

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 March 2024

Item: 2

Application No.:	23/02552/FULL
Location:	SportsAble Braywick Park Braywick Road Maidenhead SL6 1BN
Proposal:	The construction of 7no. external padel courts and associated infrastructure, astroturf surfacing and boundary fencing. Demolition of the existing garage and façade changes to the existing building associated with the construction of 1no. internal padel court. Works for reinstatement of existing land to provide additional playing pitch area.
Applicant:	The Berkshire Padel Club Ltd
Agent:	Mr Chris Brady
Parish/Ward:	Maidenhead Unparished/Oldfield
If you have a question about this report, please contact: Maria Vasileiou on 01628 796478 or at maria.vasileiou@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for the construction of seven external padel courts and associated infrastructure, astroturf surfacing and boundary fencing, together with the demolition of the existing garage and facade changes to the existing building associated with the construction of one internal padel court. Works for reinstatement of existing land to provide an additional playing pitch area are also sought.
- 1.2 The proposed development relates to outdoor sport provision in the borough and it has been demonstrated that the development would constitute appropriate development within the Green Belt. Furthermore, Sport England have raised no objections to the resultant level of sports provision within the borough associated with the proposed development, subject to recommended condition to secure provision.
- 1.3 The proposed development would be of form which would not harm the overall appearance of the site, would not result in unacceptable harm to amenities of the surrounding area or parking and highway safety, and subject to recommended conditions would not result in unacceptable harm to flooding, with a biodiversity net gain and associated biodiversity enhancements secured.

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

- The Local Authority has an interest in the land and as the decision-maker, in line with the Council's Constitution, the application is to be determined by the Maidenhead Development Management Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located within Braywick Sports Ground and comprises a single storey building with private parking area located to the front of the building. The premises are currently occupied by Berkshire Padel Maidenhead, a padel tennis club.
- 3.2 The site has previously been the subject of a number of single-storey extensions, resulting in the creation of a Sports Hall, Lounge, Bar Lounge, Kitchen and other ancillary areas.

3.3 The application site also includes an existing area of grassland located to rear of Forest Bridge School within Braywick Sports Grounds, adjacent to Braywick Park Local Nature Reserve (LNR) to the east.

4. KEY CONSTRAINTS

4.1 The key site designations and constraints are listed below:

- Green Belt
- Open Space – Amenity Greenspaces and Public Park Garden
- Flood Zone 2 (partially)

5. THE PROPOSAL

5.1 The application seeks planning permission for the construction of seven external padel courts and associated infrastructure, astroturf surfacing and boundary fencing.

5.2 The proposal also includes the demolition of the existing garage and changes to the facade of the existing building associated with the construction of one internal padel court.

5.3 During the course of the application, amendments to the application have been made to include works for reinstatement of existing land located to rear of Forest Bridge School within Braywick Sports Grounds, for the provision of an additional playing pitch area. Amended plans have also removed a proposed cover on part of the external padel courts, with further plans submitted which provide detail on the proposed floodlighting.

6. RELEVANT PLANNING HISTORY

6.1 Relevant planning history is provided below:

Reference	Description	Decision
01/37347/ADV	To erect a freestanding, non-illuminated post-mounted board 1500 x 2400 to replace existing sign to advertise the Club premises and sponsor, sited inside railings to Braywick Road frontage.	Permitted 05/09/2001
01/37929/ADV	Erection of a V-shaped, Freestanding post-mounted sign comprising 2 No.1500mm x 2400mm boards to advertise the club premises and sponsor, sited inside railings to Braywick Road Frontage. Revision of application 01/37347.	Permitted 28/12/2001
02/38183/FULL	Front extension to provide single garage for club minibus.	Refused 26/03/2002
93/00602/FULL	Extension to existing building to improve facilities.	Permitted 16/12/1993
94/00632/FULL	Extension to existing building to improve existing facilities.	Permitted 07/03/1995
95/00683/FULL	Single storey front extension and alterations.	Permitted 14/07/1995
99/34677/FULL	Erection of a single storey extension to Clubhouse to provide equipment store.	Permitted 14/01/2000

14/04015/OUT	Outline application (Appearance and Landscaping reserved) for redevelopment of existing buildings to create a new bespoke centre of excellence for disability sport including upgrade to existing athletic track, with associated parking, manoeuvring, landscaping and ancillary facilities.	Withdrawn 16/05/2017
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7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
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
Artificial Light Pollution	EP3
Sustainable Transport	IF2
Open Space	IF4
Community Facilities	IF6

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (Dec 2023)

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting Sustainable Transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 14 - Meeting the challenge of climate change, flooding and coastal change

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
- RBWM Playing Pitch Strategy and Action Plan
- Sport England Playing fields policy and guidance

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

Three occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 12th February 2024.

Two letters were received supporting the application. The comments can be summarised as follows:

Comment		Where in the report this is considered
1.	The Council should consider providing an additional vehicle egress route in and out of Braywick Park.	Noted. However, this does not form part of this application and would not be required as part of this application.

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Sports England	No objection; subject to condition.	See section 10

Consultee responses

Consultee	Comment	Where in the report this is considered
RBWM Ecology	No objection, subject to condition.	See section 10

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Principle of the development;
- ii. Impact on Green Belt;
- iii. Design and Character;
- iv. Impact on amenity;
- v. Parking and Highways impacts;
- vi. Ecology and biodiversity; and,
- vii. Flooding.

Principle of Development

10.2 Paragraph 97 of the NPPF expects planning policies and decisions 'to provide the social, recreational and cultural facilities and services the community needs.' Policy IF6 of the BLP states that existing community facilities should be retained, improved and enhanced and applications for change of use or redevelopment will therefore be resisted. Planning permission for development leading to the loss of facilities currently, or last used for the provision of community activities will only be granted where it can be demonstrated that:

- a. there is no longer a demand for the facility within the area, demonstrated by continuous marketing evidence for a period of at least twelve months, or

- b. the proposed development would provide sufficient community benefit to outweigh the loss of the existing facility, or
 - c. there is provision for new or replacement facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community.
- 10.3 The proposed development would improve services within an existing community facility. In this context, the principle of the development is acceptable, in accordance with BLP Policy IF6.
- 10.4 The proposed development falls within Braywick Park, an area allocated as new or upgraded open space as part of the Borough's Green Infrastructure network. BLP Policy IF4 states that developments involving the loss of open space will only be granted permission where:
- a. There is clear evidence, for example from the latest published Open Space Study, that the existing facility is no longer required to meet current or projected needs, including for biodiversity improvements/off-setting; or
 - b. The existing facility would be replaced by equivalent or improved provision in terms of quality and quantity in a suitable location within walking distance of the existing facility, or
 - c. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 10.5 In line with NPPF Paragraph 103, Sport England's policy is to oppose the grant of planning permission for any development which would lead to the loss of, or prejudice the use of:
- all or any part of a playing field, or
 - land which has been used as a playing field land remains undeveloped, or
 - land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions. Exception 4 of the Sport England's Playing fields policy and guidance states that an exception to the above is where the 'area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

- 10.6 The proposed development has been the subject of formal consultation with Sport England. It has been confirmed that by replacing the area lost and creating a new junior rugby pitch as part of the planning application, the proposal would meet Exception 4 of the Sport England's Policy. Consequently, the proposal would comply with Policy IF6 of the BLP, Exception 4 of the Sport England policies and the provision of the paragraph 103 of the NPPF. In order to secure this, two conditions have been recommended by Sport England to secure this provision.

Green Belt

- 10.7 The site is located within the Green Belt. Paragraphs 152 and 153 of the NPPF set out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities 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.
- 10.8 Paragraph 154 of the NPPF sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments are referred to, provided

the facilities would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 10.9 With regard to reinstatement of existing land to provide additional playing pitch area, paragraph 155 of the NPPF identifies that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
- 10.10 Policy QP5 of the BLP is consistent with the NPPF and provides further clarification on the scale of outdoor sport development, setting out that it 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. 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. In addition, the development (including lighting) should have no detrimental effect on landscape quality, biodiversity, residential amenity or highway safety.
- 10.11 The proposed development would relate to outdoor sport provision in the borough and as such it would fall within the provision of appropriate development, provided that the facilities would preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed development would comprise an uncovered astroturf area, with lightweight mesh fencing surrounding the outdoor facilities and the proposed courts and slimline floodlighting, resulting in a low-level development. Furthermore, there would be the works for the reinstatement of existing land located to rear of Forest Bridge School within Braywick Sports Ground, for the provision of an additional playing pitch area. These works would preserve the openness of the Green Belt. In terms of activity, whilst an increase in activity is expected, the site falls within an established sports park.
- 10.12 The proposed alterations to the main building are considered of minor scale relating to improvements works only and would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 10.13 Based on the above, the proposals are considered to preserve the openness of the Green Belt and the purposes of including land within it. The proposals are therefore considered to constitute appropriate development within the Green Belt, in accordance with BLP Policy QP5 and the provisions set out in the NPPF.

Design and Character

- 10.14 The appearance of the development is a material planning consideration. Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, water features enclosure and materials.
- 10.15 BLP Policy QP3 is consistent with the objectives of Section 12 of the NPPF which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 131 that 'good design is a key aspect of sustainable development'. The Borough Wide Design Guide (BWDG) is also relevant to this application and is consistent with national and local policy in relation to the character and appearance of a development.
- 10.16 The application site lies within an established setting, with a mixture of sport activity. The existing and nearby facilities are artificially lit and there is no objection in principle to the proposed development. The floodlight columns are slimline and would be painted grey and the floodlight luminaries would also have a grey finish. The proposed courts would be sited behind the main building and would not be readily visible from outside the public realm. The proposed changes to the main building would be considered of minor scale and would detract from the character of the building or the surrounding area. Appropriate materials would be secured by recommended condition.

- 10.17 The proposed external courts would result in the loss of the informal sports pitch to the rear. However, works for the reinstatement of existing land located to rear of Forest Bridge School within Braywick Sports Grounds. The proposed pitch would be of an appropriate scale and design and would be in keeping with the development in the vicinity.
- 10.18 For the reasons set out above, the proposals would comply with Policy QP3 of the BLP.

Amenity

- 10.19 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy QP3 (m) of the BLP seeks to protect the amenity of the occupiers of dwellings both surrounding application sites and application sites themselves. Section 8 of the BWDG covers this in detail.
- 10.20 The proposed external courts would be contained within the existing facilities. There is a sufficient distance separating the existing uses and facilities within Braywick Park and the reinstated sports pitch within the existing land located to rear of Forest Bridge School within Braywick Sports Ground. Therefore, by reason of its scale, location and nature, the overall development, including the floodlighting in this context, would not result in unacceptable harm to the immediate neighbouring properties or the future users/occupiers of the businesses in terms of loss of privacy, outlook, daylight, sunlight or otherwise. Therefore, it would comply with Policy QP3 of the BLP and the NPPF 2023.

Highways

- 10.21 The NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. BLP Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposals maximise and promote opportunities for sustainable transport modes.
- 10.22 The access and parking provisions in situ would not be altered. Furthermore, there is an existing and established sports use on the site and the existing twenty-four parking spaces (including two disabled parking bays) would be retained. As such, in this context, there would be no harm to parking and highway safety in the surrounding area, in accordance with BLP Policy IF2 and the provisions of the NPPF.

Ecology and Biodiversity

- 10.23 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.
- 10.24 A Preliminary Ecological Appraisal and a Preliminary Roost Assessment (PRA) have been submitted with the application. The reports set out that the potential roosting features that were noted during the PRA survey would not be directly affected by the proposed development. Furthermore, that it is anticipated that any risks to bats can be reduced to an acceptably low level through the implementation of a Bat Mitigation Plan. The professional view of the ecologist as part of the assessment of the proposals, is that risks to disturbance to bats can be effectively mitigated against and this would therefore be secured through a recommended condition to secure a method statement, the detail of which would be agreed with the Local Planning Authority, to ensure all works which could affect the identified potential roost features (PRFs) are carried out under the supervision of a suitably qualified ecologist. A condition is also recommended to ensure that the new external lighting would not adversely affect bats or other wildlife.
- 10.25 Paragraph 186 of the NPPF states that "decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity". Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity

to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

- 10.26 A biodiversity net gain assessment has been undertaken which demonstrates that a 10.61% net gain for biodiversity could be delivered as a result of the proposals. Given that a net gain has been demonstrated, the development satisfies the requirements of the NPPF and Policy NR2 of the BLP. Further details of the measures and on-going management would be secured by recommended condition. Furthermore, a condition is also recommended to secure enhancements for biodiversity to include bat boxes on the building (on unilluminated elevations), bird boxes on and/or around the building/site, and enhancements for reptiles and invertebrates (e.g. hibernacula/refugia, and bug hotels) within the newly created neutral grassland borders. .

Flooding

- 10.27 The proposed playing pitch area only falls within Flood Zone 2. A Flood Risk Assessment has been submitted which states that the proposals would make use of existing buildings and use the site for 'water compatible development'. There would be no increase in hardsurfacing to the area within Flood Zone 2 and there would be no increase in flood risk off-site as a result of the proposals. Considering the above, the proposals would comply with Policy NR1 of the BLP.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Existing and Proposed Site Plans
- Appendix C – Existing and Proposed Ground Floor Plans
- Appendix D – Existing and Proposed Elevations
- Appendix E – Proposed Padel Court Sections
- Appendix F – Proposed Sports Area Plan

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan QP3.
- 3 The replacement rugby pitch which forms part of this application, shall be made available for matches and training within 15 months of the date of the start of works on site for the creation of the padel tennis courts.
Reason: Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision. Relevant policy - NPPF Paragraph 103 and Local Plan IF6.
- 4 Within three months of the date of this permission, the following documents shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England: (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field

quality; and, (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame, as agreed]. The land shall thereafter be maintained in accordance with the approved scheme and made available for playing field use in accordance with the approved scheme.

Reason: Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose. Relevant policy - NPPF Paragraph 103 and Local Plan IF6.

- 5 Prior to the commencement of any development to the building, a bat method statement shall be submitted to, and approved in writing by, the Local Planning Authority. Any works which may affect the identified potential bat roost features shall be undertaken under the supervision of an appropriately qualified ecologist [full member of CIEEM and or a Natural England Bat licence holder with experience of supervising demolitions where there is a risk of bats being present]. The method statement should include details of techniques to be employed, including the careful removal of any tiles by hand, measures to reduce the risk of disturbance through noise and vibrations or light, and the procedure to follow should bats or signs of bats be found. The method statement will thereafter be implemented as agreed, and a closing-out report, including details of the methods used, and any bats or signs of bats found, is to be issued to the Local Planning Authority. If works do not commence before May 2026, an updated bat survey, to include a building inspection, and dusk emergence bat detector survey, shall be undertaken, and a report detailing the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that protected species are not adversely affected by the development, in line with wildlife legislation, the NPPF, and Borough Local Plan policy NR2.

- 6 No development shall take place above slab level until full details of a Biodiversity Gain Plan for on site and off site delivery and monitoring of Biodiversity Net Gain and a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the biodiversity net gain assessment submitted on the 6th March 2024 and shall include (but not limited to) the following:

- a. A habitat management plan;
- b. Long term aims and objectives for habitats and species;
- c. Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel, details of which organisations/persons will be responsible for implementing the prescriptions as required to meet the stated aims and objectives;
- d. A detailed prescription and specification for the management of boundary habitats and the management of the existing modified grassland sports field;
- e. Details of any management requirements for species specific habitat enhancements;
- f. Annual work schedule for at least a 30 year period;
- g. Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives including details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative (ensuring its aims and objectives are met and that management is adjusted to ensure that this is the case);
- h. Details of proposed reporting to the council and council ecologist and proposed review and remediation mechanism; and,
- i. Proposed costs and resourcing and legal responsibilities

The Biodiversity Gain and Habitat Management Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To provide a net gain for biodiversity in accordance with Policy NR2 of the Borough Local Plan.

- 7 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include bat boxes on the building (on unilluminated elevations), bird boxes on

and/or around the building/site, enhancements for reptiles and invertebrates (e.g. hibernacula/refugia, and bug hotels) within the newly created neutral grassland borders, and native and wildlife friendly landscaping (including pollen-rich and fruit-bearing planting), shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved.

Reason: To incorporate biodiversity in and around developments in accordance with the NPPF and Borough Local Plan policy NR2.

- 8 No development above slab level shall commence until a report detailing the external lighting scheme, and how this will not adversely impact upon wildlife, has been submitted to and approved in writing by the Local Planning Authority. The report (if external lighting is to be installed) shall include the following figures and appendices:

- A layout plan with beam orientation;
- A schedule of equipment;
- Measures to avoid glare; and,
- An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations bat and bird boxes. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with the NPPF and Borough Local Plan policy EP3.

- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

1100 Rev. P1
1101 Rev. P1
1102 Rev. P2
1103 Rev. P7
1200 Rev. P1
1201 Rev. P2
1300 Rev. P1
1301 Rev. P1
1302 Rev. P2
1303 Rev. P1
SK009

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.