

17 January 2024

Item: 1

Application No.:	23/00455/FULL
Location:	Land At The North of Foxley Green Farm Ascot Road Holyport Maidenhead
Proposal:	Change of use from agricultural land to private equestrian use to provide a polo pitch alongside associated engineering works for drainage and levelling.
Applicant:	C/o Agent
Agent:	Mr Bristow
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development comprises the change of use of agricultural land to equestrian use in the form of a polo pitch, to supplement existing facilities at Les Lions Polo Club. The polo pitch will require associated engineering works to level the land and installation of a drainage system. Surface water will be formally drained and directed towards the west corner of the site where it will be held in a newly formed pond/lake.
- 1.2 The proposed development is considered to represent 'appropriate' development in the Green Belt. It is not considered that the proposed development would have an adverse impact on surface water drainage.
- 1.3 The Council's Ecologist and NatureSpace have confirmed that they are satisfied with the submitted ecological report and agree that a great crested newt mitigation licence is reasonably required due to the potential impacts to great crested newts (GCN). This can be either a standard mitigation licence from Natural England, or the applicant can apply for the Royal Borough of Windsor and Maidenhead Council's District licence. The applicant has confirmed (by email 5th December) that they have now commissioned the GCN Newt report and District Licence as required. The District Licence would need to be obtained prior to the application being determined.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission subject the applicant obtaining a District Licence (for Great Crested Newts) prior to the determination of the application, and Conditions listed in Section 13 of this report together with any additional conditions required as part of the District Licence.
2.	To refuse planning permission if applicant has not obtained a District Licence (re Great Crested Newts), for the reason that the proposed development would not safeguard protected species.

2. REASON FOR COMMITTEE 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 Committee as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the west side of Ascot Road and is located within the Green Belt. The application site comprises agricultural land/paddocks immediately adjacent to the established polo facility at Les Lions. There is a mature hedgerow between an existing polo pitch and the proposed polo pitch.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Green Belt. Most of the site is within Flood Zone 1, with the exception of a small sections near and along the site boundary which fall within Flood Zone 2 (1:1000 year probability of flooding).

5. THE PROPOSAL

- 5.1 The proposal involves the change of use from agricultural land to private equestrian use to provide a polo pitch together with associated engineering works for drainage and levelling. The drainage works include formation of a pond/lake in the far western corner of the application site. Drawing 008 shows the extent of the levelling works for the new polo pitch. The agent has advised that the proposed level changes for the proposed polo pitch range between 0mm and maximum of 600mm, and the majority of level changes would be in the order of 300mm. The applicant's agent has advised that there are no plans to import or export soil to construct the polo field. Soil will be repositioned across the site and utilised from the drainage pond excavations. The construction and maintenance will however require importation of sand required for drainage purposes. The applicant has been requested to quantify the amount of sand required and any further details provided will be reported in the update report.
- 5.2 The proposed drainage pond would be oval in shape with an overall length of approximately 54 metres and overall width of approximately 29 metres. The applicant's Flood Risk Assessment (FRA) at para. 5.11 states that the base of the proposed pond is set at 24.0AOD and the top of the bank is set at around 28.2 m AOD. The water stored below 27.0m AOD is proposed for water reuse, while the pond storage between 27.0m AOD and 28.2m AOD is proposed for attenuation storage. The pond is proposed as a two-stage pond, where the attenuation storage plan area of the pond is larger than the permanent pond area (used for irrigation).
- 5.3 The application site is immediately adjacent to Les Lions polo establishment (outlined in blue) on the submitted plans. Access to the new polo pitch would be via an existing grass track. No new hardstanding is proposed. The existing grass track which would provide access to the new polo pitch and would traverse a section of a public footpath (for approximately 23 metres)
- 5.4 The applicant advises that the new pitch will provide additional training space, alleviating pressure on existing facilities, allowing for pitch rotation and increased rest periods between matches and training. This will ensure that the condition of each of the pitches can be maintained at a high standard. The applicant's agent has advised that the proposed polo field would be used for practice games on average about 3 times per week. Over a season (approx. mid April-September) it is anticipated that it

would be used a maximum of 60 times. The applicant advises that there would be no Loudspeakers used. A horn or hand held bell would sound at the end of each period of play (chukka) – amounting to approximately a dozen rings of a bell or horn during an entire match/practice. The horn currently used is a: Streetwise Hand Held Air Horn. The bell used is hand held with wooden handle. The whistles used are normal football whistles.

6. RELEVANT PLANNING HISTORY

6.1 The last application for this application site (outlined in red) was:

22/01172/FULL: Change of use from agricultural land to private equestrian use to provide a polo pitch alongside associated engineering works for drainage and levelling. This application was withdrawn on 16.09.2022

6.2 The applications listed in the table below relate to the immediately adjacent Les Lion polo establishment.

Reference	Description	Decision
425380 (alternative reference 91/00392)	Extensions and Alterations to existing building for equestrian and ancillary uses including grooms accommodation and mezzanine floor to existing building new driveway, hardstanding, landscaping and fencing at Stud Green Holding, Ascot Road. (This was the former address of Les Lions)..	Permission granted 11th February 1993
17/03585/OUT	Outline application (all matters reserved) for the reorganisation of the existing facilities and a proposed new clubhouse.	Refused 22/1/2018 – Dismissed on appeal.
18/00661/OUT	Outline application (all matters reserved) for the reorganisation of the existing facilities and a proposed new clubhouse.	Withdrawn 1/5/2018.
19/00337/OUT	Outline application (all matters reserved) for the reorganisation of the existing facilities and a proposed new clubhouse.	Refused April 2019
20/01170/CLU	Certificate of lawfulness to regularise breach of condition 8 of planning permission reference 425380 (alternative reference 91/00392) and to determine whether the existing use of the site, including existing buildings and land for use associated with polo is lawful	Approved August 2020.
20/01214/CLD	Certificate of lawfulness to determine whether the existing	Approved August 2020

	stables with associated tack room/store and concrete yards located in the southeast corner, by the muckheap and in the middle of the main exercise track; the exercise tracks; marquee; and horse walker are lawful.	
21/01446/FULL	x2 new single storey buildings and x1 new balcony to existing building along with ancillary car parking, hard and soft landscaping and all associated works.	Approved March 2022
22/01836/CONDIT	Details required by condition 2 (materials) of planning permission 21/01446/FULL for x2 new single storey buildings and x1 new balcony to existing building along with ancillary car parking, hard and soft landscaping and all associated works.	Details approved September 2022.

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Artificial Light Pollution	EP3
Noise	EP4
Contaminated Land and Water	EP5

Rights of Way and Access to the Countryside	IF5
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8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (published 19th Dec 2023)

- Section 2 – Achieving sustainable development
- Section 4- Decision-making
- Section 6 – Building a strong, competitive economy
- Section 11 – Making effective use of land
- 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

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Corporate Strategy
- Environment and Climate Strategy
- Interim Sustainability position statement

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

43 occupiers were notified directly of the application.

The planning officer posted notices advertising the application at the site on 7th March 2023 and the application was advertised in the Local Press on 9th March 2023.

16 letters were received raising no objection or support for the application, summarised as:

Comment		Where in the report this is considered
1.	Supportive of this application to further develop the successful Les Lions Polo establishment. The environmental reports, including the Water Environment Report indicates a limited impact on the run off with a possible positive impact on the Bourne Catchment.	See main report paragraphs 10.2 - 13.1
2.	Fully support this application as it could be of benefit to the area providing that the plans demonstrate that	See main report paragraphs 10.2 - 13.1

	the run off of water will not impact upon Stud/Sturt Green.	
3.	Full support for the creation of a polo pitch. The work on the site will help drainage and enhance the wildlife with the creation of a pond/lake.	See main report paragraphs 10.2 - 13.1
4.	There would be no impact on the area or surrounding area with access for wildlife to the area and the proposal would not have any material impact with flooding as is currently growing grass and would continue to do so..	See main report paragraphs 10.2 - 13.1
5.	The wildlife that enjoys the current polo pitch and hedgerows is magnificent. We have a huge diversity of birds and waterfowl and it is important to keep this a green sanctuary. The extra lake is a wonderful idea	See main report paragraphs 10.2 - 13.1
6.	Support the application, as the present polo pitch at Les Lion looks amazing and is always well maintained. The hedgerow supports a variety of wildlife and the lake would support a variety of waterfowl	See main report paragraphs 10.2 - 13.1
7.	Happy to see this piece of land tidied up and utilised. The applicants have always kept the polo field in very good order.	See main report paragraphs 10.2 - 13.1
8.	The Les Lions Polo Farm are very supportive of Holyport College and are good neighbours. The school has no objections to this application.	See main report paragraphs 10.2 - 13.1
9.	Support for the proposal as it will be a wonderful asset to the area, bringing a derelict site back into positive use which would benefit the area.	See main report paragraphs 10.2 - 13.1
10	As with any such application, there will be concerns about the effect on watercourses. However, the environmental reports, including the Water Environment Report indicates a limited impact on the run off with a possible positive impact on the Bourne Catchment, and a commitment to ensure that the ground water retention impact will be addressed through a 28m3 lowering of an area outside of the polo field	See main report paragraphs 10.2 - 13.1
11	Appreciate the support from Les Lions polo club in relation to the flooding issues which we believe turned out it was not their making	See main report paragraphs 10.2 - 13.1
12	No objections with the land being used for a polo pitch. Will only enhance the overall look of the site and if the land the applicant presently owns is anything to go by it will be kept immaculately .They respect their neighbours by keeping noise down and the number of games to a minimum. Would wish to see the far corner near the proposed lake used for a wildlife refuge (it does not have to be a big area to make a difference), as polo pitches offer little if no opportunities for wildlife,	See main report paragraphs 10.2 - 13.1
13	Support for this application as I believe this could be of benefit to the area, providing that the plans demonstrate that the run off of water will not impact upon Stud/Sturt Green.	See main report paragraphs 10.2 - 13.1
14	Full support for the creation of a polo pitch. The work on the site will help drainage from the fields opposite	See main report paragraphs 10.2 - 13.1

	and also enhance the wildlife with the creation of a pond/lake	
15	The polo industry in our area should be supported it creates opportunities for local companies and individuals and provides a jobs within the area.	See main report paragraphs 10.2 - 13.1
16	The wildlife that enjoys the current polo pitch and hedgerows is magnificent. There is great diversity of birds and waterfowl and it is important to keep this a green sanctuary. The extra lake is a wonderful idea	See main report paragraphs 10.2 - 13.1
17	Support for the application, as the present polo pitch at Les Lion looks amazing and is always well maintained. The hedgerow supports a variety of wildlife and the lake would support a variety of waterfowl.	See main report paragraphs 10.2 - 13.1
18	Happy to see this piece of land tidied up and utilised by the applicants who have always kept the existing polo field adjacent in very good order.	See main report paragraphs 10.2 - 13.1
19	Les Lions has always employed highly respected consultants and advisers to ensure the land and buildings are maintained and developed to the highest standard. Les Lions has always given thought to neighbours in Stud/Sturt Green and Rolls Lane and have worked hard to ensure this, and future developments will not have any adverse effects on the community.	See main report paragraphs 10.2 - 13.1
20	The current field is a mess and the money spent to redevelop the land will benefit the local community Support for the this plan and believe the change to be a good thing.	See main report paragraphs 10.2 - 13.1

Letters were received from 4 households **objecting** to the application, summarised as:

Comment	Where in the report this is considered
1. This should be EIA (Environmental Impact Assessment) development and requires submission of a full EIA.	This is not considered to be EIA development.
2. Shocked that LLFA is accepting this proposal with drainage conditions. Drainage works are 'engineering works above or below ground' and must be shown on planning drawings.	The LLFA are satisfied that the drainage proposals are acceptable and that further details can be secured via a condition. See paragraphs 10.19-10.29
3 The operation of the polo club in drainage terms is at odds with Planning Land Drainage and good environmental practice. These concerns were raised during the determination of previous applications relating Certificates of Lawfulness. The LLFA has ignored requests that the full operation of the polo establishment is appraised.	The LLFA is satisfied with the drainage proposals. See paragraphs 10.19 -10.29.
4. High performing sports pitches act like carparks in terms of water run off.	Noted.

5.	<p>There was a big problem locally on Friday 31st March 2023, wasting hours of emergency service time and resources, The Ascot Road (an A road) was both closed and dangerous and local polo club run off was a significant contributor to that problem.</p>	<p>The LLFA is satisfied with the drainage proposals.</p>
6.	<p>This proposal makes all the same mistakes as the current operation and potentially leaves neighbouring properties at a much greater surface water flood risk. Planning applications are a great opportunity for the club to correct the defects in the present operation.</p> <p>Passing on water at a tremendous uncontrolled rate is not a solution. Neither is losing your catchment from November onwards and using domestic water from June. Surcharging public sewers in the high rainfall event just contributes to a sewerage discharge risk to the Thames.</p>	<p>The LLFA is satisfied with the drainage proposals.</p> <p>It should also be noted that the drainage proposals under this application only are required to relate to the proposed to development.</p>
7.	<p>Flood risk is a really serious issue for the locality. Climate change is affecting weather patterns. When the next heavy rainfall occurs here, neighbours won't be so supportive of the proposal.</p>	<p>The LLFA is satisfied with the drainage proposals.</p>
8.	<p>The proposed extension of Les Lions is a massive cut and fill and land drainage exercise, which puts private properties at an unnecessary risk.</p> <p>Applicant has asserted that they are filling the pond, which it has been previously demonstrated is in overflow from about November onwards (i.e all through the winter, when they should be collecting water for storage/reuse) with water from a bore hole (rather than from mains).</p> <p>The borehole is probably subject to an extraction license from the EA. The Council should ask for sight of their license and annual abstraction logs. They should also hold regular water sample tests.</p> <p>The Council may also wish to seek copies of water bills. Otherwise we shall have to conclude that they are drawing excessive water from the mains, whilst discharging water all winter, which is contrary to the drainage discharge hierarchy.</p> <p>There is also evidence that the water running off the fields is probably nitrate rich.</p> <p>If these points cannot be explained by Les Lions, then the threshold for development in the green belt cannot be justified as this and the increased surface water flood risk mean that the development is inappropriate.</p>	<p>See paragraphs 10.19 -10.29 and 10.24 and 10.25.</p>

9.	An increasing number of polo fields is fundamentally transforming the way in which land surface water is being runoff into both The Bourne and The Cut. Backing up of water and increasing runoff, compounds flooding issues as both these streams converge at the M4 J8/9, where insufficient flow capacity is unable to dissipate the peaks as they arise.	The LLFA is satisfied with the drainage proposals.
10	Last year the Ascot Road was impassable due to The Bourne having risen rapidly overnight to a level where it broke its banks and displaced approximately 12 inches of water on a blind bend in the road. The Bourne neither has the capacity to handle the increasing flows, and there are safety risks to both people and property.	The LLFA is satisfied with the drainage proposals.
11	Agricultural land allows for rainwater to be absorbed into the soil, whereas creating additional runoff pushes the issues downstream. Sturt Green is a residential area. Residents are suffering the flooding consequences of such developments. If this relentless transition of agricultural land persists, there is the prospect of homes in Sturt Green becoming uninsurable, diminishing in desirability and ultimately depreciating in value.	The LLFA is satisfied with the drainage proposals.
12	Attenuation ponds offer some mitigation, however such ponds would not capture sufficient rainwater reserves to maintain the irrigation of manicured polo lawns in the summer. It is common practice for many polo field owners to use industrial-scale sprinklers to water their lawns morning and night from mains-supplied water. Such practices further upset the balance of the water tables and natural flow rates of adjoining streams.	The LLFA is satisfied with the drainage proposals.
13	With more hosepipe bans, it raises the question of the price being paid to maintain these recreational facilities.	The LLFA is satisfied with the drainage proposals.
14	If Les Lions can add some further drainage improvements to their proposal, there could be a solution which keeps everyone happy but, as it is, it is far too risky to support the proposal as it currently stands.	The LLFA is satisfied with the drainage proposals.
15	Highly likely that the run off from existing grounds is nitrate rich.	See paragraphs 10.24 - 10.25
16	Swales will alleviate flood risk and will also improve biodiversity.	The LLFA is satisfied with the drainage proposals.

17	The current operation was a significant contributor to the Ascot Road flooding of 29th March and was in immediate overflow on 20th Sept, with no effective attenuation on what is an accelerated drainage discharge.	The LLFA is satisfied with the drainage proposals.
18	The applicant doesn't demonstrate the very special circumstances to warrant development in the green belt.	See paragraphs 10.2 -10.18
19	The operation discharges water all through the summer and winter and takes from a borehole, depleting scarce underground reservoirs through the summer. The Council has failed to request information from the applicant about historic records of abstraction and testing.	See paragraphs 10.24-10.25
20	Evidence presented to date is sufficient for Council to rescind the two Certificates of Lawfulness, as development (in the form of progressive drainage installations) has been deliberately concealed.	The LLFA is satisfied with the drainage proposals.
21	The Council should seek a full and retrospective application for the extensive drainage installed on this site over many years. There is evidence of the extent of some of this drainage, it is much more extensive than the officers described.	The LLFA is satisfied with the drainage proposals.
22	There is little evidence of officer curiosity or challenge of the water quality, drainage operation or flood risk issues raised and no evidence of wider statutory stakeholder consultation over some of the issues that previously raised. Nor does it appear that the matters are being put to the applicant.	See paragraphs 10.24 -10.25
23	This is a high carbon operation with players, grooms and families imported from Argentina, extensive (possibly obsessive) grounds maintenance, the transport of horses all over the place for games and winter resting. In addition to the carbon this also takes up the rental of a number of scarce family accommodation units. Need to help create a more sustainable life on this planet. This will only be achieved if we all address the current inadequacies of the present operations.	See paragraphs 10.2-10.18 and 10.39 -10.46. The proposed development is not considered to create an intensification of existing use at Les Lions Polo Club.

24	<p>The agricultural land that is the subject of the proposal currently acts as a huge and effective water storage area that goes some way to countering the run off from the existing well drained polo pitches of Les Lions Polo Club. In times of intensely high rainfall the current pitches become saturated and the water flows straight over, overwhelming the ditches and the natural drainage system in Stud Green. This is exactly what happened less than two years ago as confirmed by one of the directors of Les Lions Farm.</p>	<p>The LLFA is satisfied with the drainage proposals.</p>
25	<p>The application proposes that the pitch of over 13.5 acres slopes North towards Stud Green. In times of heavy rainfall, the water drainage and run off from 13.5 acres of polo pitch can be expected to cause a much larger problem here, and all across the north and north east boundary of the site.</p> <p>When the amount of water exceeds the drainage capability the surface water will flow directly into and probably over the modest existing stream on the northern boundary, and into the Listed property (Stud Green Farm) and into Stud Green.</p> <p>It is reckless to change an effective natural flood mitigation area into a huge well drained area which passes all of the water that would normally be retained to drain away naturally, to those down stream that are already suffering with the effects of excess water in times of heavy rainfall.</p>	<p>The LLFA is satisfied with the drainage proposals.</p>

Consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority (LLFA)	No objection raised a pre-commencement condition is recommended.	See paragraphs 10.19-10.29
Environment Agency	The EA has not provided bespoke comments for this development and referred to their standing advice.	See Paragraphs 10.19 -10.29
Council's Ecology	No objection, conditions suggested. The applicant will need to register the site under the GCNDL (Great Crested Newt District Licencing Scheme) and this would need to be done <u>prior</u> to the application being determined.	See paragraphs 10.39-10.46
NatureSpace	The applicant will need to register the site under the GCNDL (Great Crested Newt	See paragraphs 10.39-10.46

	District Licencing Scheme) and this would need to be done <u>prior</u> to the application being determined.	
Highways	No objection. A condition is suggested to secure a construction management plan (CMP).	See paragraph 10.30-10.36. The LPA does not consider that a condition to secure a CMP is necessary as the proposed development there will not involve the importation or exportation of soil.
Public Rights of Way Officer	No objection raised. Suggested condition regarding surface materials	See paragraphs 10.24-10.25

Berkshire Archaeology	Satisfied with the updated Written Scheme of Investigation.	A condition will be included to ensure that the development is carried out in accordance with the WSI. See paragraphs 10.47-10.50.
Environmental Protection	No objection	Noted.

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Parish Council	Recommend for refusal, requesting that issues raised by the flood authority be addressed. It was noted that Sturt Green/Moneyrow Green and Holyport Green on Friday 31 st March was impacted by severe flooding in the area. BPC requests that this application should not be approved until all concerns around flooding are addressed.	See paragraphs 10.19 -10.29 of main report
East Berkshire Ramblers	No objection raised.	See paragraphs 10.35 -10.36

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Green Belt
- ii Impact upon the character of the rural area
- iii Drainage and flooding
- iv Highways
- v Impact upon the character of the area and amenities neighbouring properties
- vi Ecology
- vii Archaeology

i Green Belt

10.2 Les Lions Polo Club (the applicant) is located adjacent to the south-east of the site. Les Lions

operates year-round as an established equestrian facility, comprising two full-size polo pitches, stabling, exercise tracks, a club house, offices, storage, parking and other associated infrastructure. The applicant advises that the club hosts approximately 70-90 practice sessions and matches throughout the polo season (running from April/May to September), resulting in heavy use of the existing pitches.

10.3 The proposed development proposes the change of use of the land from its current agricultural

use, to equestrian use in the form of a formal polo pitch, to supplement existing facilities at Les Lions Polo Club. The proposed pitch will measure 55,200sqm (5.5ha). The proposed development relates solely to outdoor sport and recreation and will not result in the erection of any buildings or hard surfaces. The application proposes a number of pony lines used for tethering purposes and similar to those found on other parts of the site – these are open structures comprising posts, railing and ropes.

10.4 The polo pitch will require associated engineering works to level the land and installation of

a drainage system. Surface water will be formally drained and directed towards the west corner of the site where it will be held in a newly formed pond/lake. The applicant has advised that water collected in the new pond will be used for irrigation purposes.

10.5 The polo pitch will be for the use of Les Lions Polo Club and will utilise its existing ancillary

facilities, including parking, access offices and storage etc. No additional hardstanding is

proposed, the polo pitch will make use of existing infrastructure. The pitch intends to supplement the existing facilities at Les Lions and it is not intended to intensify the use of the polo club.

10.6 The applicant advises that the new pitch will provide additional training space, alleviating pressure on existing facilities, allowing for pitch rotation and increased rest periods between matches and training. This will ensure that the condition of each of the pitches can be maintained at a high standard.

10.7 The agent has advised that the proposed level changes range between 0mm and maximum of 600mm, and the majority of level changes would be in the order of 300mm. Details of the level changes for the polo pitch are shown on drawing 008. The applicant's agent has advised that there are no plans to import or export soil to construct the polo field. Soil will be repositioned across the site and utilised from the drainage pond excavations. The construction and maintenance will however require importation of sand required for drainage purposes. (The applicant has been asked to quantify the amounts of sands require and any details provided will be reported in the committee update report.)

10.8 The applicant has advised that they start playing polo around mid April depending on the weather, and the polo season currently runs to end of September. The pitches are minimally used during winter when the ground is wet or frozen. It is understood that on some weeks the pitch will have more use than other weeks. The proposed polo field would be used for practice games on average about 3 times per week. Over a season (approx. mid April-September) it is anticipated that it would be used a maximum of 60 times. The applicant advises that there would be no Loudspeakers used. A horn or hand held bell would sound at the end of each period of play (chukka) – amounting to approximately a dozen rings of a bell or horn during an entire match/practice. The

horn currently used is a: Streetwise Hand Held Air Horn. The bell used is hand held with wooden handle. The whistles used are normal football whistles.

10.9 Paragraph 153 of the NPPF (published 19th Dec 2023) states that when considering any planning application, the local planning authority should ensure that substantial weight is given to any harm to the Green Belt . ‘Very special circumstances ‘ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.10 Paragraph 154 (NPPF published 19th Dec 2023) lists exceptions for the construction of new buildings in the Green Belt.

These include:

b)the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Paragraph 155 (NPPF 19th Dec 23) 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. These include:

b) engineering operations;

e)material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

10.11 Para. 143 of the NPPF (19th Dec 23) states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.12 Policy QP5 of the adopted Borough Local Plan is in line with the aims and objectives of the NPPF and states that national Green Belt policy will be applied to development in rural areas within the Royal Borough.

10.13 Amongst other criteria QP5 states:

2. Within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a). Green Belt

QP5 states under the heading ‘Equestrian Development’

6. New equestrian development (including lighting and means of enclosure) should be unobtrusively located and designed so that it does not have a significant adverse effect on the character of the locality, residential amenity, highway safety and landscape quality

7. Proposals will need to ensure sufficient land is available for grazing and exercise, where necessary.

8. A satisfactory scheme for the disposal of waste will need to be provided.

10.14 QP 5 under the heading 'Facilities for Outdoor Sport, Outdoor Recreation or Cemeteries' states:

9. The scale of development will be expected to be no more than is genuinely required for the proper functioning of the enterprise or the use of the land to which it is associated.

10. Buildings should be unobtrusively located and designed so as not to introduce a prominent urban element into a countryside location, including the impact of any new or improved access and car parking areas

11. The development (including lighting) should have no detrimental effect on landscape quality, biodiversity, residential amenity or highway safety.

10.15 The new polo pitch which would involve a change of use of the land to outdoor sport/recreation, and associated engineering works (re-levelling and drainage works including creation of a new pond/lake), and therefore these works fall under paragraphs 154 and 155 of the National Planning Policy Framework. However, development needs to preserve the openness of the Green Belt and not conflict with any of the purposes of the Green Belt in order for them to fall under these exceptions to inappropriate development.

10.6 The change of use of the land from agricultural to equestrian (for use as a polo pitch) would not harm openness of the Green Belt nor conflict with the purposes of including land within the Green Belt. The levelling of the land involves level changes of around 30 cm, which is not considered to be a significant level change and would not harm the openness of the Green Belt. The creation of the pond within the site (to provide sustainable drainage) is also considered to preserve the openness of the Green Belt. The proposed pony lines are small open structures required in association with the polo use and these are also considered to preserve openness. The proposed development is considered to preserve the openness of the Green Belt, and would not conflict with any of the purposes of the Green Belt, and is considered to comply with the NPPF (19th Dec 2023) paragraphs 154 b) and 155 b) and e).

10.17 In terms of policy QP5 considerations, the proposed development would not result in the permanent loss of agricultural land. The land could potentially be returned to agricultural use in the future. The proposed new polo field would be used in connection with the existing polo establishment and does not require any additional buildings or infrastructure. The proposal would comply with Policy QP5.

ii Impact upon the character of the rural area

10.18 The proposed polo field would be immediately adjacent and used in connection with an established polo establishment. The land would remain open and no new hardsurfacing or new car parking areas are proposed. The application does not propose any external lighting or permanent seating.

10.19 It is considered that the proposal would not maintain the character and appearance of this rural area. The proposal complies with the Policy QP3 in this regard.

iii Drainage and flooding.

- 10.20 The Environment Agency was consulted on this application and have referred the LPA to EA standing advice. The Lead Local Flood Authority has provided drainage comments on the proposal.
- 10.21 The application site lies almost entirely in Flood Zone 1 (low risk flooding) but includes a small area of Flood Zone 2 (from The Cut) at the periphery of the site. The Cut flows northwards and then east to join the River Thames. The other watercourse depicted in Figure 2 of the submitted Flood Risk Assessment (FRA) is the Bourne, which flows northeast, however, the Flood Map for Planning shows that the site is not affected by this watercourse or its associated floodplain. The area where the proposed polo pitch is to be sited is not within Flood Zone 2 and neither is the new pond/lake. In its existing state, surface water runoff from the application site drains naturally, following the local topography. There is no formal drainage infrastructure, as the site is used as paddocks. The FRA advises that almost 70% of the area of the proposed polo pitch currently drains to The Cut with the remainder going to the Bourne. (The FRA advises that the Bourne is a tributary of The Cut).
- 10.22 The total area of the development site is 148,000m² (14.8 ha) and the size of the new polo field is 55,200m² (5.5 ha). The applicants are proposing to implement a sustainable drainage system. The SuDS strategy is focused entirely on the new polo field, as the remainder of the site will remain broadly unchanged and will continue to drain naturally.
- 10.23 The proposal is for the surface of the new polo pitch to be formally drained, to reduce saturated conditions and maintain the playing surface, similarly to other pitches at the site. Field drains are to be laid under the new pitch which will intercept water and drain to the new pond. This will also reduce the flow rates off the pitch with the aim of reducing risk to others downstream. The water collected from the pitch will be reused for irrigation at the site.
- 10.24 The entire polo field is intended to be drained to The Cut. The FRA advises that the drainage of the entire new polo field to The Cut will result in an increase in the rainfall runoff from the site into The Cut, due to the increased contributing area, however, the increase may be partially or fully mitigated by the proposed field drainage and pond. The FRA further advises that there would be a negligible impact on flood water levels in The Cut and that there would more likely be greater beneficial impact on flood water levels in the Bourne (by reducing) flood levels, and a more significant beneficial impact on flood risk in Stud Green due to removal of 1.6% of the catchment runoff.
- 10.25 The applicant's agent has responded to the objections regarding drainage as follows:

'A number of comments have been received voicing concerns that the existing pitches at Les Lions have resulted in additional flooding along Sturt Green and the Local Area. These concerns do not relate to the current planning application (23/00455/FULL) and are not substantiated by evidence. Nevertheless, the submitted drainage strategy alongside application 23/00455/FULL demonstrates that the proposed polo pitch has been designed to direct water away from Sturt Green. The drainage strategy has the capacity to cope with a 1 in 100 year plus climate change rainfall event. This is achieved by directing water to the west of the site to a water storage pond. The proposal will not result in adverse flooding impacts for the surrounding area.'

'The area of the polo pitch will be levelled to provide an even playing surface. The level changes are not significant as demonstrated on the sections drawing submitted with

the application (drawing number 1456 P 008), including the overlaid existing and proposed sections showing the proposed changes, as below. The levels have been designed in accordance with the drainage strategy. The levelling will require the movement of the top soil and will not require excessive cut and fill of the land.'

'At present runoff from the existing field is naturally directed to two water catchments, The Bourne to the northeast (passing Sturt Green) and The Cut to the west. The drainage strategy has been designed to direct all surface water from the pitch to the west, away from Sturt Green. Surface water will be directed to the proposed drainage pond at the west of the site, which (as outlined above) has been designed to cope with levels of runoff associated with a 1 in 100 year climate change rainfall event. Given that that drainage strategy directs all runoff to the west, the proposed drainage strategy provides a benefit in preventing runoff (from the proposal site) from reaching Sturt Green thereby reducing flood risk. The LLFA acknowledge and accept the drainage strategy and detailed modelling as at this stage and have recommended approval (subject to conditions) on this basis.'

- 10.26 Regarding water abstraction the applicant's agent has provided the following comments to clarify the situation:

'The proposed pond at the west of the site will store rainwater runoff from the pitch. This water will be utilised for irrigation in the summer months. The pitch will not be watered from the mains water supply at any point. Additionally, Les Lions Polo Club has access to a bore hole to supplement water provision. Les Lions hold an appropriate Abstraction License with the Environment Agency and operate in accordance with this. Annual returns are made to the Environment Agency as per the Abstraction License. The environment agency regularly tests the bore hole water supply and can provide a record of 5 years of water testing, demonstrating that Nitrate and other contaminant levels are low and that the water is safe for irrigation purposes. The bore hole is used to replenish the existing pond at Les Lions in the summer months, only when water levels are low. This allows for continued irrigation of the two existing pitches. The pond is fitted with an auto-shut off float that turns the borehole pump off when the lake is back at its normal level ensuring only the required amounts of water is abstracted..'

- 10.27 In response to the Lead Local Flood Authority's initial comments/query the applicant has submitted further drainage details and calculations. The LLFA provided comments on 17th May 2023 having reviewed the following:

- Drainage Technical Note prepared by Water Environment Limited dated 16th
- Email correspondence dated 3rd April 2023 from Sphere25 to LPA
- Drainage Technical Note Revision C03 prepared by Water Environment Limited dated 10th April

- 10.28 The LLFA commented that they note that the modelling exercise has now been revised to calculate discharge rates once water levels reach the proposed weir level more accurately. This modelling exercise demonstrates that discharge rates remain lower than the existing greenfield discharge rates up to the 1 in 100 year plus climate change event. They recommend that should the local planning authority be minded to grant planning permission for this application a suitably worded pre-commencement (excluding demolition) condition be imposed requiring submission of full details of the proposed surface water drainage system and its maintenance arrangements.

- 10.29 Subject to the pre-commencement condition, the LLFA is satisfied with the proposed sustainable drainage. It is considered that the proposal complies with Policy NR1 of the adopted Borough Local Plan.

iv Highways

- 10.30 The Highway Authority has reviewed the Transport Note by Velocity Transport Planning Limited. The note states:

2.2.1 It is proposed that the new polo pitch utilises the existing facilities provided at Les Lions Farm. The introduction of a new polo pitch would not lead to an increase in the number of practices or matches that would take place but would allow increased time spent maintaining the other pitches to ensure they are to a good standard.

2.2.2 As the new pitch will not increase the number of practices and matches, the only additional vehicles associated with the introduction of the pitch would be maintenance vehicles. There would be a small increase in the number of maintenance vehicles as more material would be needed to maintain the three pitches. The maintenance contractors would also work additional days to maintain the pitches. On average, there would be an additional 6-8 maintenance vehicles per month accessing the farm, which would have a negligible effect on the local highway network.'

- 10.31 From the description given, the Highway Authority offers no objection to the proposal. The Highway Officer has suggested a pre-commencement condition to secure a Construction Management Plan (CMP). However, in this case, where there would be no importation or exportation of soil from the site, officer's do not consider that a condition to secure a CMP is necessary. The applicant has been requested to provide details of the quantity of sand required for the proposed drainage works and such details will be reported in the committee update, if received in time.
- 10.32 Main vehicle access will remain at Les Lions Polo Club, taken via the existing gated entrance on Ascot Road where cars and lorries will utilise existing parking facilities. Pedestrian access will also be taken from Ascot Road, although limited due to the nature of the site and its location. The existing track would then be taken through the Les Lions Polo Club to the northwest to the polo pitch, as shown on the site plan.
- 10.33 The agent has confirmed that parking will be as existing at the main hardstanding carpark by the entrance at Ascot Road. The access track (leading to the new pitch) is an existing grass track only for pedestrian and horse access. The existing grass access track traverses a section (approximately 23 metres) of a public footpath. The only vehicles using the access track will be maintenance vehicles such as golf buggies and mowers etc. as outlined within the transport note. No cars or lorries will be driving along the track. There will be no changes to the materiality or route of the access track and it will remain as it current exists - as a track along a grass surface. The track is indicated on the site plan to show the direction of access. On this basis there would not be significant additional impact to the public right of way.
- 10.34 The proposal will not result in increased traffic levels on the site or surrounding area. The pitch will utilise existing ancillary facilities at Les Lions polo club, including parking. The proposed polo pitch is intended to supplement the existing provision at Les Lions. The proposal will not result in intensification of the wider site, but instead will provide additional space to support the club at its current capacity.

- 10.35 The Rights of Way Officer has commented on the originally submitted drawings: *‘The proposed development itself will not have a significant impact on Bray Footpath 13 which runs across the adjacent land. However there is a short section of path that will be part of the newly created access track to the polo field.*

*It is recommended that the application is **accepted** on the condition that a suitable surface is maintained on the access track for the section that includes Bray Footpath 13 and that sufficient width is created so as to avoid any conflict between users of the track and users of the footpath. This is in accordance with saved Policy IF5 in the newly adopted Borough Local Plan (February 2022) which states that:*

- 10.36 The applicant has since confirmed and amended the drawings show that it is not proposed to create a new access track to the field and that the existing access track will be used. The LPA is satisfied that as the proposed polo field is for practice matches and as its use will alternate with the existing polo field, there would be no intensification use and no need for the suggested condition relating to maintenance of a suitable surface, to be imposed.

v Impact upon the character of the area and amenities neighbouring properties

- 10.37 The applicant has advised that they start playing polo around mid April (depending on the weather) and the polo season currently runs to end of September. The pitches are minimally used during winter when the ground is wet or frozen. It is understood that on some weeks the pitch will have more use than other weeks. The proposed polo field would be used for practice games on average about 3 times per week. Over a season (approx. mid April-September) it is anticipated that it would be used a maximum of 60 times. The applicant advises that there would be no Loudspeakers used. A horn or bell would sound at the end of each period of play (chukka) – amounting to approximately a dozen rings of a bell or horn during an entire match/practice. The horn currently used is a: Streetwise Hand Held Air Horn. The bell used hand held with wooden handle. Whistles used are normal football whistles.

- 10.38 Taking into account the existing equestrian use at Les Lions polo club, the creation of the polo pitch is not considered to adversely impact on the adjacent neighbours in terms of noise and disturbance. The nearest dwellinghouse is in the order of 100 metres from the new polo pitch and the boundary of the nearest garden is approximately 55 metres from the proposed polo pitch.

vi Ecology

- 10.39 Habitats on site comprise predominantly neutral grassland (paddocks), modified grassland (hay production) bordered by native hedgerow with lines of trees. The bordering hedgerows and trees within them will be retained, however two parallel lengths of hawthorn hedge line will be removed to facilitate the new polo pitch.

Protected and priority species

- 10.40 The submitted Ecology Report (Southern Ecological Solutions, July 2023) has been undertaken to the appropriate standard and concludes that subject to the recommendations in the report being implemented (and registration of the site under the NatureSpace GCN licence), protected and priority species will not be a constraint to the proposals.

- 10.41 A condition will be applied to secure the submission of a Construction Environmental Management Plan (Biodiversity). The applicant will need to register the site under the GCNDL (Great Crested Newt District Licencing Scheme) and this would need to be done prior to the application being determined.
- 10.42 NatureSpace has also confirmed that they are satisfied with the submitted ecological report and agree that a great crested newt mitigation licence is reasonably required due to the potential impacts to great crested newts. This can be either a standard mitigation licence from Natural England, or the applicant can apply for the Royal Borough of Windsor and Maidenhead Council's District licence.
- 10.43 The applicant have confirmed (5th December) that they have now commissioned the GCN Newt report and District Licence as required. The LPA would need receive confirmation of this (including the receipt of the NatureSpace District Licence Report) before determining the application. Any update on the situation with regard to the District Licence will be reported in Committee update report.

Biodiversity Net Gain

- 10.44 Policy NR2 of the Borough Local Plan (Biodiversity) states:
"Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric".
- 10.45 The applicant has now submitted a biodiversity net gain calculation (SES November 2023). The accompanying report concludes that the development will result in a 15.86% net gain in habitat units (6.78 units) and a net gain of 10.02 % hedge line units. Plans include the creation of a pond, a larger area of modified grassland and an enhanced area of neutral grassland around the pond.
- 10.46 The report has demonstrated that the proposed development can provide a net gain in biodiversity on site post development. Specific details in the form of a Biodiversity Net Gain Plan should be submitted to and approved in writing by the council before work starts on the site. The Council's Ecologist has suggested conditions to ensure that that the biodiversity net gain is indeed achieved and that the site is managed in such a way that Biodiversity Net Gain will be delivered in perpetuity (defined under the Environment Act as 30 years). These conditions are recommended in section 14.

vii Archaeology

- 10.47 Berkshire Archaeology has commented on this application. There are potential archaeological implications associated with this proposed scheme. The site lies within an area of Roman and Medieval activity and settlement, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.
- 10.48 To the south near Mount Scippett, Iron Age pottery and a copper fibula, and first century Romano British pottery have been found, whilst a Roman vessel (MRW8826) was found at Sturt Green to the north-east, and an urn near to the course of the Roman Road to the east. Additionally, possible Roman evidence near the site includes crop marks of a rectilinear enclosure and of a villa to the north (MRM4286, MRM15972).
- 10.49 The site lies adjacent to a Medieval Moated Manor (MRW745) the mound and moat of which survive particularly well, it may be associated with a deer park, as yet unknown. There is further Medieval activity and settlement to the west with two Medieval hall houses (MRW5437, MRW5431) and two Post Medieval cottages near Poley Street. To the south-west c.200m, are several further Post Medieval dwellings including Foxleighs House, two sixteenth century cottages, and Medieval find spots of a weight

and a strap fitting. These, together with a Post Medieval dwelling c.250m to the north east, evidence that the site was surrounded by activity in this period.

- 10.50 As shown, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development.

The applicant has submitted A Written Scheme of Investigation (dated May 2023), which is considered acceptable. A condition is recommended to ensure works take place strictly in accordance with this WSI in order to ensure that the potential impacts of development are mitigated. This is in accordance with Paragraph 211 of the NPPF (19th Dec 2023) which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

11. PLANNING BALANCE

- 11.1 The proposed development is considered to be appropriate development in the Green Belt. The proposal is considered to be acceptable in terms of flood risk, highway considerations, impact on the character of the area, amenity of neighbours, archaeology considerations . Subject to the applicant obtaining a District Licence for GCN prior to determination, and the imposition of suggested conditions the scheme is considered to be acceptable and is recommended for approval.

12. APPENDICES TO THIS REPORT

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

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 No development (excluding demolition) shall commence on the site until a surface water drainage scheme for the development, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.

2. Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, demonstrating that the peak discharge rate is limited to the agreed rate of 69.1l/s for the 1 in 100 year plus 40% climate change event.

3. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere. Relevant Policy - Adopted Borough Local Plan NR1

- 3 No development shall commence until a Biodiversity Net Gain Plan based on [the net gain information] that details how the habitats on the site will be created, established, managed, and monitored (including details of the frequency of monitoring periods), in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall demonstrate that there will be a minimum of a 10% uplift in biodiversity units using the DEFRA 4.0 Metric. The Biodiversity Net Gain Plan shall be implemented in accordance with the timescales set out in the approved plan, and maintained and managed in accordance with the approved details set out in the plan.
Reason: This condition will ensure that the development results in a Biodiversity Net Gain of at least 10% above baseline levels. Relevant policy - NPPF paragraphs 174 and 180 and adopted Borough Local Plan policy NR2.
- 4 The development hereby approved shall be implemented strictly in accordance with the measures stated in the Sections 4.7 to 4.34 of the Preliminary Ecological Appraisal (Southern Ecological Solutions, July 2023 ref: J002362) unless otherwise agreed in writing by the Local Planning Authority. All faunal enhancement features detailed in the report shall be provided as approved prior to the first use of the development.
Reason: To minimise the ecological impacts of development and secure biodiversity enhancements onsite, in accordance with paragraphs 174 and 180 of the NPPF and policy NR2 of the adopted Borough Local Plan.
- 5 The development shall be carried out fully in accordance with the submitted document 'Written Scheme of Investigation: Archaeological Trial Trenching' - project reference 08243A dated May 2023 prepared by HCUK. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Roman and Medieval remains. The potential impacts of the development can be mitigated through a program of archaeological work. This approach is in accordance with national and local plan policy. In view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation in situ, field evaluation through trial trenching would represent an appropriate initial phase of work, in order to determine the archaeological potential and the need for any further phases of work. Relevant policy - adopted Borough Local Plan HE1.
- 6 There shall be no provision for permanent or temporary floodlights and no loudspeakers or public address system shall be used on the proposed polo pitch.
Reason: In the interests of the openness of the Green Belt, rural character of the area and amenities of local residents. Relevant policy adopted Borough Local Plan QP5, QP3, EP2, EP4.
- 7 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 Any incidental works affecting the adjoining highway shall be approved and a licence obtained before any work is carried out within the highway, through contacting The Highways and Transport Section at RBWM. A formal application should be made

allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

- 2 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.