crevices being found: or the tree supports some feature with limited potential for roosting bats.) All of these are pedunculated oak trees with ivy present that may be hiding potential cracks within the trees. All other trees present within the site are classified as Category 3 trees (trees with no potential to support bat roosts).
- 6.31 The hedgerow and broad-leaved plantation woodland provides suitable habitat for foraging and commuting bats. In addition there are areas of woodland directly linked with the hedgerow along the southern boundary of the site which are considered to provide good quality foraging habitat. The field boundaries would not be affected by the proposals with the exception of the access road from the west and therefore connectivity would be retained around the site. In addition additional planting is proposed to be undertaken to the north and west of the building which would provide additional foraging and commuting features for bats.
- 6.32 There is one water body present on the site, a narrow ditch within the north-west corner of the site. At the time of the survey this ditch contained very little water and was considered to provide sub-optimal habitat for water voles. As there are no other suitable waterbodies within close proximity of the site it is considered highly unlikely that this species or great crested newts would occur on the site.
- 6.33 The majority of the site provides sub-optimal habitat for dormice in the form of arable fields, grassland and young broad leaved plantation woodland. However, the intact hedgerow along the southern boundary of the site does provide suitable habit for dormice but no evidence of dormice or their nests were identified during the survey.
- 6.34 There are three records of grass snake (reptiles) dated from 2001 and 2008 returned from Bray Pit approximately 1.5km to the north west of the site. Grass snakes are know to travel fairly long distance (up to 2km) however it is considered likely that any reptiles present within the locality will stay within the River Thames corridor that provides much more suitable habitat. No potential hibernation areas for reptiles were identified on the site during the visit.
- 6.35 In conclusion the survey works identifies that the site supports small areas of suitable habitat for breeding birds, possibly reptiles and roosting bats. The proposals are not to impact any trees that are suitable for roosting bats and recommendations have been put in place to ensure that any nesting birds or reptiles that may pass through affected areas of the site are not harmed.

Providing that all the recommendations are undertaken, as detailed in the report the proposals are not considered to have a negative impact on any designated sites, habitats or species within the site or the locality.

Other Considerations

- 6.36 The Local Plan policy R8 seeks to encourage the provision of recreational development except where such development would result in significant environmental or highway problems or where it would conflict with other policies in the plan. The proposal would not result in significant highway problems but would conflict with Green Belt policies and could increase flood risk as described above. Additionally, Policy R14 of the Local Plan states that developments should be resisted that detract from the user's enjoyment of this route. The Public Rights of Way Officer considers that the proposals are acceptable. The proposed building would be, at its closest point, 32m from the edge of the PRoW. Given this distance and the existing screening along this part of the footpath closest to the site the users of the footpath enjoyment would not be harmed.
- 6.37 Objectors have raised the issue that the housing scheme at Water Oakley should not have been approved because of the loss of this sporting facility. Reference has also been drawn to the fact that Sports England has confirmed that if it had been consulted on that previous application it would have objected. There are policies contained both within National and Local Policy which seeks to protect recreational uses. However in this instance Phoenix Gym only had a personal permission to change the use of the agricultural barn to gym. At anytime therefore the owners could have served notice on the gym and then its lawful use would have returned to an agricultural use. On this basis planning policy could not prevent the loss of this sports facility.
- 6.38 Objections have been raised regarding harmful impact on house prices in the area; this is not a material planning consideration. Furthermore the amount of time for residents to comment on the application is in accordance with the Council's Procedures, statutory requirements and has been carried out in the same way as all planning application that the Council deals with.
- 6.39 Numerous other sites have been put forward by local residents, however if these landowners are not on board then these alternative sites cannot be secured.
- 6.40 Residents have stated that no environmental report was submitted with the application. An ecology report was submitted with the application but has to be kept as sensitive information because of the identification of protected species. The Council's ecologist report is however a public document.
- 6.41 There are no proposals for the gym to have a drinks license. Furthermore, there is no evidence to suggest that local business would suffer as a result of this proposal.
- 6.42 The siting of the building has been chosen to avoid any adverse impact on minerals available within the area. A letter of clarification was submitted with the application from M Lowe a Director of Summerleaze landowner and owners of the mineral rights, confirming that the proposal would not sterilise future mineral extraction as the Club would be located on a barren area of clay rather than gravel.
- 6.43 It has been claimed by one resident that not many of the residents of Fifield would benefit from this facility. Whether this is the case or not does not outweigh the benefits to the large number of current users.
- 6.44 With regard to the concern raised regarding the water pipe that runs through the site this is not a material planning consideration in the determination of this application. However it can be confirmed that the water main is at a depth which will not be affected by the construction of the Gym nor during its operation.

Planning Balance and the Case of Very Special Circumstance.

6.45 As stated in National Planning Policy and in the Borough Local Plan planning permission can only be granted for inappropriate development if there is a case of very special circumstances that clearly overcomes the harm to the Green Belt and any other harm. It has been concluded that the development constitutes an inappropriate form of development which is harmful by definition and substantial weight needs to be given to this harm. Significant weight also has to be given to the actual physical reduction in openness across this site and the failure of the application to demonstrate that the proposal would not increase flood risk through the implementation of an adequate sustainable drainage system.

The Case Of Very Special Circumstances (VSC) put forward by the applicant and reproduced below.

- 1. Apart from borough leisure centres we have the highest footfall of over 1000 children from 8 weeks to 18 years participating in gymnastics every week.*
- 2. Phoenix an established and revered community asset has been providing quality gymnastics to the local community for over 35 years.*
- 3. The proposed site at Fifield Road allows the club to stay within the centre of the Royal Borough just a few hundred yards from our current site and will minimise any disruption/loss of members.*
- 4. At the Planning Control Meeting on 9th April 2014 planning permission was granted for the redevelopment of the club's existing site. Councillors were asked to confirm their support for the club in their search for an alternative location, which they unanimously did.*
- 5. Section 106 monies from Water Oakley development of £167,000 has been allocated to Phoenix rather than social housing. This was passed by the Development Control Panel.*
- 6. The National Planning Policy Framework states " Existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on" By allowing the Water Oakley development the Council have forced the closure and demolition of the club and the need for the very special circumstances to relocate.*
- 7. After extensive searching over many years this has been the only viable site that has become available due to the lack of extensive industrial warehousing incorporating the square footage needed and or the cost of land in the borough. See attached at appendix D details of potential sites.*
- 8. The site is not suitable for mineral extraction, being where the underlying sand and gravel runs out.*
- 9. The site is immediately adjacent to existing buildings on the edge of Fifield and as such would not be prominent within the rural area.*
- 10. The proposed development would be substantially landscaped to screen the building and car parking.*

Keys to our Success

- A thirty five year history and an excellent reputation for high quality teaching*
- Competitive pricing*
- Experienced coaching and management team*
- Strong personal relationships with participants*
- Strong community ties and partnership liaisons e.g Get Berkshire Active, local*

schools, home schooling parent body, corporate support 3 mobile.

Membership

We have a very robust membership and anyone taking part in gymnastics is required to become a member of the national governing body, British Gymnastics. Parents and carers automatically become members of Phoenix Gymnastics Club when their children enrol which gives them voting rights at AGMs and for their thoughts and ideas for taking the club forward to be heard. Any member who wishes to assist the club in any capacity especially within their professional expertise has the ideal environment in which to add value. Membership currently stands at weekly participants of 750 members with weekly Play gym (under fives with parent carers) walk-in of 300+

Phoenix Gymnastics wants every child in the borough to be able to access all and every level of British Gymnastics disciplines creating a sporting habit for life.

Gymnastics has been shown to be an ideal sport for children in developing both physical and mental skills including core strength, confidence, cooperation, coordination and concentration. Learning these critical skills and gaining a love for sport at an early age benefits all children and their future life.

2015 A Beginning or an End

Phoenix provides not just floor based classes but all aspects of gymnastics and our fully equipped gym includes a full size floor, vaults, bars, beams, running and tumble tracks which all gymnasts utilise in developing their skills and confidence.

The relocation of Phoenix Gymnastics Club will ensure that many more children will be able to enjoy a healthy, active childhood in a better-equipped facility. With nearly one third of children in the UK under 15 suffering from obesity, physical activity and participatory sports are essential.

The Club will close permanently on 9th October 2015 due to the demolition of our current building to make way for housing, unless we have secured a new site and received planning permission.

We believe that the details provision in this statement show that Phoenix Gymnastic Club exhibits the very special circumstances required for such a development to be considered acceptable in the Green Belt.

Planning Officer's Assessment of the Very Special Circumstances.

- 6.46 The club has been aware of the need to move for approximately 3 years and has undertaken an extensive search to try and find new premises. The club will need to close down on 9th October 2015 if an alternative site cannot be found. A site search has looked at over 50 sites, but due primarily to the demand for housing in the Borough this has restricted opportunities for the gym to find an alternative site.
- 6.47 Phoenix Gymnastics Club is a significant recreational facility within the local area with up to 1000 users per week and the club is held in high esteem and has provided professional coaching to many thousands of children of all abilities in the local community for 35 years. The benefit of this for all those children to their overall wellbeing and future generations is important and the social benefits of the facilities and the contribution it makes to sustainable development (of which there is a presumption in favour of) is given some weight. The successes of this club, its importance and their achievements are noted but do not amount to VSC.
- 6.48 Whilst some weight can be afforded to the case of VSC it is not considered that these benefits outweigh the substantial weight that has to be given to the harm through the inappropriateness of the development, and the significant weight given to the actual physical reduction in openness of

the Green Belt from the presence of the building and car parking area and the harm caused through the lack of an adequate sustainable drainage system.

Conclusion

- 6.49 A compelling case for 'VSC' has not been made by the application and neither is one obvious for other reasons. In accordance with Paragraph 88 of the NPPF substantial weight is afforded to the harm to the Green Belt and significant weight is attached to the other harm which has been identified in respect of the failure of the application to demonstrate that the proposal would not increase flood risk. The proposal is considered acceptable with regard to impact on the character and appearance of the area, impact on the PRoW, highway safety, vitality of town centres, neighbouring amenity, trees and ecology. The application is recommended for refusal.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

9 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 16th July 2015.

The planning officer posted a statutory notice advertising the application at the site 10th July 2015.

A petition with **1,125 signatures** supporting the application has been received.

In total 479 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	This club offer young people of all abilities the chance to compete and fulfil their dreams. The club generates community spirit and is an asset to the community.	6.45
2.	It would be devastating if such a lovely team of people that have run it for the last 35 years didn't get to continue the excellent work they do.	"
3.	I support this application because it will allow for the access and continuation of excellent sporting facilities for the local community and young people.	"
4.	I believe the Phoenix Gym is vital to the needs of people who want to carry out a sport especially following the Olympics.	"
5.	This will be a brilliant new venue for children in the area to enjoy for many years to come.	"
6.	This is a great proposal offering a new well planned amenity to the local area.	"
7.	Phoenix Gym is a popular and successful gymnastics club which benefits both individuals and the local community. Their dedicated staff has enabled the club to compete commendably at regional and national events and the move to a modern and better equipped site can help ensure it excellent reputation. The proposed building is more attractive than the one at the current site and can be more energy efficient. As the two sites are relatively close to each other I do not see the relocation of the club as having any major impact on the local area. I would not wish to see such a valuable asset for the youth of the Borough disappear due to the lack of a new home when the current building is being demolished.	"

8	The existing gym is so busy and cramped to have a new gym would be amazing.	“
9.	Phoenix gym has been a wonderful community asset over the years. It is rare to have such a unique sporting facility available to us and it is imperative that the future of the club is secured. On a personal note, Phoenix has given out daughter an opportunity to shine in something she is truly passionate about. It has given her confidence to try new things in all areas of her life. So many young people have had the same privilege – to experience at all levels within a supportive community. We are very excited at the prospect of new facilities to ensure more families have the chance to experience what we have.	“
	It is time this valuable gym found a permanent home It is a popular and well visited centre providing many local children with both gymnastic classes and a play gym for the younger ones.	“
10.	It is vital that a club like this is maintained as an Olympic legacy.	“
11.	Excellent community sporting resource. Has been invaluable for my children. It will offer a great opportunity for children in the borough.	“
12.	If the club was to close I would be lost as I absolutely love gymnastics, I know for a fact that all my friends and people that I go to gym with will feel the same as it means a lot to them also.	“
13.	Close to 1000 children attend the gym, if the planning does not go through it would be a disaster for the club, employees, and gymnasts. The site proposed has a great access and the plans enable a considered sensitive aesthetically and environmentally driven development of the plot.	“
14.	Given the current demand and waiting list at the Club, the opportunity for more children of the Borough to enjoy the play gym, build confidence, improve fitness and have fun expending energy in a high quality and safe environment can only be extremely positive for the Borough.	“
15.	The new development will mean more children having a great opportunity, more employment prospects for young adults. It will help other youngsters like myself with learning and even physical disabilities and no doubt give future children a refuse in similar ways it gave me.	“
16.	The Borough would be worse off without the facility.	“

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

Comment	Where in the report this is considered
1. The site will increase the flooding problems in the area	6.22 – 6.26
2. The proposed development would result in disturbance to the residents of Longlea Nursing Home due to the large car park sited immediately next to the home. Residents would be disturbed 7 days each week till late into the evening by floodlighting and noise from cars arriving and leaving the site. This would impact residents' health and well being.	6.19 - 6.21
3. The development would result in the total desecration of the quiet ambience of the whole village. The Phoenix Gym already has in excess of 700 members plus 300 juniors and they want a purpose built unit to encourage more members. This equates to increasing the	6.9

	volume of traffic in our village to more than twice what it is already and most of this traffic will happen after school time and after work which will mean a high volume of traffic late into the evening.	
4.	Farmglade own all the land now from Oakley Court Hotel up to Monkey Island which is almost half of the smallest piece of greenbelt land between Windsor and Maidenhead so why can't they build the gymnasium on the site of the old Brayfield Farm where there is ample space to put it without spoiling our village.	6.37-6.39
5.	The volume of water coming from the roof would add to an already overflowing ditch in Fifield Road causing excess flooding. The ditch is quite deep and will take a large volume of water but the problem lies in the underground pipe which carries the water to the Thames not being able to cope.	6.22 – 6.26
6.	Properties in the area would be devalued	6.38
7.	The site is in the Green Belt	6.2 – 6.3
8.	Fifield Road is a small road used by many horse riders, many of which are learner. Significant increases to traffic levels would cause an already dangerous road to become more unsafe and potential for serious accidents would be significantly increased. The local road system already struggles to cope with a dearth of roundabouts, properly enforced speed limits blind bends and poor sight lines.	6.10– 6.18
9.	Given that there are lots of brownfield site available locally these should be used instead and this would be in accordance with the Governments priorities.	6.39
10.	There has been no environmental impact report submitted with application	6.40
11.	The flood report contains errors; it states that the building would be built on sand gravel which would help water drain away when in fact the owner reports that the proposed development area is clay which would prevent water from draining away. The independence of this report is therefore questioned.	6.22-6.29
12.	It is understood that the Borough Council should have previously identified an alternative site for Phoenix Gym to relocate prior to granting planning permission for housing on the current Phoenix Gym site. A gross failure of due process.	6.37
13.	The timing of this application is also highly suspicious. One must question the short time frame to submit objections as a potential tactic by RBWM to minimise them.	6.38
14.	Local businesses such a Fifield pub would suffer from reduced trade due to potential customers being put off by the level of congestion caused by increased traffic levels along Fifield Road and this would impact upon the local economy.	6.41
15.	The size and scale of the proposed development (approximately 45m x 35m and 14 metres high) is not in keeping with the area and the further tarmacking of 140 car parking spaces and coach bays will further increase congestions and water run off.	6.4 – 6.9
16.	Major light and noise pollution in the Green Belt.	6.6. and 6.
17.	I see no reason why the gym should need to move	6.4
18.	It seems that no attempt has been made to carry out a traffic study to understand the existing movements and what adding the estimated massive hourly vehicle movement might do to the area.	See Applicants Highway Statement
19.	The proposal would have a negative impact on the nursing home as	6.19 – 6.20

	the size of the building would cut out daylight and would be overbearing	
20.	The Fifield area is a semi rural quiet village and this proposal would harm that character. The proposal is of an industrial scale and would have an urbanising impact.	6.4 – 6.9
21.	Very few of the residents of Fifield will benefit from the proposal.	6.43
22.	The sequential test is not robust and there is no Environmental Report.	6.27 – 6.29
23.	If it is intended for the gym to have a drinks license it will cease a lot of disturbance for the nursing home and the people of Winkfield.	6.41
24.	The proposed site is farmed land and recently the margins planted with trees to mitigate the impact on any future gravel extraction. As such the area is a haven for wildlife and is a peaceful place. The effect of the proposed development in respect of flora and fauna, noise or light pollution does not seem to have been worthy of consideration by the applicant.	6.30 – 6.35
25.	Harm to the Public Right of Way adjoining the site.	6.4 – 6.9
26.	The proposed increase in traffic would cause pollution problems in the area there would also be safety problems as there are no footpaths along the Fifield Road.	6.10-6.18
27.	Increase in vibration to the houses adjacent to the speed humps. Also there is a weight restriction on heavy vehicle which should impact on coach access.	6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority	<p><u>Original Plans</u></p> <p>The brief Sustainable Drainage Statement provided on behalf of the applicant states that the proposed site is set on underlying sands and gravels and as such is free draining land suitable for a SuDS scheme. The geological map would however suggest that the underlying geology is London Clay with no superficial deposits.</p> <p>The Sustainable Drainage Statement also states that the site is surrounded by deep, free running ditches, which dry up during the summer indicating that they have ample capacity for further surface water runoff if necessary. The ditch running parallel with Fifield Road is however known to respond rapidly to rainfall and flooding has been experienced on the ditch network, both upstream and downstream of the proposed development. It is therefore important that adequate provision is made for the disposal of surface water and insufficient detail has been provided to demonstrate that the proposed development will comply with the non statutory technical standards for sustainable drainage (dated March 2015). The applicant should therefore be asked to submit additional information demonstrating that the proposals comply with the non statutory technical standards for sustainable drainage.</p>	6.22 – 6.29

	<p>If the planning application is to be determined as submitted without the applicant being given the opportunity to submit additional information it is recommended that the application be refused.</p> <p><u>Amended Plans/Information</u></p> <p>Additional Information Required</p> <p>Raises an objection.</p> <p>In order to remove this objection it is recommended that the following information is submitted with the planning application:</p> <ol style="list-style-type: none"> 1) An assessment of the surface water flood risk to the western area of the site, with details of suitable mitigation where appropriate. 2) Results of intrusive ground investigations demonstrating seasonal variation in the depth of the groundwater table, infiltration rates determined in accordance with BRE Digest 365 and areas of ground contamination, including Made Ground. 3) Evidence to show that the drainage scheme has been designed to account for the areas of low, medium and high risk of surface water flooding associated with a flow route through the west of the site. 4) If discharge to ground is proved not to be viable, demonstration that discharge to a surface water body is viable including evidence demonstrating that the RBWM agree in principal to the plans. 5) If discharge to a surface water body is proved not to be viable, demonstration that discharge to the main sewer network is viable including evidence demonstrating that the sewerage undertaker agrees in principal to receiving additional surface water contributions to its network. 6) Demonstration that the new site access over the existing drainage ditch will not restrict flows in the ditch. 7) Details of the maintenance and / or adoption proposals / agreements for the development covering every aspect of the proposed drainage system. <p>Without this information the application is recommended for refusal</p>	
<p>Bray Parish Council</p>	<p><u>Original Plans</u></p> <p>Recommended for refusal on the following grounds:- Over development in the Green Belt GB1- In appropriate basic design DG1- Increase in traffic on a busy and dangerous road- Impact on flooding in an area that has experienced and been subject to major flooding p and unneighbourly - Negative impact on a public right of way</p> <p><u>Amended Plans/Information</u></p> <p>Do not believe special circumstances have been proven.</p>	<p>All of report</p>

	<p>Recommended for refusal on the following grounds;</p> <p>GB1 – Unacceptable use and development in the Green Belt,</p> <p>GB2 – Unacceptable development,</p> <p>DG1 - Design Guidelines,</p> <p>F1 - Impact on flooding in an area that has experienced and been subject to major flooding problems in recent years,</p> <p>- Intrusive and unneighbourly,</p> <p>- Negative impact on a public right of way, -</p> <p>Increase in traffic on a busy and dangerous road.</p>	
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Oakley Green and Fifield Residents Associations	<p><u>Original Plans/Information</u></p> <p>The relocation of the Phoenix Gym is of great important not only to the Royal Borough but also to British Gymnastics. We are enormous supporter of this Club and therefore this application needs to be carefully considered.</p> <p>We also need to take into consideration the responses from local Residents in Fifield and the fact that this site is in the Green Belt.</p> <p>We therefore somewhat sadly conclude that we are unable to support this application for these reasons</p> <ol style="list-style-type: none"> 1) The site is within the Green Belt and is also green field. 2) The proposed site is next to a nursing home and hence there is a likelihood of potential noise and loss of privacy due to light pollution. 3) The site is located close to near bends on a road which carries a fair amount of traffic and near to a riding school catering for young riders. 4) The generated traffic would cause further congestion at the junction with Fifield Road and A308. Although the Highways report indicates that this is not the case we believe that this would be a consideration. 5) The lack of support for this application by the residents of Fifield. <p>We believe that there must be more sites within the Borough that have not been considered and that every effect should be made to relocate this important Club.</p>	All of report
Oakley Green, Fifield and	<u>Original Plans/Information</u>	All of report

<p>District Community Association</p>	<p>The Phoenix Gymnastics Club is a very popular facility and does great work. As a measure of its increasing popularity the club has a membership of over 750 and plans to expand. Some local residents use the facility and see it as an asset to the area. The comments below are not against the Club and what it is delivering but describe the concerns that local residents have about relocating it from a brown field site to a green field site in Fifield and the associated adverse impacts of such a move.</p> <ol style="list-style-type: none"> 1) Location and Planning Policy – the site is in the Green Belt and the Very Special Circumstance does not outweigh the harm when potential elements of harm are considered. 2) Neighbours – harmful impacts due to noise and light pollution. 3) Scale – the building is much bigger than any of the neighbouring buildings. 4) Road traffic and safety – Fifield Road is heavily used, there are tight bends immediately to the south by the entrance to the nursing home and this has been the scene of accidents in the past. 5) Flooding – residents are concerned about the potential to make flooding worse because of the huge amounts of water run off from the Gymnasium roof and car park. 6) Noise and Light Pollution – the external lighting and level of noise from the car park will harm the amenities of occupiers of the care home and the north part of the village. 7) Archaeology – archaeological remains may be damaged by ground disturbance for the proposed new gym club and associated works. 8) Ecology – the proposal would result in the loss of some trees and in addition such a busy and active site will adversely affect the local flora and fauna. 9) Sports England have confirmed that <p><u>Amended Plans Information</u></p> <p>The amended Water Management Plan does not seem to have changed and proposes that all this water can be dealt with by using 3 ephemeral pools and a sub-base under the car parking areas. Several figures are quoted to claim that the capacity of this system is vastly over provided. It claims that water will all be fed slowly to a final attenuation pond from where it will gradually dissipate into the ground. What it does not mention or appear to allow for is the point made early in this process by RBWM's own Flood Risk Manager that when these ponds are most needed they will be half full of water already severely diminishing their effective capacity. From local experience there's a lot of water simply disappearing into the ground, If it isn't led away where is it? Yet we are asked to believe that no water will leave</p>	
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	<p>the site ... it will all be held within it and dissipated into the ground below it. One cannot help but to wonder how?</p> <p>The proposed western SUDs pond as it is currently designed and offered if put into practice would have the crown of the 1.2 m diameter pipe intruding into it to some degree - perhaps by as much as 0.3 m. We are only amateurs, but it surely cannot be right to have such a glaring potential problem at the outset ? At the very least surely the layout of the site will need to be reconsidered</p>	
PRoW Officer	<p>A public footpath (FP 51a Bray) runs alongside the southern boundary of the application site accessed from Fifield Road and there are a number of other public rights of way in the vicinity of site (see attached extract from the Definitive Map of Public Rights of Way.</p> <p>As noted in the Landscape and Visual Impact assessment, the proposed development would be visible from these public rights of way in particular FP 51a both during the construction state and to a lesser extent during the operational stage.</p> <p>However bearing in mind the screening provided by existing vegetation and by the proposed landscaping of the development site I do not consider that the adverse impact of the development on views from the public rights of way network would be sufficient to justify an objection on public rights of way grounds.</p>	
Environmental Protection	No objection subject to conditions regarding noise and contamination. Amended Plans no change.	Noted
Tree Officer	No objection subject to conditions. Amended Plans no change.	6.6 – 6.8
Ecology	No objection subject to conditions. Amended Plans no change.	6.30 – 6.35
Sport England	<p>It is understood that the site where the Club is located currently has been granted planning permission for a housing development. If Sport England had been aware of the application for the development of the Club's existing site, then Sport England would have objected as paragraph 74 of the NPPF requires existing sports facilities to be protected from development or replaced. The Club is an important local sports facility and its future depends upon finding an alternative site. It is understood that this is a Green Belt site and has only been selected because of an absence of suitable alternatives. The Club's new building has been designed to be sympathetic to its location whilst providing the space the Club will need for sport.</p> <p>The proposal is therefore considered to be in accord with Objective 3 of Sport England's policy. This being the case, Sport England offers its support to this application.</p>	6.37

Berkshire Archaeology	Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed new gym club and associated works. This is a development of reasonable scale (1.4 ha) on previously undeveloped land, bar the construction of the water pipeline. In view of this partial disturbance to the site, Berkshire Archaeology would recommend that a condition requiring a programme of archaeological investigation is attached, should planning consent be granted. Amended Plans no change.	Noted.
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9. APPENDICES TO THIS REPORT

- Appendix A – Site Location
- Appendix B – Amended Site Layout
- Appendix C – Amended Landscaping
- Appendix D – Amended Elevations

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have not been successfully resolved.

- 1 The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore the siting of the new building combined with its additional height and resulting bulk, would reduce the openness of the Green Belt. The proposal is therefore contrary to Policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and Paragraph 89 of the NPPF as the Local Planning Authority does not consider that very special circumstances have been demonstrated that clearly outweigh the substantial weight that has to be given to the Green Belt harm and the other harm referred to in reason 2.
- 2 The application fails to secure an acceptable sustainable drainage system and as such it cannot be demonstrated that the proposal would not increase flood risk. The proposal is contrary to paragraph 103 of the NPPF.