

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 March 2018

Item: 1

Application No.:	17/03636/FULL
Location:	Land To Rear of 54 To 60 Clewer Hill Road Windsor
Proposal:	Construction of 3 x 1 bedroom flats following demolition of garages 4 to 9 and stores
Applicant:	Mr Gray
Agent:	Mr Sean Kelly
Parish/Ward:	Windsor Unparished/Clewer East Ward
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal seeks planning permission to construct 3 x 1 bed units. It is acknowledged that this scheme would make a contribution to the Borough's housing stock through the provision of 3 units, however the application is recommended for refusal on the grounds that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|-----------|--|
| 1. | Cramped development of the site resulting in an unsatisfactory layout. |
| 2. | Design and appearance of the 2 storey building would be out of keeping with the general character and visual amenity of the surrounding residential area. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bowden, irrespective of the recommendation, on the grounds that local residents oppose the density and access of this development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the northern side of Clewer Hill Road and forms part of a garage court. The garages are accessed via a narrow driveway from Clewer Hill Road. A pair of semi-detached dwellings have recently been completed to the east of the entrance to the site on Clewer Hill Road. The site lies to the rear of maisonettes, numbered 54-60 Clewer Hill Road and adjacent to the parking/ garaging area situated to the rear of the neighbouring flats at Haileybury Court. To the north and east of the site lie 6 & 7 Addington Close. A mature protected oak tree lies within the adjacent garden of number 7 Addington Close.

The site lies within a predominantly residential area with a mix of housing styles and ages.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal involves the demolition of 6 garages and a store, and the erection of 3 x 1 bedroom residential units comprising a pair of two storey, mews style houses and a single storey one bed unit. The two storey element would have a flat roof and measure 5.3m in height. A small area of communal amenity space is to be provided at the front of the building. A grassed area is to be provided to the rear of the single storey unit. A timber cycle enclosure and timber bin enclosure are also proposed. Three car parking spaces are shown to be provided in front of the units. It is also proposed to retain 3 of the existing garages for use by existing tenants.

4.2 The external materials of the building would be brick.

Ref.	Description	Decision and Date
02/81891/FULL	Demolition of six garages and erection of two semi-detached dwelling houses with associated parking.	Dismissed on appeal
03/83436/FULL	Demolition of 6 lock up garages and 2 stores and the erection of a 4 bedroom detached house.	Refused
15/03216/FULL	Change of use and conversion of 5 garages and 2 storage buildings to a single storey dwelling with parking and amenity space.	Refused
16/01203/FULL	Partial demolition of garages and change of use and conversion of 6 garages and 2 storage buildings to a single storey dwelling, with parking, access and amenity space.	Permitted

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework:

- Core principle 4 – Good standard of amenity for all existing and future occupiers,
- Section 6 (Delivering a wide choice of high quality homes),
- Section 7 (Requiring good design).

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees
DG1, H10, H11	P4, T5	N6

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3, H05
Makes suitable provision for infrastructure	IF1, IF2
Trees	NR2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the character and appearance of the area.
- ii The impact of the proposal on the neighbouring amenity and the amenity of future occupiers.
- iii The impact on the adjacent TPO tree.
- iv Highways and parking.

Impact of the character and appearance of the area

- 6.2 Local Plan Policy DG1 sets out the design guidance for new development. One of these is that harm should not be caused to the character of the surrounding area through development which is cramped. Paragraph 5.7.3 states that this policy should be considered together with Policy H10, which refers specifically to new residential development scheme, requiring them to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density which would be incompatible with or cause damage to the character and amenity of the area. Bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- 6.3 The site lies within a predominately residential suburban area with a mix of housing types and styles including terraces, flats, maisonettes, semi-detached and detached dwellings. The site is set behind numbers 54-60 Clewer Hill road and currently forms part of a garage court. Whilst the site is not readily visible from the public realm it is visible from the adjoining neighbouring properties.
- 6.4 The principle of residential development on this site has already been established and this current application follows a recent approval to erect a 1 x 2 bed single storey dwelling on this site under planning permission 16/01203/FULL. The current proposal is sited within the confines of the footprint of this extant permission. However it is now proposed to create 3 x 1 bed dwellings. Two of the units are proposed to be 2 storey with a third unit comprising a single storey return element.
- 6.5 The site is constrained by its size and shape and the building would come close to the site boundaries. Whilst the footprint of the development is the same as the previously approved scheme and the density of development would be comparable with surrounding residential densities this is not the only measure of acceptability of a development. In this case the provision of 3 units on the site necessitates the need to provide additional spaces for bins, bikes, entrances, footpaths and parking. It is necessary to consider whether or not the layout functions well and provides a good sense of space around the building as well as an attractive, high quality place to live. The small amenity space to the front of the building would not be high quality as it would be surrounded by parking, open to the other parts of the site where other users are and surrounded by footpaths. The rear space would be over shadowed by the

adjacent tree, not easily accessible and would create issues for residents whose bedroom would be directly overlooking it. The plan supplied by the agent showing the amenity areas (indicative landscape drawing only) introduces gates/railings and sub divides the rear garden space. It introduces greater visual clutter, creates an inaccessible area of garden space to the rear and makes access to the centre garden space unclear. All these factors are considered to be indicative of an unsatisfactory, cramped layout and it is considered that the current layout could not support 3 units on the site.

- 6.6 The proposed development has been designed in a mews style, courtyard development and the 2 storey buildings would have flat roofs with an overall height of 5.3m. This type of mews design is not a typology common to the area and the fact that the first floors have three blank sides' makes for poor design as well as being an indication of poor layout. The example of nearby flat roof terraced cottages in Clewer Hill Road cited by the agent is not considered to be comparable with the proposed development. It is considered that the proposal would appear at odds and out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general.
- 6.7 The permitted scheme under application number 16/01203/FULL for a single storey 2 bed unit has a much more spacious layout and provision for a useable, private amenity space. The 2 parking spaces would also be well laid out so as to have plenty of room for manoeuvring/turning and provides a much more satisfactory layout. On this basis, whilst the extant permission has established the principle of development and the footprint remains the same and carries weight in relation to those elements of the scheme, there are significant differences between the two schemes in relation to the scale and layout of the proposal.
- 6.8 It is concluded that the proposed development would result in a cramped, unsatisfactory layout and its poor design would be harmful to the character and appearance of the surrounding area.

Impact on the neighbouring amenity and the amenity of future occupiers

- 6.9 As noted above the submitted plans indicate only a small communal garden and the scheme is considered to lack sufficient quality and quantity of outdoor amenity space for future occupiers, contrary to bullet point 4 of the Core Planning Principles at paragraph 17 of the NPPF which states that planning should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- 6.10 In terms of the impact of the proposed building on the amenities of neighbours it is not considered that the proposed building would have any adverse impact on light and outlook from any neighbouring properties given the distances which would be maintained. The two storey dwellings have been designed to have first floor windows in the front elevation only and would serve bedrooms and dressing rooms. These windows would be sited approximately 11m from the flank boundary with number 6 Addington Close which is considered to be a reasonable separation distance in this urban context. However a separation distance of just 7m to 7.5m would be maintained between the proposed first floor windows and the flank boundary with number 7 Addington Close and concern has been raised by the neighbours regarding the potential for overlooking and loss of privacy from the proposed development. In determining the appeal under application number 02/81891/FUL for a similar separation distance of 7m from primary bedroom windows to the neighbouring boundary the Inspector found the relationship to be acceptable concluding 'that the proposed development would not lead to unacceptable overlooking of adjacent properties or gardens.' On this basis it is not considered that an objection on the grounds of overlooking and loss of privacy could be substantiated however in the interest of neighbourliness the dressing room window could be conditioned to be obscure glazed to help minimise the potential for overlooking.
- 6.11 The ground floor windows would not introduce an unacceptable level of overlooking or loss of privacy to the neighbouring properties providing suitable boundary fencing/treatment is provided and this could be secure by condition in the event of planning permission being granted.

Impact on the adjacent Oak Tree

- 6.12 There is a protected Oak tree adjacent to the northern boundary within the garden of number 7 Addington Close which is an important landscape feature. As before the proposal sits on the same footprint and would be within the British Standard Root Protection Area. This current application also now includes a timber cycle enclosure which is proposed to be constructed off a pre-existing slab. During the course of the application further tree information has been supplied which includes an updated arboricultural survey, a plan detailing the foundations, a drawing showing a section of the site to demonstrate the proposed cycle store constructed off the existing slab and a Tree Protection Plan.
- 6.13 The Tree officer has confirmed that as long as the foundations for the building and cycle store are pile and beam and installed in accordance with the submitted construction diagrams there will be no additional arboricultural impact on the neighbouring Oak tree. No arboricultural objection is therefore raised to the proposal subject to suitable conditions being included on any planning permission.

Highways and parking

- 6.14 The site is accessed via a drive off Clewer Hill Road, a classified road. The proposal involves the removal of a number of garages and the loss of these garages has already been accepted in principle under previous proposals for this site. A total of 3 parking spaces are shown to be provided in connection with the 3 x 1 bed units and three garages are to be retained for use by private individuals.
- 6.15 The Highway Authority has noted that the current width of the access does not comply with RBWM's current highway design guide. However it is acknowledged that the application is likely to result in a reduction of vehicle usage and there have been no recorded collisions within the vicinity of the access within the last 5 years. The use of the existing access is therefore deemed acceptable.
- 6.16 The application includes the provision of 3 parking spaces which complies with RBWM's current parking strategy. Concern was originally raised regarding the inadequacies of the parking layout. A minimum clearance between the parking bays and the boundary should be 6m rather than the 5m shown to be provided. A revised block plan has now been submitted which increases the width of one of the proposed parking spaces in order to provide more manoeuvring space and the highway section has confirmed that this is acceptable.
- 6.17 A revised block plan and tracking drawing have also been supplied to address the original concerns raised by the highway section. In addition a bin collection point within 30m of the highway has now been provided to overcome the need for a refuse vehicle to enter the site. The highway section has confirmed that they have no objection to the amended arrangements and would recommend conditions in the event of planning permission being granted.
- 6.18 The application includes one secure, covered cycle parking provision for each dwelling which complies with RBWM's current guidance.
- 6.19 A number of the public responses have referred to the fact that the parking spaces perpendicular to the garages will be inaccessible due to existing residents parking outside their adjoining garages. The agent has confirmed that the applicant owns the entire garage forecourt and the owners/users of the adjoining garages are under existing legal obligation not to obstruct/park on the garage forecourt. Whilst not strictly a planning matter a letter has been supplied by the client's solicitors in response to a letter received from local residents. It confirms that they only have rights of way over the forecourt in front of the garages and that they are obliged by a restrictive covenant in their title deeds, and an express covenant in their leases, not to obstruct the forecourt.

Other Material Considerations

Housing Land Supply

- 6.20 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.21 It is acknowledged that this scheme would make a small contribution to further boosting the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form advising on the existing gross internal residential floor space of 157 sq.m and a proposed internal floor space of 208 sq.m. In order for the internal floor area of the garages to be deducted from the proposed GIA residential floor space the applicant will need to provide evidence that the garages to be demolished have been in lawful use for parking for 6 months in the last 3 years. In the absence of this evidence the applicant will need to amend the CIL forms and the CIL payment will be based solely on the new floor space figures.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

A site notice was posted on a lamp post in Clewer Hill Road close to the application site on 15th January 2018. A total of 15 neighbours have been notified and 16 letters have been received objecting to the application including 6 duplicate letters from the residents of the adjacent flats at Haileybury Court. The objections are summarised as:

Comment	Officer Response
Residents of Haileybury Court and no.6 Addington Close are missing from the notification list	Additional notification was carried out to include these neighbours.
Existing roofs and gutters of garages made out of asbestos.	This would be covered by separate regulations.
Design & size of development is alien and overbearing to surrounding properties. Incompatible and out of keeping with area.	See assessment (para 6.6)
Loss of privacy and amenity to numbers 6 & 7 Addington Close	See assessment (para 6.10 & 6.11)
Cramped and density would have detrimental impact on amenities of existing properties	See assessment (para 6.5)
Little or no amenity space for future occupants	See assessment (para 6.5)
Too close to Oak tree. Future pressure to reduce tree which could threaten viability.	See assessment(para 6.12)
No visitor parking provided. Displacement of more cars onto Clewer Hill Road which is already heavily parked could cause highway problems	See assessment (Para 6.16)
Third parking space would be tight squeeze and other 2	See assessment (6.16 &

spaces could be difficult to use with access to garages being required.	6.19)
Tenants of garages have always parked in front of their garages. This would make parking plan unviable.	See assessment (6.19)
Emergency vehicles must be able to turn within access area.	See assessment (6.17)
If claim for prescriptive easement to park outside garages is successful turning arrangements would be unworkable,	See assessment (6.19)
Monolithic, featureless block will damage amenity of residents.	See assessment (6.6)
Loss of daylight and sunlight to adjacent flats	See assessment (6.10)
Block view of sky	See assessment (6.10)

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions.	6.14 -6.18
Tree Officer	No objection subject to conditions.	6.12 – 6.13
Environmental Protection Officer	No comments received to date	

9. APPENDICES TO THIS REPORT

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

10. REASON RECOMMENDED FOR REFUSAL.

- 1 The proposed development, by virtue of its siting, layout, form and design would result in a cramped, over development of the site and would appear out of keeping with the general character of the surrounding residential area and would detract from the visual amenity of the locality in general contrary to policies DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003).

Appendix A





FRONT ELEVATION
1:100 at A3



SIDE ELEVATIONS
1:200 at A3



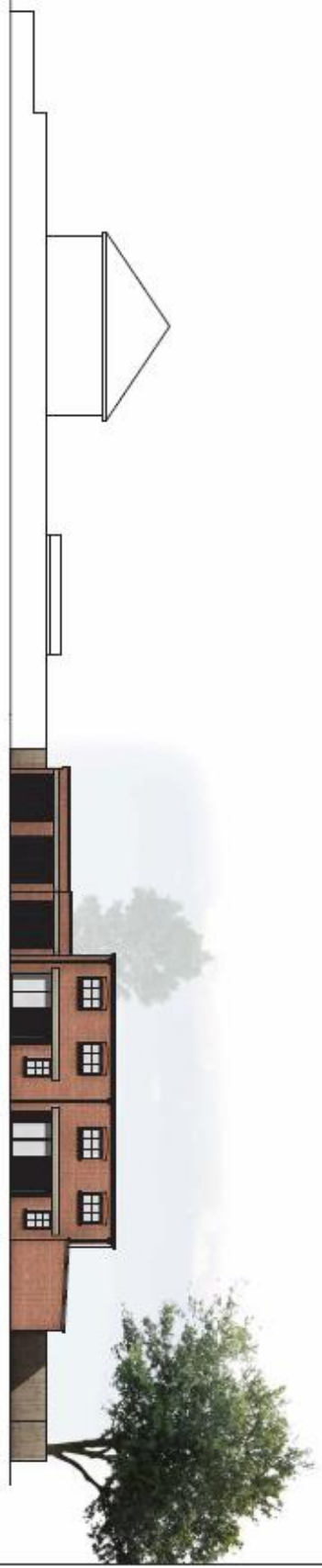
REAR ELEVATION
1:200 at A3

CM-PL-02

PROPOSED ELEVATIONS

CLEWER MEWS
Rear of 54-56 Clewer Hill Road
Windsor

nascot
HOMES

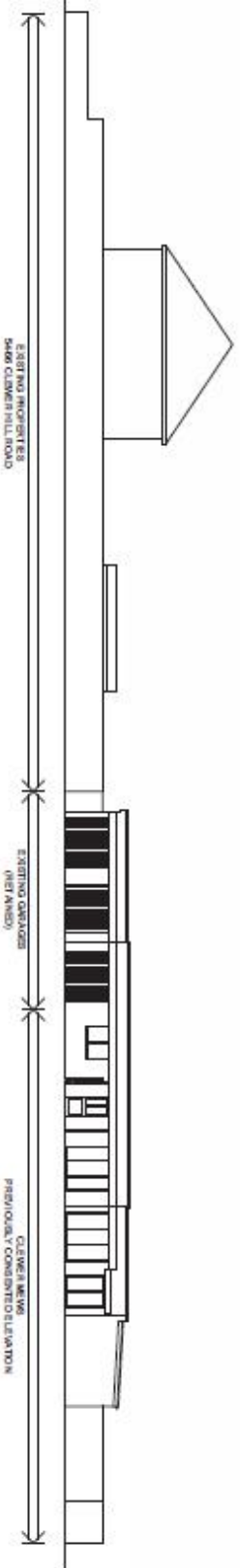


PROPOSED LONG ELEVATION
1200 at A3

EXISTING PROPERTIES
5840 CLEWER HILL ROAD

EXISTING GARAGES
(NOT SHOWN)

CLEWER MEWS
PROPOSED DEVELOPMENT



PREVIOUSLY APPROVED
1200 at A3

EXISTING PROPERTIES
5840 CLEWER HILL ROAD

EXISTING GARAGES
(NOT SHOWN)

CLEWER MEWS
PROPOSED DEVELOPMENT

CM-PL-04
LONG ELEVATIONS
CLEWER MEWS Rear of 5456 Clewer Hill Road Windsor
nascot HOMES

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 March 2018

Item: 2

Application No.:	17/03866/FULL
Location:	Garages Rear of 39 And 53 Montrose Avenue Datchet Slough
Proposal:	Erection of 2 no. three bedroom dwellings and 1 no. four bedroom dwelling with associated landscaping and parking, following demolition and removal from the site of the existing garage court
Applicant:	Ms Turnbull - Radian Housing
Agent:	Mrs Elizabeth Holmes - Bell Cornwell LLP
Parish/Ward:	Datchet Parish/Datchet Ward

If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk

1. SUMMARY

- 1.1 The design, scale and density of the dwellings are considered to be compatible with the character and appearance of the area. The development would also respect the pattern of development in the area.
- 1.2 The separation distances are considered sufficient to prevent any serious loss of light to neighbouring properties and to prevent the dwellings from appearing overbearing. Subject to conditions the proposal also would not result in a significant loss of privacy for neighbouring properties.
- 1.3 The dwellings are sufficiently flood resilient and resistant and a dry escape route is available to the rear of the site in flood conditions. The development would result in a significant decrease in built footprint on site and would also reduce the level of hardstanding thereby increasing the capacity of the flood plain to store water and reducing flood risk elsewhere.
- 1.4 7 car parking spaces will be provided on site which is sufficient for a development of this size under the Borough's parking standards. The access is also considered to be adequate given and there would be no material highway safety impacts. A turning area is provided within the site to allow vehicles to enter and exit the site in a forward gear.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as the application is for more than 2 dwellings; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located behind Montrose Avenue, Datchet. There are a variety of housing types in the area; however, in general properties are semi-detached or terraced. Most properties have parking areas to the front; there is no strong pattern of development in the area as the orientation of dwellings varies. The application site is currently occupied by an unused garage block and is accessed via a private driveway between 39 and 53 Montrose Avenue. The application site is located within Flood Zone 2 which is an area considered to be at medium risk of flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a terrace containing 2 x 3 bedroom dwellings and a 1 x 4 bedroom dwelling with associated landscaping and parking following demolition and removal of the existing garage blocks on site. The dwellings are 8.8m tall with a hipped roof and eaves at 5.3m. The overall footprint of the dwellings is 170sqm and each property is provided with a good sized garden to the rear. 7 parking spaces are proposed to the front of the site which is sufficient for 2 for each of the 3 bedroom dwellings and 3 for the 4 bedroom dwelling. Each dwelling will also be provided with space for cycle and refuse storage. The site is accessed via a private driveway between 39 and 53 Montrose Avenue.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework

1. Core planning principles – paragraph 17
2. Section 6 – Delivering a wide choice of high quality homes
3. Section 7 – Requiring good design
4. Section 10 – Meeting the challenges of climate change, flooding and coastal change

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flooding
DG1, H10, H11	P4, T5	F1

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Housing mix and style and density	HO2, HO5
Manages flood risk and waterways	NR1
Sustainable transport	IF2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004.

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Character
- ii Residential amenity
- iii Flooding
- iv Parking/Highway safety

Character

6.2 The site is located within an existing residential area which comprises a mix of housing types from semi-detached and terraced properties to flatted developments. Sites in the area tend to have their own frontages onto the road, however, there is no strong pattern of development or building line with streets crossing and leading off from Montrose Avenue at multiple points. Within this context therefore the location of the dwellings behind numbers 39 - 53 Montrose Avenue is considered to be acceptable.

6.3 The dwellings are of a similar scale to other properties within the area and are of a simple design with a hipped roof and traditional materials. This is considered to be compatible with the character of the surrounding area.

6.4 Landscaping will be provided within the shared areas of the site including the access road. This helps to soften the development and improves the overall appearance of the site. The rejuvenation of the site will also help improve the character and appearance of the area by removing an unused /derelict garage block.

Residential amenity

6.5 The application site is enclosed on all sides by existing residential gardens. The separation distances, however, which are approximately 3.5m to the side boundaries, 10 metres to the rear and 14 metres to the front boundary are considered sufficient to prevent the dwellings from appearing significantly overbearing or causing a material loss of light to neighbouring properties. There are 2 first floor side windows, however, these serve en-suite bathrooms and as such can be obscurely glazed to protect neighbours privacy. The proposed first floor rear facing and front facing windows will provide views into neighbouring gardens, however, these views would be from a greater distances (minimum of 10m) and the area is a high density residential area meaning gardens are already partially overlooked, the separation is therefore considered acceptable in this context.

Flooding

- 6.6 The site is located within Flood Zone 2 which is an area considered to be at medium risk of flooding. The application is supported by a flood risk assessment and a separate sequential assessment which (taking into account the amendments made within revision A, dated 28.02.2018) demonstrates that there are no available sites in areas of lower flood risk which are suitable for the development.
- 6.7 It is not necessary for the exceptions test to be passed as the development, subject to the other flooding requirements within the NPPF (see assessment below) is appropriate development within flood zone 2.
- 6.8 A pedestrian route is available to the rear of the site which leads to Fairfield Avenue, from here a dry escape route is possible until you are out of flood zone entirely. This is set out in the applicants flood risk assessment and has been calculated using predicted flooding levels based on the 1 in 100 flood data + a 25% allowance for climate change. National planning guidance and guidance on the Environment Agency website advises that this is an appropriate methodology for residential (more vulnerable) uses within the flood zone 2 in the Thames area. In addition the internal floor levels of the dwellings will be set 410mm above the predicted 1 in 100 + climate change flood levels. The EA recommend that internal floor levels should be set a minimum of 300mm above predicted flood levels and as such this is sufficient to ensure that the dwellings would be flood resilient.
- 6.9 The dwellings will have a footprint of 170sqm which will result in a built footprint reduction of 228sqm due to the demolition of the existing garage blocks which have a combined footprint of 398sqm. The level of hardstanding on site will also be reduced. The proposal therefore will increase the capacity of the flood plain to store water thereby reducing flood risk elsewhere.

Parking/Highway safety

- 6.10 The development includes 7 car parking spaces which is sufficient to provide 2 spaces for each of the 3 bedroom dwellings and 3 spaces for the 4 bedroom dwelling in line with the Borough's standards. There is a space of 6 metres behind the parking spaces which is sufficient to allow cars to freely manoeuvre in and out of the spaces and therefore enter and exit the site in a forward gear. The design and access statement sets out that the garages have been vacant for over 2 years and as such the proposal would not lead to a parking shortfall elsewhere.
- 6.11 The dwellings will be served by an existing access road which has a width of 4 metres, or approximately 3.8 metres when taking into account the proposed hedgerow along either side. A slightly wider access road would be preferable, however, this is still wide enough to accommodate most standard vehicles and the access way has been sufficient in the past to serve circa 29 garages. The required visibility splays of 2.4m x 43m can be provided along Montrose Avenue. Additionally the historic use of the site as garages could be brought back into use without planning permission and this would likely generate more traffic than the new dwellings. The development therefore will not create any material highway safety issues.
- 6.12 Cycle as well as refuse/recycle stores are proposed within the rear gardens of the dwellings and a bin collection point is proposed near the site access road to allow for refuse to be collected. There is no need for refuse collection vehicles to enter the site.

Other Material Considerations

Housing Land Supply

- 6.13 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted on the 31 January 2018. The Borough Local Plan

sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 18.01.2018

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

Comment		Officer response
1.	Concerns have been raised that big lorries and machinery required for the building works will cause disturbance and block neighbouring driveways, that there is no space for vehicles to turn without blocking neighbouring driveways and that there is insufficient space for recycling lorries or emergency vehicles to pass without causing damage to parked cars.	The site is not within a highly constrained area and as such construction vehicles are unlikely to cause significant disturbances. The site is large enough to accommodate the majority of vehicles and materials relating to the site with only the larger vehicles potentially being unable to access the site.
2.	Concerns have been raised that noise from the site could cause disturbance during early hours.	The borough have permitted hours of operation for noise generating activities which are 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays. Any undue noise or disturbance should be reported to the Council's Environmental Protection team.
3.	Concerns have been raised that the dwellings will result in a loss of privacy to neighbouring properties.	This has been considered in paragraph 6.5.
4.	Questions have been raised with regards to how the new houses will impact on existing infrastructure (water gas etc.).	The additional dwellings are not considered to place significant additional pressure on existing infrastructure.
5.	Concerns have been raised that the new houses will cause light pollution.	Light spillage from the site would not be significant given the area is already a high density residential area.
6.	Concerns have been raised that the dwellings are too modern looking for the road.	This has been considered in paragraphs 6.2 – 6.4.
7.	Concerns have been raised that there is insufficient car parking and the development will lead to on street parking to the detriment of high way safety.	This has been considered in paragraphs 6.10 and 6.11
8.	Concerns have been raised regarding the inadequacy of the site access.	This has been considered in paragraphs 6.10 and 6.11.
9.	Concerns have been raised that the addition of a working driveway will negatively impact highway safety in the surrounding area and will impact access to other properties.	This is an existing driveway which whilst not currently in use could be brought back into use irrespective of this planning permission. The Council's Highways Officer has confirmed that the access is wide enough and would provide sufficient visibility spays in either direction. Provided cars are not parked in a manner that would obstruct this driveway there will be no material highway safety impacts.

10.	Concerns have been raised that the development will reduce the permeability of the site, leading to increased flood risk elsewhere.	This has been considered in paragraphs 6.6 to 6.9
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Statutory consultees

Consultee	Comment	Officer response
Environment Agency	No objections subject to conditions relating to land contamination.	Noted – the suggested condition has been included as a recommended condition.

Other consultees

Consultee	Comment	Officer response
Environmental Protection	No objections subject to conditions relating to insulation against aircraft noise.	Noted – the suggested condition has been included as a recommended condition.
Highways	No objections subject to conditions relating to construction management, parking/turning and refuse/recycling bin provision	Noted – It is not necessary to include a construction management condition as the site and surrounding area is not highly constrained. All other conditions have been included as recommended conditions.

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 DG1.
- 3 The first floor windows in the side (north and south) elevations of the dwellings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 4 No further window(s) shall be inserted at first floor level in the side (north and south) elevations of the dwellings without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The

remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

- 6 Details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against aircraft noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before the construction of the dwellings commences.
Reason: To protect the residential amenities of the development from aircraft noise and to accord with the Local Plan Policy NAP2.
- 7 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1
- 8 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1
- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 10 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.

Appendix A—Site location plan

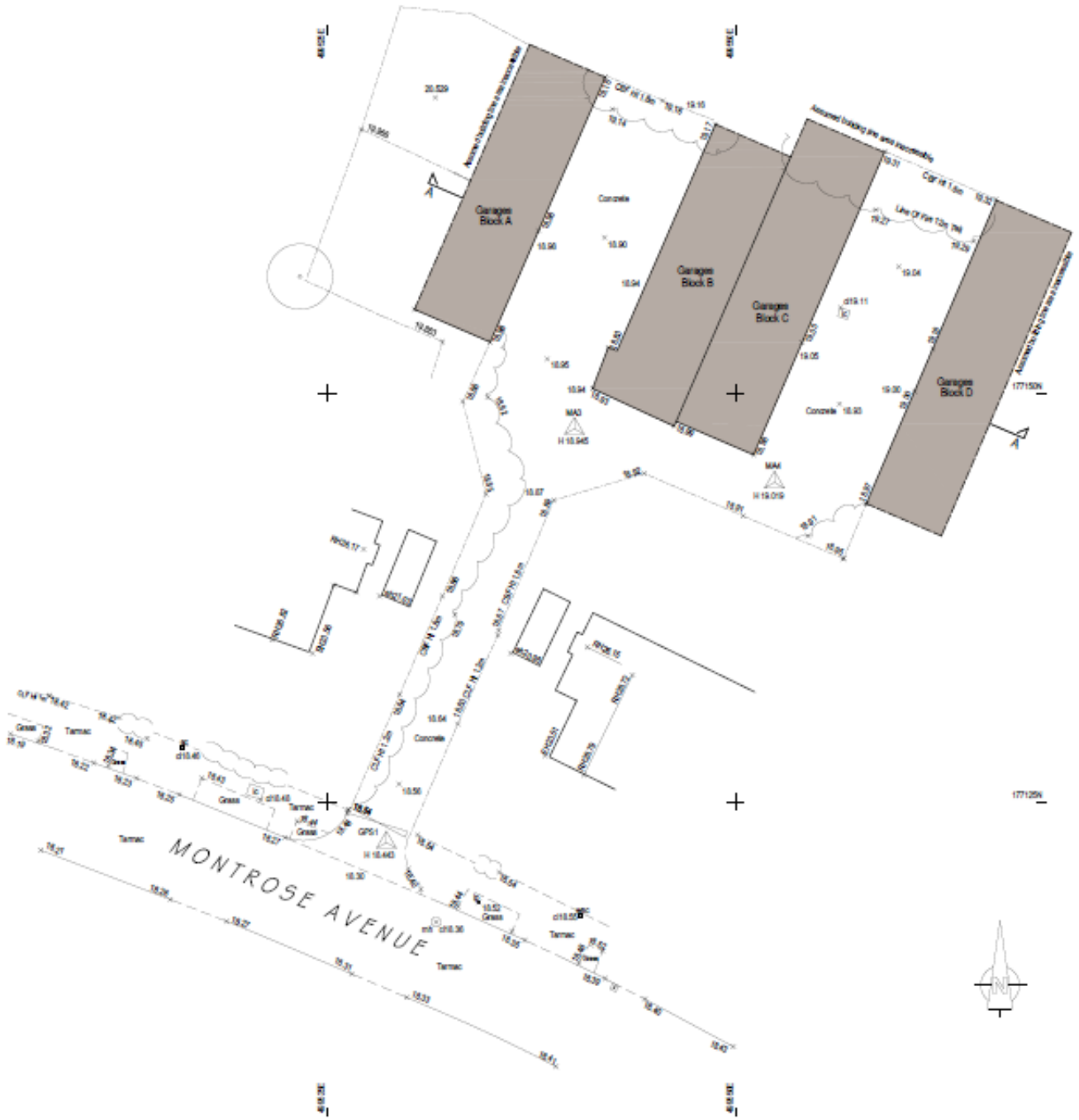


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Location Plan: ... 1:1250

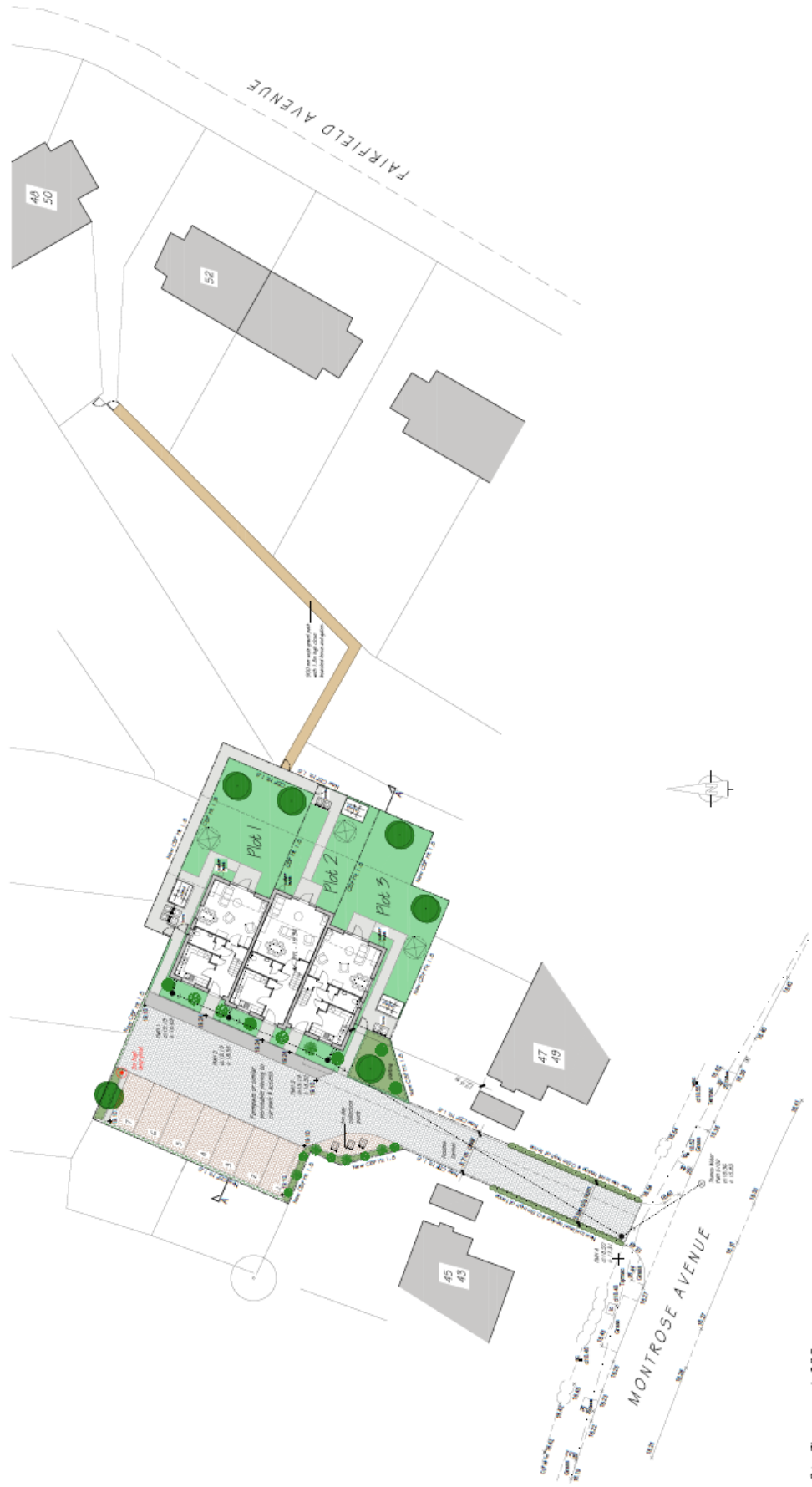
Appendix B—Plan and elevation drawings

Existing site plan

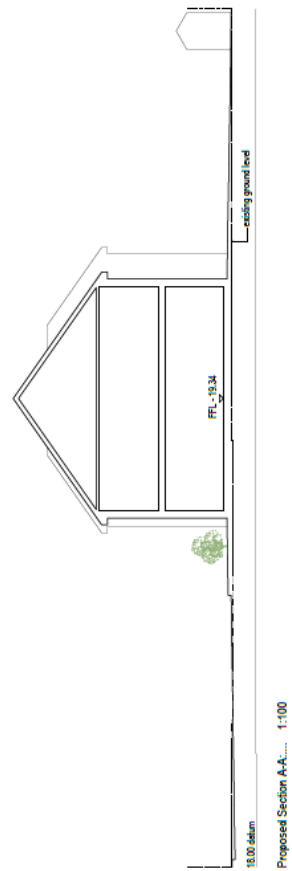
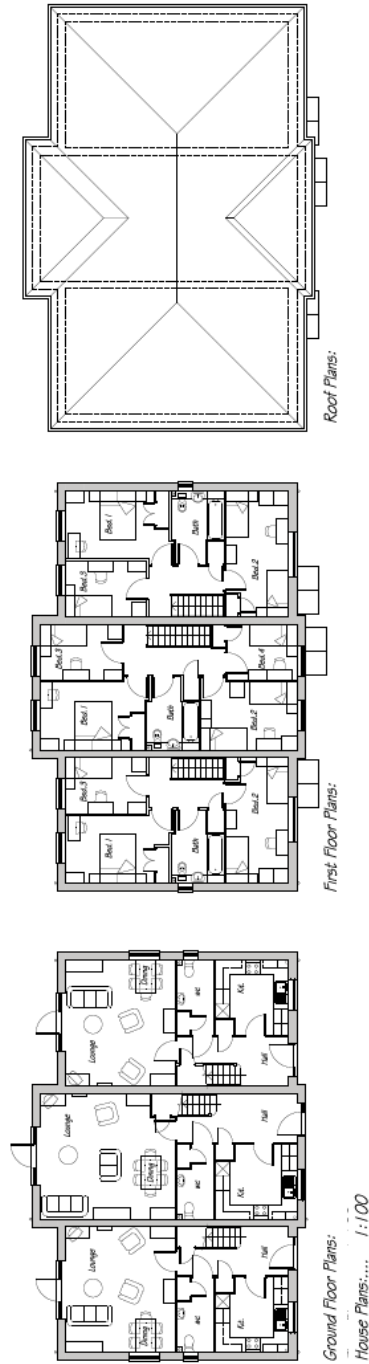


Existing Site Plan:.... 1:200

Proposed site plan



Proposed floor plans and elevations



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 March 2018

Item: 3

Application No.:	18/00057/FULL
Location:	Land East of St John The Baptist Church And Cemetery Eton Wick Road Eton Wick Windsor
Proposal:	Change of use of land to provide an extension to existing churchyard
Applicant:	Reverend LA Stacey
Agent:	Jane Carter
Parish/Ward:	Eton Town Council/Eton Wick Ward

If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk

1. SUMMARY

Planning permission is sought to change the use of land to the east of St John the Baptist Church and cemetery to provide an extension to the existing churchyard. The Environment Agency has objected to the proposal on the grounds that the development will pose an unacceptable risk of pollution to groundwater. Therefore, despite the large amount of support received from local residents, the application should be refused.

It is recommended the Panel refuses planning permission for the following summarised reason (the full reasons are identified in Section 10 of this report):

- | | |
|----|---|
| 1. | The proposed development would pose an unacceptable risk of pollution to groundwater which is contrary to the guidance set out in paragraph 109 of the NPPF and Local Plan policy NAP4 |
|----|---|

2. REASON FOR PANEL DETERMINATION

- Councillor Rayner has requested the application come before Panel on the grounds of public interest in the event that the application is recommended for refusal.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the edge of Eton Wick village and adjacent to St John the Baptist Church, which is a Grade II Listed Building. The land is currently used as paddocks. To the northwest of the site are the grounds of Eton Wick C of E First School. To the west is the existing churchyard of St John the Baptist church. The site comprises a rectangular area of paddock land measuring 25m by 29m, approximately 0.07ha. It is generally flat and grassed. The site is well screened from Eton Wick Road by an existing hedge.
- 3.2 Access to the proposed churchyard extension will be from Eton Wick Road via the existing gates and through the churchyard.
- 3.3 The site lies within the designated Green Belt, Flood Zones 2 & 3 and Source Protection Zones 2 & 3.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal seeks to change the use of the land to provide an extension to the existing churchyard. A chain link fence at a height of 1.8m is proposed to be erected to enclose the site and a new 3m wide opening is to be provided in the existing chain link fence to create access into the site from the existing cemetery. The vehicular access onto Eton Wick Road will remain unchanged.

Ref.	Description	Decision and Date
------	-------------	-------------------

08/00916/FULL	Extension to existing graveyard plus chain link boundary fence	Permitted but not implemented.
15/01991/FULL	Extension to existing graveyard	Withdrawn
15/03599/FULL	Extension to existing graveyard	Withdrawn

This application follows an earlier scheme for the same development submitted in 2015 which was withdrawn in September 2015. Further information was required by the Environment Agency and this has now been submitted with the current application. The same proposal was approved in 2008.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework:
- Section 9 (Protecting Green Belt land)
 - Section 10 (Meeting the challenge of climate change, flooding and coastal change)
 - Section 12 (Conserving and enhancing the historic environment)

Royal Borough Local Plan

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

Green Belt	Highways and Parking	Pollution	Conservation	Flooding
GB1 & GB2	P4, T5	NAP 4	LB2	F1

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Green Belt	SP6
Managing Flood Risk	NR3
Environmental Protection	EP5

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- Supplementary Planning Guidance 'Interpretation of Policy NAP4'

More information on this document can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Green Belt
- ii Impact on the visual amenity of the area.
- iii Impact on setting of listed building.
- iv Flood Risk
- v Impact on groundwater quality
- vi Parking and highways Issues

Impact on the Green Belt

- 6.2 Local Plan Policy GB1 relates to development in the Green Belt and explains that unless very special circumstances apply, approval will only be given for specific types of development including “for cemeteries, and for other uses of land which preserve the openness of the Green Belt”. This policy is however no longer fully compliant with the NPPF. Policy GB2 advises that permission for new development within the Green Belt will not be granted for proposals which would have greater impact on openness or the purposes for including land within the Green Belt than existing development on the site.
- 6.3 The Government attaches great importance to Green Belts and paragraph 79 of the NPPF states “*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*”
- 6.4 Paragraphs 89 and 90 set out the types of development which may be considered appropriate development in the Green Belt. The change of use of land is not one of the specified exceptions. Therefore the change of use of the land to a cemetery would constitute inappropriate development in the Green Belt. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.5 In support of the application the agent has explained that at current rates of burial and interment it is anticipated that the existing churchyard will be full in 2 to 3 years’ time. Residents of the Parish still wish to be buried here after 2020 because it is close to their homes and families. There is great concern particularly from older residents who understand that the churchyard is nearly full but still want to be buried in the Parish. They do not wish to be buried in another part of the Borough or elsewhere. Only people who live or die in the parish, which covers Eton Wick, Eton and Boveney and those on the electoral roll of the Church can be buried here. Therefore the number of people who may be eligible is very low. Over the past 4 years there have only been between 3 and 5 burials a year.
- 6.6 It is clear that there is considerable support for the proposal amongst local residents and it is understood that a preliminary search for other sites in and around the Parish has been carried out but any suitable available plots are also in the Green Belt. The proposed site has the advantage of being adjacent to the existing churchyard and able to use the Church and other facilities already in place for the existing Churchyard.

- 6.7 The use of the land as an extension to the existing churchyard would involve the erection of monuments or headstones. It is understood that the height, width and thickness of monuments is restricted under the Diocese of Oxford Churchyard Regulations 2016 to no higher than 1220mm, no wider than 915mm, and no thicker than 155mm. Ledger stones are laid flush with the ground and would have no impact. Other than the monuments and ledger stones the churchyard will be grassed over, with some planting of bulbs and annuals permitted. It is therefore acknowledged that the proposal would have no adverse impact on the openness of the Green Belt.
- 6.8 For the reasons set out above it is considered that there are sufficient 'Very special Circumstances' in this case to warrant an exception to Green Belt policy and no objection is therefore raised to the proposal on Green Belt policy grounds.

Impact on the visual amenity of the area

- 6.9 The site is reasonably well screened from Eton Wick Road by an existing hedge which would be retained. A 1.8m high chain link fence is proposed to enclose the site which would enable views into and out of the site. Given the nature of the proposed use it is not considered that the proposal would have an adverse impact on the visual amenity of the site itself or the locality in general.

Impact on setting of listed building

- 6.10 The Conservation Officer has confirmed that the proposal to extend the church yard will not cause harm to the significance of the Listed Building or its setting. The church yard has expanded over the years, particularly in the 1960's where a large extension to the yard is evident in the OS maps. These changes to the setting of the Listed Building have been made to continue the optimum viable use of the building as a church. The current proposal is for the extension of the churchyard in a similar and moderate fashion and will not have a detrimental effect on the setting of this grade II listed church.

Flood Risk

- 6.11 The application site lies within Flood Zones 2 & 3 (high risk) and the application has been accompanied by a Flood Risk Assessment. Although the site is at a high risk of flooding the proposed use is not within one of the categories of vulnerable uses that should be avoided in such areas. There are no buildings proposed. The monuments/headstones and chain link fence would not impede flood water and would have an imperceptible impact on flood storage capacity. No lives or property will be endangered and no other properties would be at an increased risk of flooding from this proposal. On this basis the proposal would accord with local plan policy F1 and no objection is raised to the proposal on flooding grounds.

Impact on ground water quality

- 6.12 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other things '*preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...*'
- 6.13 Saved Local Plan policy NAP4 states that '*The Council will not grant planning permission for development which poses or might pose an unacceptable risk to the quality of groundwater and/or which would have a detrimental effect on the quality of surface water.*'
- 6.14 The applicant is required to submit details of measures designed to ensure no detrimental effect on surface and groundwater. Groundwater plays a key role in meeting public water

supply needs in the Windsor and Maidenhead areas. Adequate measures are therefore required to protect the quality of the water supply from the effects of development and as a result of ongoing activities which may have a high potential for pollution.

- 6.15 The application has been accompanied by a Tier 1 Geo-Environmental Desk Study, Ground Water Investigation, and a draft Eton Wick Burial Management Plan. The application also follows pre-application advice obtained from the Environment Agency.
- 6.16 The site is located within Source Protection Zone 2 (SPZ2) and upon a Principal aquifer. The groundwater is therefore particularly sensitive in this location. Source Protection Zones (SPZs) are defined by the Environment Agency as areas around wells, boreholes and springs and provide the EA with an indication of the risk to groundwater supplies from potentially polluting activities.
- 6.17 An intrusive site investigation was carried out by Jomas in May 2016 and three sample boreholes were installed on site. The standing water has been measured at between 1.3m and 1.7m below ground level (bgl). Since a single burial is generally at a depth of 1.8m bgl, the site investigation results suggest that burials will be into standing water. Since at least 1 metre clearance between the base of the grave and the top of the water table has to be maintained the proposal to inter human bodies on this parcel of land is considered to be unacceptable by the Environment Agency.
- 6.18 The draft Burial Management Plans submitted with the application suggests a condition that:
No burials will take place into standing water. This may limit the depth at certain times after heavy or prolonged rain or on occasion may delay a funeral until water has receded.
- 6.19 The water level fluctuates seasonably and the EA has advised that this is why the guidance also says that at least 1 metre clearance has to be provided between the base of the grave and the top to the water table. The top of the water table means the maximum water table level. Interring the body under the water table at any time of the year will lead to pollution of ground water.
- 6.20 The proposed cemetery extension is located over the Shepperton Gravel Member (Principal aquifer) which overlays the London Clay and this gravel aquifer needs to be protected with respect to ground water quality. The site lies within a SPZ2 for the potable water supply (PWS) at Eton. The borehole records for Eton PWS show that wells extend into the chalk (confined under the London Clay) however, the information from the SPZ modelling for this potable supply indicates the bulk of the abstraction is from the Shepperton Gravels. The site is also within the flood plain of the River Thames and groundwater (water table) in the gravels is likely to be shallow. Since this site is within a SPZ2, burials must not be into groundwater at any time of the year.
- 6.21 The Environment Agency considers that the proposed development poses an unacceptable risk of causing a detrimental impact on ground water quality because:
1. It presents a risk of pollution to groundwater supplies
 2. The proposed graves do not have at least 1 metre clearance between the base of the grave and the top of the water table.

The Environment Agency has objected to the proposal because it would pose an unacceptable risk of pollution to groundwater. There are no suitable mitigation measures that can be implemented in this case. For instance it would not be possible to increase the land levels in the flood plain. Whilst the Council is sympathetic to the need to extend the cemetery to serve the local community the advice obtained from the Environment Agency cannot be ignored. The application is therefore recommended refusal of this application.

Parking and Highway Issues

- 6.22 There are no parking or highway issues arising from this proposal.

6.23 Other Material Considerations

Some of the representations have referred to the previous approval granted in 2008 to extend the churchyard and the fact that the EA did not object to the previous application. The EA has confirmed that they did not consider the effect on groundwater quality and the connectivity with the drinking water borehole at that time and if it had been taken into account they would have raised an objection.

Some of the representations have referred to the fact that no issues arise from the Water Oakley cemetery being close to the river. It has already been established that there is no flooding issue arising from this proposal. The objections relate to the site being within a Source Protection Zone and its impact on the quality of the groundwater.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

A site notice was posted on 23rd January 2018. A total of 2 neighbours have been notified and 37 letters of support have been received which are summarised as follows:

Comment	Officer Response
There is a need to have churchyard extended to enable local people to be buried/interned there	See assessment under paragraph 6.1 section v
Only a few burials take place each year which will not affect the environment	See assessment set out in paragraph 6.1 section v
Oakley cemetery is closer to river and has many more burials with no issues	See paragraph 6.2
Previous application approved	See paragraph 6.2
Proposal will preserve churchyard for future generations	See assessment under paragraph 6.1 section v

Statutory consultees

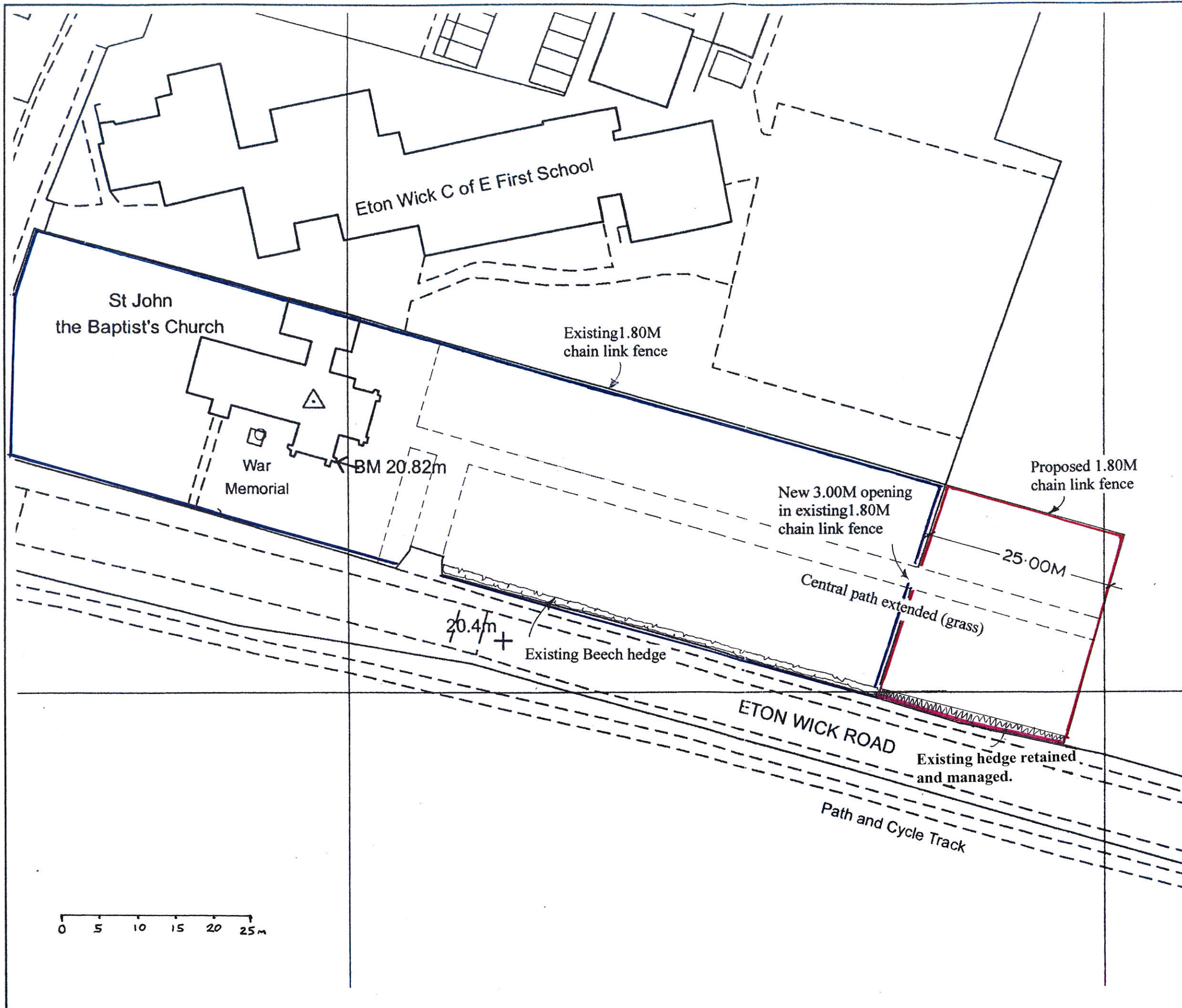
Consultee	Comment	Where in the report this is considered
Eton Town Council	<ol style="list-style-type: none"> 1. Identical application approved in 2008 without concerns from EA 2. Extension adjoins burial ground – no evidence of burials affecting water quality. 3. Alternative location for residents of Eton & Eton Wick would be Water Oakley cemetery which is closer to river and has no restrictions on it. 4. Average of 3-5 burials in graveyard a year. 5. Village community looking to enable future generations to be allowed to be buried in the community they have lived in 	See para 6.2 and assessment set out in paragraph 6.1 section v
Conservation Officer	No objection	Noted
Environmental Protection	No concerns	Noted
Highways	No objection	Noted
Environment Agency	Object on grounds of unacceptable risk of pollution to groundwater	See assessment under paragraph 6.1 section v

9. APPENDICES TO THIS REPORT

- Appendix A - Proposed site layout

10. REASON RECOMMENDED FOR REFUSAL.

1. The proposal development, because of its location within Source Protection Zone 2 and upon a Principal aquifer, would pose an unacceptable risk to pollution of groundwater, contrary to policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating Alterations Adopted June 2003) and guidance set out in paragraph 109 of the National Planning Policy Framework.



NOTES:

A	Date	Revisions

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CP
 REV LA STACEY

Job Title
 St John the Baptist's Church
 Eton Wick Road
 Eton Wick
 Windsor, Berks.

Drawing Title
**PROPOSED
 CHURCHYARD
 EXTENSION**

Scale **1:500**

Date FEB '08 Drawn by

Drg No.	Rev

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

28 March 2018

Item: 4

Application No.:	18/00065/VAR
Location:	34 - 52 St Leonards Road Windsor
Proposal:	Variation to planning application 01/81424 (allowed on appeal) to remove condition 14 (satellite car park) for the erection of new college building on corner of Trinity Place/St Leonards Road plus provision of ancillary 120 space car park and landscaping (amended 27.05.02 & 8.10.02)
Applicant:	The Windsor Forest Colleges Group
Agent:	Mr Baldip Basi
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Sian Saadeh on 01682 796164 or at sian.saadeh@rbwm.gov.uk

1. SUMMARY

- 1.1 This application seeks to remove condition 14 of planning permission 01/81424. The condition requires the retention of the car park off Alma Road for use by the Windsor Forest Colleges Group, in association with their building at Trinity Place/St Leonards Road. It has been demonstrated that the loss of this car park would not harm parking provision for the college and so the condition can be removed.

It is recommended the Panel grants planning permission

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin if the recommendation is to grant planning permission in order to assess pressure on parking in Central Windsor.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is an existing car park located off Alma Road. It is accessed via the turning to the old Imperial House site. Cars have to cross the pedestrian footpath running from Alma Road to Vansittart Road in order to enter the site.
- 3.2 The car park currently provides 50 car parking spaces. As per the requirements of the condition, it is for use in association with the Windsor College campus at Trinity Place/St Leonards Road. Outside of term time and at weekends public parking is permitted at the site.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to remove condition 14 of planning permission 01/81424. This condition states:
- “The existing satellite car park off Alma Road, outlined in blue of drawings 00293/P54A, shall be retained for the parking area of vehicles associated with the use and occupation of the college building.”*
- 4.2 The removal of the condition would mean that the site was no longer required to be maintained as a car park.
- 4.3 Planning permission 01/81424 was for *Erection of new college building on corner of Trinity Place/St Leonards Road plus provision of ancillary 120 space car park and landscaping (amended 27.05.02 & 8.10.02)*. It was allowed on appeal on 9th March 2004.

4.4 Also relevant is the recent planning permission 15/03161 for *Three storey rear extension with associated amendments to car park layout* at the Trinity Place/St Leonards Road site. It was granted on 11th December 2015.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

Highways and Parking
P4

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Sustainable transport	IF2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time ahead of its examination.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Parking provision

Parking Provision

6.2 The application is supported by parking surveys for the car parking at the main Windsor College site and at the Alma Road site. The condition was originally imposed to ensure adequate parking provision for users of the College building. It is therefore most relevant to look at whether or not sufficient parking is maintained for this site.

6.3 Under the Local Authorities current parking standards (May 2004) educational establishments within an area of good accessibility requires;

1. 1 space per 4 full time equivalent staff
2. 1 space per 30 students

The information submitted with the application establishes the following parking requirement for the current use of the site:

Number		Parking Standard	Parking required
Staff	69.5 (fte)	1 space per 4 full-time equivalent staff	18
Student	799 (fte)	1 space per 30 students	27
Total Parking requirement			45

As noted above, there is a recent permission for an extension at this site and amendments to the car parking layout. The information with the application has also set out what the parking requirement for this use would be:

Number		Parking Standard	Parking required
Staff	69.5 (fte)	1 space per 4 full-time equivalent staff	18
Student	839 (fte)	1 space per 30 students	28
Total Parking requirement			46

The current layout provides 116 spaces whilst the revised layout is for 107. In both schemes the main car park at the site provides in excess of the required parking level.

6.4 The car parking survey shows for the main car park shows that during the peak hours of use (1100 to 1400), there were between 6 - 14 spaces available during any 15 minute period. Outside of these hours, there were more than 14 spaces available. For the Alma Road site the information shows that only 2 vehicles parked within the car park during 12 hours (0700 to 1900). The parking survey data shows a very limited use of the Alma Road site and that there is sufficient parking provided for the college in the main car park.

6.5 As noted above, the signs in the car park indicate that it is available for use by the public at the weekends and outside of term time. The car park has never been primarily for use by the public and this use appears to have arisen incidentally. A parking survey has been submitted for a Saturday to give indication of public use of the site. This shows that the peak usage was 10 spaces for approximately a 30 minute period in the early afternoon. Whilst the loss of this car park would result in the loss of spaces available for public use as this time, the primary function of the car park is as overspill parking for the College. The small number of public users could be accommodated within the local area and it is not considered that there would be a significant additional pressure placed on local parking from the loss of this car park.

6.6 Overall, the scheme would ensure sufficient parking is maintained for the College, is not considered to have a harmful impact on parking provision within the local area and would comply with Local Plan policy P4.

6.7 The application is for the removal of a condition on an existing planning permission. As that development has been implemented other conditions have also been omitted from this decision notice.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

78 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 31st January and the application was advertised in the Maidenhead & Windsor Advertiser on 1st February.

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

Comment		Where in the report this is considered
1.	Busy, well-used car park by general public; essential for local churchgoers, residents and visitors; parking in Windsor challenge for local community	Paragraph 6.5
2.	Timing of application with development at adjoining site and should be disclosed if site being sold; link between loss of parking at adjoining site	The two applications are separate and must be assessed independently. This application site is owned by the College and not RBWM who operate the car park under licence.
3.	Impact on vista to Trinity Church	No physical works are proposed that would harm the views in the local area.
4.	Adjoining properties not consulted.	Statutory requirements for consultation have been met as site notices have been put up around the site.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways Authority	The development still complies with the Borough's current Parking Strategy (May 2004) by providing 62 additional car parking spaces within the main car park. Therefore from a highways point of view the Project Centre offers no objection to the proposal	Section 6

Other consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No impact on surface water runoff	Noted
Trees	No objection	Noted

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

Appendix A

