

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 3RD AUGUST, 2022

At 7.00 pm

In the

GREY ROOM - YORK HOUSE, AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS DAVID CANNON (CHAIRMAN), SAYONARA LUXTON (VICE-CHAIRMAN), SHAMSUL SHELM, GARY MUIR, DAVID HILTON, AMY TISI, NEIL KNOWLES, WISDOM DA COSTA AND JON DAVEY

SUBSTITUTE MEMBERS

COUNCILLORS KAREN DAVIES, JOHN BOWDEN, JULIAN SHARPE, LYNNE JONES, HELEN PRICE, CAROLE DA COSTA, JOHN STORY, SAMANTHA RAYNER AND DAVID COPPINGER

Karen Shepherd – Head of Governance - Issued: 26 July 2022

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	-
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 8
3.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>To approve the minutes of the meeting held on 1 June 2022 as a true and accurate record.</p>	9 - 10
4.	<p><u>21/03363/FULL - SITE OF FORMER SHEPHERDS HUT 17 ETON WICK ROAD, ETON WICK, WINDSOR</u></p> <p>Proposal: Construction of x1 building to create E(b) use on the ground floor, x5 residential units (C3 use on the first and second floors) with associated car parking and cycle and bin storage areas, following demolition of the existing building.</p> <p>Recommendation: REFUSE</p> <p>Applicant: Mr Chatha</p> <p>Member Call-In: Councillor Samantha Rayner</p> <p>Expiry Date: 5 August 2022</p>	11 - 40
5.	<p><u>21/03536/FULL - THE BRIARY AND BRIARY END AND BRIARY COTTAGE AND COTTON HALL HOUSE AND ETON WICK CHAPEL, ETON WICK ROAD, ETON WICK, WINDSOR</u></p> <p>Proposal: The redevelopment of the site comprising of the erection of a Boarding House containing 55 bedrooms (Class C2) including staff accommodation, car parking and associated facilities to be linked to the existing building (The Briary). Single storey side/rear extension, single storey infill extension and alterations to The Briary following demolition of the existing two cottages (Briary End and Briary Cottage) and associated outbuildings. Erection of a new garage and wall linked to the Boarding House and relocation of the gates within the curtilage of Cotton Hall and works to the wall enclosing the Chapel and Lychgate and re-siting of a post box. Relocation of the existing vehicular access, new loading bay and associated highways works to Eton Wick Road and associated hard and soft landscaping.</p> <p>Recommendation: PERMIT</p> <p>Applicant: C/o Savills</p>	41 - 70

Member Call-In: n/a

Expiry Date: 8 August 2022

6.

PLANNING APPEALS RECEIVED AND PLANNING DECISION
REPORT

To note the contents of the report.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation. The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a Disclosable Pecuniary Interest (DPI) or Other Registerable Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

DPIs (relating to the Member or their partner) include:

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses*
- *Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.*
- *Any beneficial interest in land within the area of the council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) that body has a place of business or land in the area of the council, and*
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive

interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) *any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) *any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 1 JUNE 2022

PRESENT: Councillors David Cannon (Chairman), Sayonara Luxton (Vice-Chairman), David Hilton, Julian Sharpe, Shamsul Shelim, Neil Knowles, Helen Price, Jon Davey and Karen Davies

Also in attendance: Councillor John Baldwin and Councillor Phil Haseler

Officers: Oran Norris-Browne, Helena Stevenson, Adrien Waite and Jo Richards

CHAIRMAN'S WELCOME

The Chairman welcomed everybody to the meeting and explained that due to it being the start of the new Municipal Year 2022/23, there were a few new members of the committee.

Councillor Luxton was now Vice-Chairman of the committee and Councillors Muir and Hilton were also now members of the committee.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W. Da Costa, Tisi and Muir. They were substituted by Councillors Price, Davies and Sharpe respectively.

DECLARATIONS OF INTEREST

No declarations of interest were made.

MINUTES OF PREVIOUS MEETING

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 4 May 2022 be a true and accurate record.

21/03347/FULL - LINTHORPE FIREBALL HILL SUNNINGDALE ASCOT SL5 9PJ

A motion was put forward by Councillor Luxton to permit the application, which was in line with officer recommendations subject to a signed Section 106 agreement. This was seconded by Councillor Hilton.

A named vote was taken.

21/03347/FULL - Linthorpe Fireball Hill Sunningdale Ascot SL5 9PJ (Motion)	
Councillor David Cannon	For
Councillor Sayonara Luxton	For
Councillor David Hilton	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	For
Councillor Neil Knowles	For
Councillor Helen Price	For
Councillor Jon Davey	For
Councillor Karen Davies	Against
Carried	

RESOLVED: That the application was permitted with the conditions listed in the main report and subject to there being a signed Section 106 agreement.

The committee were addressed by two speakers. Patrick Griffin (Objector) and Douglas Bond (Applicant's representative).

21/03734/ADV - LAND ADJACENT TO 1 FARM YARD WINDSOR

This item was withdrawn by the applicant.

21/03738/ADV - LAND ADJACENT 1 THAMES STREET WINDSOR

This item was withdrawn by the applicant.

21/03739/ADV - LAND ADJACENT TO PIARA OF WINDSOR GARDEN CAFE
ALEXANDRA GARDENS COACH PARK GOSWELL ROAD WINDSOR

This item was withdrawn by the applicant.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The Committee noted the planning appeals received and the planning decision report.

The meeting, which began at 7.00 pm, finished at 7.40 pm

CHAIRMAN.....

DATE.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

3 August 2022

Item: 1

Application No.:	21/03363/FULL
Location:	Site of Former Shepherds Hut 17 Eton Wick Road Eton Wick Windsor
Proposal:	Construction of x1 building to create E(b) use on the ground floor, x5 residential units (C3 use on the first and second floors) with associated car parking and cycle and bin storage areas, following demolition of the existing building.
Applicant:	Mr Chatha
Agent:	Miss Risha Patel
Parish/Ward:	Eton Town Council/Eton And Castle
If you have a question about this report, please contact: Jeffrey Ng on 01628 796213 or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1. Currently, the site comprises a vacant public housing building, which is known as The Shepherds Hut and its associated car park. The site is subject to several planning permissions, the principal application being ref: 19/01548/FULL which is for the erection of 6no. dwellings (on land to the south of the current application site) and change of use of former Shepherds Hut to cafe'. The 6 dwellinghouses have been constructed.
- 1.2. This application is seeking to demolish the existing Shepherds Hut building and construct a three-storey building. The proposed development comprises 5 residential two-bedroom units. The ground floor comprises a class E(b) use.
- 1.3. The proposed development is considered to be unacceptable for a number of reasons including: 1) the scale, form and design of development would result with a prominent and incongruous building with limited space for landscaping which would be harmful to the character of the area, 2) insufficient amenity space for future occupants, 3) failure to pass the sequential test and 4) failure to meet the requirements of SP2 and the Council's interim sustainability statement.
- 1.4. Weighing in favour of the scheme, the proposed development would provide 5 new residential units. The proposed development can also achieve net gains in biodiversity. However, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On the basis of the foregoing, it is therefore recommended that planning permission be refused.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):

- | | |
|-----------|--|
| 1. | The proposed development, by virtue of its scale, form, design, limited space for landscaping and inactive frontages, would result in a prominent and incongruous form of development which would be harmful to the street scene and character of the area in general. It is therefore |
|-----------|--|

	considered that the proposed development fails to comply with Section 12 of the National Planning Policy Framework 2021 and Policy QP3 of the Borough Local Plan 2013-2033.
2.	There is insufficient amenity space for future occupants of the proposed development. The proposed development fails to comply with Section 12 of the National Planning Policy Framework 2021 and Policy QP3 of the Borough Local Plan 2013-2033.
3.	A sequential test has not been provided to support the number of units proposed in this application. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Given that the application site is not an allocation site in the development plan, a sequential is required in this case. Therefore, the proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.
4.	The applicant has failed to submit information to demonstrate how the proposed development would work towards minimising CO2 emissions or how it has been designed to incorporate measures to adapt to and mitigate climate change. As such, the proposal is considered to be contrary to Policy SP2 of the Borough Local Plan, Chapter 14 of the NPPF (2021) and the Council's Interim Sustainability Position Statement.

2. REASON FOR COMMITTEE DETERMINATION

- 2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application has been called in by Cllr Samantha Rayner as the application site is within a significant location in the village and the Neighbourhood Plan.

3. THE SITE AND ITS SURROUNDINGS

- 3.1. The application site is approximately 0.06 hectares and is a corner plot located on the southern side of Eton Wick Road at its junction with Princes Close in Eton Wick. Eton Wick shopping parade, community facilities and other services are also in walking distance of the application site. The application site currently comprises a vacant public house, which is known as Shepherds Hut and its associated car park.
- 3.2. The application site is within an established residential area. Properties within the area vary in design and size but they are typically brick built and with slate roof tiles. According to the RBWM Townscape Assessment, the site is within 5A Eton Wick Character Area with the "Victorian Villages" Character.

4. KEY CONSTRAINTS

- Environment Agency Flood Zone 2 but it is surrounded by Flood Zone 3
- Eton Wick Local Centre
- An area of archaeological significance

5. THE PROPOSAL

- 5.1. The application seeks planning permission for the demolition of the Shepherds Hut and the construction of a building to create E(b) use on the ground floor and 5Nos. residential units (C3) use on the first and second floors with associated car parking and cycle and bin storage area.

6. RELEVANT PLANNING HISTORY

Ref.	Description of Development	Decision and Date
19/01548/FULL	Erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.	Permitted – 10.02.2020
20/00625/VAR	Variation (under Section 73) of planning permission 19/01548/FULL to vary the wording of Condition 6 (Section 278) to read 'The development shall not be occupied until a Section 278 (of the Highways Act 1980) Agreement has been secured with the Highways Authority for new access that can achieve pedestrian and visibility splays compliant with the Borough's current requirements as shown on Drawing: Visibility Splays [A19067C-101 Rev P1]. The development shall not be occupied until the new access as approved through the S278 Agreement has been carried out in full'.	Permitted – 01 May 2020
20/00937/VAR	Variation (under Section 73) of condition 11 (approved plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut. And, to vary the wording of Condition 6 (Section 278) to read 'The development shall not be occupied until a Section 278 (of the Highways Act 1980) Agreement has been secured with the Highways Authority for new access that can achieve pedestrian and visibility splays compliant with the Borough's current requirements as shown on Drawing: Visibility Splays [A19067C-101 Rev P1]. The development shall not be occupied until the new access as approved through the S278 Agreement has been carried out in full'.	Permitted – 26 June 2020
20/02139/VAR	Variation (under Section 73) of Condition 11 (Approved Plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part	Permitted – 13 November 2020

	demolition of Shepherds Hut with amended plans.	
20/01487/CONDIT	Details required by condition 7 (archaeology) of the Variation of Conditions planning permission 20/02139 for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.	Permitted – 13 November 2020
22/00806/CONDIT	Details required by conditions 3 (parking layout) and 4 (cycle layout) of application 20/02139/VAR for variation (under Section 73) of Condition 11 (Approved Plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut with amended plans	Permitted – 23 May 2022

7. DEVELOPMENT PLAN

7.1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Hierarchy of Centres	TR1
Local Centres	TR5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2

Adopted Eton & Eton Wick Neighbourhood Plan 2016-2036

Issue	Policy
Housing Type and Location	HD1
Housing Infill and Extension	HD2
Development within Eton Wick	HD4
Eton Wick Local Centre	BL3
Sustainable Transport Network	TI1
Car Parking	TI2
Bicycle Parking	TI3
Biodiversity	EN1
Flooding	EN3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
Section 4- Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 6 – Building a strong, competitive economy
Section 7 – Ensuring the vitality of town centres
Section 9- Promoting Sustainable Transport
Section 11 – Making effective use of land
Section 12- Achieving well-designed places
Section 14- Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material for the proposal are:

- Berkshire Strategic Housing Market Assessment (SHMA) 2016
- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- RBWM Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- RBWM Waste Management Planning Advice Note

- DLUHC Technical housing standards – nationally described space standard 2015

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application and 38 letters were received in total.

3 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Support the proposed caf' in the vacant Shepherd's Hut building.	Noted.
2	Support the residential element of the proposed development.	Noted.

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

Comment		Where in the report this is considered
1	Concerns that there would be no planning control over the proposed E(b) use as a caf'.	Section vi of this Report
2	The proposal is not in keeping with the character of the area.	Section vi of this Report
3	No gardens or amenity spaces are proposed for the proposed residential units.	Section viii of this Report
4	Lack of visitor parking provision for residents.	Section ix of this Report
5	Lack of parking for visitors, staff and deliveries for the commercial building.	Section ix of this Report
6	No electric charging points are provided at the site.	Section ix of this Report
7	Concerns over the waste management of the proposed development.	Section x of this Report
8	No heritage impact assessment has been provided to support this application.	Section xii of this Report
9	There is concern over the impacts of the construction vehicles.	Section x of this Report

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Ecology	No objections have been raised subject to conditions related to biodiversity enhancement measures and an external lighting scheme	Section xi of this Report
RBWM Lead Local Flood Authority	Further information is required from the application regarding a plan indicating the proposed arrangement of the surface water drainage strategy and details showing the flow control system should	Section v of this Report

	achieve the Technical Standards for Sustainable Drainage Systems requirements.	
RBWM Environmental Protection	No objections have been raised subject to conditions related to aircraft noise, internal building insulation and site-specific construction environmental management plan.	Section xiii of this Report
Berkshire Archaeology	As an archaeological trial trench evaluation has been carried out and no archaeological features or finds were recorded, no further archaeological requirement is needed in this site.	Section xii of this Report
Environment Agency	No comments to make.	Noted.

Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Eton Town Council	Support the application	Noted.

10. EXPLANATION OF RECOMMENDATION

10.1. The key issues for consideration are:

- i) Principle of Development
- ii) Climate Change and Sustainability
- iii) Housing Size and Mix
- iv) Affordable Housing
- v) Flood Risk
- vi) Design and Character
- vii) Impact on Neighbour Amenity
- viii) Highway and Parking
- ix) Waste Management
- x) Ecology and Biodiversity
- xi) Heritage and Archaeology
- x) Other Material Considerations

i) Principle of Development

10.2. Paragraph 120 of the NPPF sets out that planning decisions should promote and support the development of under-utilised land and buildings. Policy TR5 of the Borough Local Plan 2013-2033 sets out that development proposals for retail use within the defined local centres will be supported. Development proposals for residential use on upper floors in local centres will also be supported. Policy BL3 of the Eton & Eton Wick Neighbourhood Plan 2016-2036 also sets out that change of use between retail use classes to other commercials, leisure and community uses within the retail core of the Eton Wick Local Centre where retail is unviable will be supported. Proof of evidence should be supported by up-to-date evidence of open and active marketing of the site at market value over a 12-month period.

10.3. Policy IF6 of the Borough Local Plan 2013-2033 sets out that existing community facilities should be retained, improved and enhanced. Proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors

will be supported. Where an assessment identifies specific needs in the local area, proposals to meet that local need will be supported when they are located in areas that are accessible by walking, cycling or public transport. Applications for change of use or redevelopment will therefore be resisted unless evidence can be provided to show that the facility is not needed, not economically viable and is no longer required to meet the needs of the local community.

- 10.4. The application site is within the identified Eton Wick Local Centre. The proposal is seeking to demolish the existing Shepherd's Hut building and construct a three-storey building including an E(b) use which refers to the sale of food and drink for consumption on the premises, on the ground floor and 5 residential units on the first and second floors. The proposal is considered to be supported by both Policy TR5 and Policy BL3.
- 10.5. The design and access statement sets out that the internal configuration of the existing Shepherd's Hut building is not attractive for investment opportunities. No up-to-date or further marketing evidence has been provided to support this application as required by Borough Local Plan 2013-2033 and the Eton & Eton Wick Neighbourhood Plan 2016-2036.
- 10.6. Notwithstanding the above, the principle of the loss of the former public house and proposed E(b) Class caf^e use on the ground floor has been established through the approval and implementation of extant permission 19/01548/FULL. In support of application 19/01548/FULL, the applicant provided a statement of community involvement report dated May 2019, which is prepared by Peacock + Smith. The report sets out that there is overwhelming support for the alternative use of the former public house for cafe use. Given the evidence provided in this application is to support the proposed caf^e use only and no further evidence is provided for other proposed use, it is considered that a planning condition could be recommended to restrict the ground floor to be used as a caf^e only.
- 10.7. The approved scheme under the extant planning permission 19/01548/FULL also comprises a first-floor residential flat at the Shepherd's Hut building. The principle of having a residential development above the ground floor caf^e has been accepted. Given that the current proposal is seeking to retain the ground floor retail use, the introduction of the residential element to the site is considered to be acceptable in this case, albeit matters of flood risk are assessed in section iv) of this report.

ii) Climate Change and Sustainability

- 10.8. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.
- 10.9. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.

- 10.10. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the handling of planning applications and the achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters.
- 10.11. Policy SP2 of the Borough Local Plan 2013-2033 requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. No information, including an energy statement, has been submitted in this regard and therefore it is not clear how the proposed development would reduce the environmental impact resulting from the proposed building or how the proposed development would work towards minimising CO2 emissions. The proposed development, therefore, fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim sustainability statement.

iii) Housing Size and Mix

- 10.12. Policy HO2 of the Borough Local Plan 2013-2033 sets out that the provision of new homes should contribute to meeting the needs of current and projected households by having regard to several principles, including providing an appropriate mix of dwelling types and sizes as set out in the Berkshire Strategic Housing Market Assessment (SHMA) 2016 unless there is evidence showing an alternative housing mix would be more appropriate. Supporting text 7.5.3 sets out that the SHMA 2016 identified a need for a focus on 2 and 3-bedroom properties in the market housing sector.
- 10.13. The proposed development is seeking to demolish the existing Shepherd's Hut building and seeking to introduce 5Nos. 2-bedroomed market units to the site. The proposed development is responding to the identified need for a focus on 2-bedroom properties in the market housing sector set out in the SHMA 2016. It is considered that the housing mix and type proposed is acceptable in this case.

iv) Affordable Housing

- 10.14. Policy HO3 of the Borough Local Plan 2013-2033 sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing by the following:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units
 - proposed on the site.
 - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
- 10.15. The proposed development is seeking to introduce 5Nos. C3 residential units to the site. Given that the wider site has already 6Nos. residential units, if considered together, the total number of residential units would be 11, which would trigger the affordable housing requirement within the development plan. However, the 6 dwellinghouses, the subject of extant planning permission 19/01548/FULL, have been built out. Furthermore, the current application was submitted prior to the adoption of the Borough Local Plan 2013-2033, when the affordable housing requirement within the revoked local plan was 15. Though the extant planning permission 19/01548/FULL comprises the partial demolition of the existing Shepherd's Hut building and a

residential unit on the first floor, it is not considered that the approved scheme and the current scheme are reliant on each other. Therefore, it is not reasonable to insist on the provision of affordable housing in this case. The application is viewed as a stand-alone application for 5 dwellinghouses and is therefore not subject to the requirements of policy HO3.

v) Flood Risk

The Sequential Test

- 10.16. The site is within Environment Agency Flood Zone 2, which means that there is between a 1 in 100 and 1 in 1,000 annual probability of river flooding. National Planning Policy Framework (NPPF) sets out that the proposed residential development is classified as a “More Vulnerable” use and the sequential test is required as it is within Flood Zone 2. Paragraph 162 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Policy NR1 of the Borough Local Plan 2013-2033 also sets out that the sequential test is required for all development in areas at risk of flooding, except for proposed developments on sites allocated in the Borough Local Plan or in a made Neighbourhood Plan.
- 10.17. This application is accompanied by a flood risk assessment. The assessment sets out that the sequential test is provided as a separate report in this application, However, it is not considered that the sequential test has been provided to support this application. A sequential test has been provided in the approved planning application 19/01548/FULL. However, that was for the previous 7-unit scheme and the current scheme is seeking an additional 5 units for the site (or 4 net). Given that the application site is not an allocated site in the development plan, a sequential is required for the specific proposal. The proposed development fails to pass the sequential test in this case. Therefore, the proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.
- 10.18. Upon failure to pass the sequential test there is no need to go on a assess the exceptions test. Notwithstanding, it is noted that the FRA sets out that the proposed floor level of the residential units would be well above the flood level as they are all on the first floor. A safe escape route is provided in the flood risk assessment, which would provide a safe escape route to the area outside of the floodplain. Indeed, a safe escape route was established with the extant permission ref: 19/01548/FULL and could be relied upon for the current proposal.
- 10.19. The Sequential test or exceptions test is not required for the ground floor Class E use, and this is categorised as a less vulnerable development within flood zone 2. For all developments however, there is a need to ensure that flood risk would not be increased elsewhere either through a loss of floodplain storage capacity or impeding the flow of flood water. In this case whilst the footprint of the proposed building would be larger than the existing public house, the existing site is entirely hard surfaced, as such it is not considered that the proposed development would result in a loss of flood plain storage capacity.

Surface Water Flooding

- 10.20. RBWM Lead Local Flood Authority has been consulted in this application. Further details regarding the surface water drainage strategy and sustainable urban drainage are required. However, it is considered that such details could be secured by planning

conditions if permission were granted, and it is not therefore reasonable to refuse planning permission for this reason.

vi) Design and Character

- 10.21. The appearance of the development is a material planning consideration. Section 12 of the NPPF and Policy QP3 of the Borough Local Plan 2013-2033 sets out that all development should seek to achieve a high-quality design that improves the character and quality of an area.

Layout and Scale

- 10.22. Concerns have been raised during the public consultation that the proposed development is not in line with the character of the area. According to the RBWM Townscape Assessment, the site is within 5A Eton Wick Character Area “Victorian Villages”. The Assessment identifies that development in Eton Wick has been influenced by Eton College and surrounding Lammas/Common land, which provides an open rural setting to the village. Design should take account of the primary views along the main routes and active street frontages should be retained. The Assessment also sets out that new development within the Character Area should seek opportunities to enhance the character and appearance of the main village street.
- 10.23. The application site is within an established residential area, and it is also within Eton Wick local centre. Properties within the area vary in design and size but are typically 2 or 3 stories and conform to a regular building line. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location.
- 10.24. The proposed development is seeking to introduce a 3-storey building to this corner plot. The footprint and mass of the building is large, and the corner element is staggered in such a way to maximise the extent of built form within the plot. The roof form of the corner part of the development comprises sections with different roof heights and forms, resulting in a prominent and incongruous design which is at odds with the character of the built form within the immediate vicinity. The proposal also includes a hard-surfaced parking area to the rear of the site. The layout of the site would be functionally dominated by parked cars. Whilst the existing site contains a significant amount of hard surfacing, the existing building is significantly smaller than that proposed, ensuring a level of spaciousness is preserved. Furthermore, the proposed development is not seeking to provide any private and communal amenity spaces which would introduce soft landscaping elements.
- 10.25. In addition, the proposed development fails to provide active street frontages. The proposed commercial bin storage area and a setback residential entrance would lead to an inactive street frontage at the prominent corner of the application site. Though some outdoor seating and cycle stands for visitors have been provided to the north of the proposed building and the applicant is willing to enhance the public realm, it is considered that the enhancement is only for the areas outside the ground floor café and further enhancement is needed at the corner of the site. The proposed development fails to provide active frontages and in failing to do so, does not respond positively or address the corner, resulting in a poor design and prominent street frontage.

Landscaping

- 10.26. Based on the submitted plans, some soft landscaping is proposed at the eastern part of the application site. However, it is not considered to be proportionate when

considering the scale of the proposed development and the size of the application site. The Council Borough Wide Design Guide sets out that soft landscaping should be provided to intersperse every 3 bays if car parking courts will have more than 5 parking bays. It is not considered that appropriate soft landscaping has been proposed for the residential parking area.

Appearance

- 10.27. Based on the submitted design and access statement, the proposed external materials are light colour brickworks with grey tiles. It is considered that they match the appearance of other properties within the area, which are typically brick built and with slate roof tiles.

Summary

- 10.28. Both the NPPF and Policy QP3 of the Borough Local Plan 2013-2033 set out that all development should seek to achieve a high-quality design that improves the character and quality of an area. The site is within 5A Eton Wick Character Area with the "Victorian Villages" Character. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location.
- 10.29. The scale and massing of the proposed building, in particular the prominent corner element, by virtue of its unusual roof form, would result in poor design that would dominate from the street scene and wider area. The majority of the site would be hard-surfaced with very limited opportunity for landscaping to soften the appearance of the enlarged building. Importantly, the proposed development fails to provide active street frontages. Overall, the proposed development is poorly designed and fails to respond positively to the corner characteristic of the site. The proposed development is therefore harmful to the character of the area and fails to achieve a high-quality design. The proposed development is therefore fails to comply with Section 12 of the National Planning Policy Framework 2021 and Policy QP3 of the Borough Local Plan 2013-2033.

vii) Impact on Amenity

- 10.30. Policy QP3 of the Borough Local Plan sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 10.31. Based on the submitted plans, it is not considered that the proposed development would have potential overlooking, overdominance or loss of light impacts to the neighbouring properties. Conditions could be imposed to ensure the use of obscure glazing in the event that planning permission is granted.

Impact on Future Occupants

- 10.32. All proposed units are considered to meet the minimum requirement of gross internal floor areas as set out in the nationally described space standard.
- 10.33. Concerns have been raised during the public consultation over the inadequacy of amenity spaces for future occupants. The Council's Borough Wide Design Guide also sets out that the provision of high-quality outdoor amenity space within flatted developments is very important, especially in a tight urban environment. Flatted developments will be expected to provide high-quality private and communal outdoor

amenity space. All flats above the ground floor should be provided with balconies unless there are conservation, privacy or heritage issues.

- 10.34. The submitted design and access statement set out that the provision of amenity areas to the rear is not recommended due to the potential overlooking of the neighbouring gardens. The provision of amenity areas towards Eton Wick Road is not recommended due to noise and air pollution. It also sets out that the proposed development is in close proximity to other public open spaces within the area. As such, the proposed development is not seeking to provide any private and communal amenity spaces for future occupants. While it is considered that there are constraints and limitations of the site, the proposed development fails to provide sufficient levels of high-quality private and public amenity spaces for future occupants to the detriment of their living conditions. The proposed development therefore fails to comply with Policy QP3 of the Borough Local Plan 2013-2033 and the Borough Wide Design Guide.

viii) Highways and Parking

- 10.35. Paragraph 111 of the NPPF sets out 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.

Access

- 10.36. A new access is proposed to allow the scheme to be accessed from Princes Close. This application is accompanied by a transport statement, which is conducted by Patrick Parsons, on behalf of the applicant. The statement sets out that the visibility splays will be 2.4m x 24m and a proposed access plan has been provided to support the application. The proposed access and the visibility splays should be provided prior to the occupation of the development but it is considered that such details can be secured by planning conditions.

Vehicle Movements

- 10.37. Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. The submitted transport statement sets out that flats will generate 3 to 4 two-way trips per day. Given that the proposed development is for 5 units, the total number of trips will be 20 two-way trips per day. The level of traffic that is likely to be generated by the proposed development is not considered to have a material impact on the existing highway networks.

Parking

- 10.38. Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.
- 10.39. According to the Parking Strategy, the site falls within an area of poor accessibility. The following table summarises the maximum parking standard for residential units and food and drink use set out in the 2004 Parking Strategy:

Use Class	Maximum Parking Standard (Areas of Poor Accessibility)
2-3 bedroom units	2 spaces per unit
Food and drink	1 space per 6sqm

- 10.40. Concerns have been raised during the public consultation regarding whether there are adequate parking spaces including visitor parking in this application. The parking standards set out in the 2004 Parking Strategy does not have a separate parking standard for visitor parking.
- 10.41. Concerns have been raised during the public consultation regarding insufficient parking in the area and there is no parking arrangement for future residents. The proposed development is seeking to introduce 10 parking spaces for residents to the site. 1 space will be designated as an accessible parking bay. It is considered that the provision of 10 parking spaces for residents meets the Council's maximum parking standard for residential units.
- 10.42. Concerns have been raised during the public consultation regarding lack of parking arrangement for visitors, staff and deliveries for the commercial element of the building. This application is accompanied by an updated parking stress survey report, which is prepared by Patrick Parsons on behalf of the applicant. The survey was first conducted in 2019 and this survey was conducted on 17 January 2022 at 1200 hours. The report shows that there were 27 available parking spaces within 100m of the development. Given the scale of the commercial element of the building and evidence showing the availability of nearby parking spaces has been provided to support this application, the impact of the highway would be limited in this case.
- 10.43. The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. Concerns have been raised during the public consultation regarding no electric vehicle charging facilities being provided in the proposed development. It is considered that no details of electric vehicle charging facilities have been provided to support this application. However, such details can be secured by a planning condition, if planning permission were to be forthcoming.
- 10.44. The 2004 Parking Strategy does not have a specific requirement for residential or retail parking standards for cycles. Paragraph 9.7.3 of the Strategy sets out that with certain forms of residential development, cycle parking provision may be required. In a block of flats, a proportion of secure cycle parking will be required and will be calculated on a case-specific basis. The proposed development is providing 10 secure and covered cycle parking spaces for residents and spaces are provided in the form of a Sheffield stand.
- 10.45. The cycle parking provision for residents is considered to be acceptable. Given that the proposed ground floor commercial unit would be a cycle cafe and there is no other parking arrangement for visitors and staff, it is considered that adequate cycle parking provision should be provided for the commercial element of the development. Based on the site layout, it is considered the site should be able to accommodate more cycle parking spaces. Details of cycle parking provision should be provided but it is considered that such details can be secured by a planning condition.

Summary

- 10.46. The parking arrangement for residential development is considered to be acceptable. However, there is no parking arrangement for the proposed E(b) use including visitors, staff and deliveries. An updated parking stress survey report was provided and it summarises that there were adequate available parking spaces within 100m of the development. The proposed access arrangement is also considered to be acceptable. Though further details related to cycle parking, and electric charging vehicle facilities are required, it is considered that such details could be secured by planning conditions.
- 10.47. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds. Given the scale of the development, it is unlikely that the proposed development would have an adverse impact on highway safety or the severe residual cumulative impacts on the road network.

ix) Waste Management

- 10.48. The Council has published a Waste Management Planning Advice Note. It sets out that all new developments of one or more dwellings shall be designed to accommodate refuse and recycling bins and containers in a way that readily facilitates the collections without the storage facilities causing harm to visual amenity or the amenity of residents (both neighbouring residents and future occupiers of the development). The Advice Note also sets out a requirement for waste storage. The allocation of capacity per property for a communal flat is 95L per bedroom + 30L per dwelling and this would then be split into recycling (55%), refuse (40%) and food (5%).
- 10.49. Concerns have been raised during the public consultation regarding the waste management of the proposed development. The submitted Design and Access Statement sets out that the proposed residential bin storage area will be sized to accommodate 1 x 660L recycling bin, 1 x 660L refuse bins and 140L food waste bins. It is considered that the proposed development comprises a separate bin storage area for the proposed commercial use.

	RBWM Guidance	Proposed Waste Capacity (Flats)
Recycling (55%)	605L	660L
Refuse (40%)	440L	660L
Food (5%)	55L	140L
Total	1100L	1460L

- 10.50. The table above shows that the proposed waste arrangement is above the Council's requirements in this application.

x) Ecology and Biodiversity

- 10.51. This application is accompanied by a preliminary roost assessment report, which is prepared by Syntegra Consulting on behalf of the application. The report recommended that one further bat survey is required, and the works should not be undertaken during nesting bird season unless it is first checked by a suitable qualified ecological consultant.
- 10.52. This application is also accompanied by a bat survey, which is also prepared by Syntegra Consulting on behalf of the application. The survey set out that there is a likely absence of roosting bats, and no further surveys are recommended. Bat boxes

are recommended in order to provide net gains in biodiversity. Lighting should also be installed to ensure that it would not adversely affect bats and other wildlife.

- 10.53. Ecology Officer has been consulted in this application. The proposed development would inevitably increase the light levels and it would have an impact on the commuting and foraging bats. Details of the external lighting scheme should be provided but it is considered that such details can be secured by a planning condition.
- 10.54. Both Paragraph 174 of the NPPF and Policy NR2 of the Borough Local Plan 2013-2033 set out that development proposals should demonstrate a net gain in biodiversity. Some biodiversity enhancement measures, such as the installation of bat boxes are recommended in the submitted bat survey. It is considered that details of biodiversity enhancement measures should be provided but such details can be secured by a planning condition.

xi) Heritage and Archaeology

- 10.55. The wider site is within an area of archaeological potential. Berkshire Archaeology Officer has been consulted on this application. It is considered that an archaeological trial trench evaluation has been carried out on the site and it shows that groundwork associated with previous development on the site has had a widespread impact on the potential below-ground survival. However, no archaeological features or finds were recorded and there is no further archaeological requirement for this site. Therefore, it is not considered that the proposed development would have an adverse impact on archaeology.

xii) Other Material Considerations

- 10.56. The Environmental Protection Officer has been consulted in this application. The Officer has raised no objection to the proposed development subject to conditions related to aircraft noise, internal building insulation and site-specific construction environmental management plan. Given the scale of the proposed development, the proposed condition relating to the construction environmental management plan would not be necessary as they are covered by other legislation.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1. The development is CIL liable. The proposed floorspace of the dwellings is £295.11 per sqm (indexation rate 2022).

12. PLANNING BALANCE AND CONCLUSION

- 12.1. The principle of development of having the change of use to a caf^e on the ground floor and residential development above has been established as the extent permission 19/01548/FULL has been implemented on site. Therefore, the principle of development is accepted in this case.
- 12.2. The application site is within Flood Zone 2 and the proposed development is classified as “more-vulnerable” use, as defined by the NPPF. A sequential test is required as the site is not an allocated site in the development plan. However, no information related to the sequential test has been provided in this application.
- 12.3. The scale and design of the proposed building are not acceptable, the layout of the site will be dominated by the hard-surfacing parking area and very limited landscaping opportunities exists within the site. The proposal also fails to respond to the corner

characteristic of the site and fails to introduce an active street frontage. As such, the proposed development fails to provide a high-quality design.

- 12.4. The proposed development is not seeking to provide any private and communal amenity spaces for future occupants. It is considered that the proposed development fails to provide sufficient level of high quality private and public amenity spaces for future occupants
- 12.5. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050. Policy SP2 of the Borough Local Plan 2013-2033 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. No information including an energy statement, however, has been provided in this application.
- 12.6. To conclude, the proposed development would provide 5 new residential units and achieve net gains in biodiversity. However, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

13. APPENDICES TO THIS REPORT

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

14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

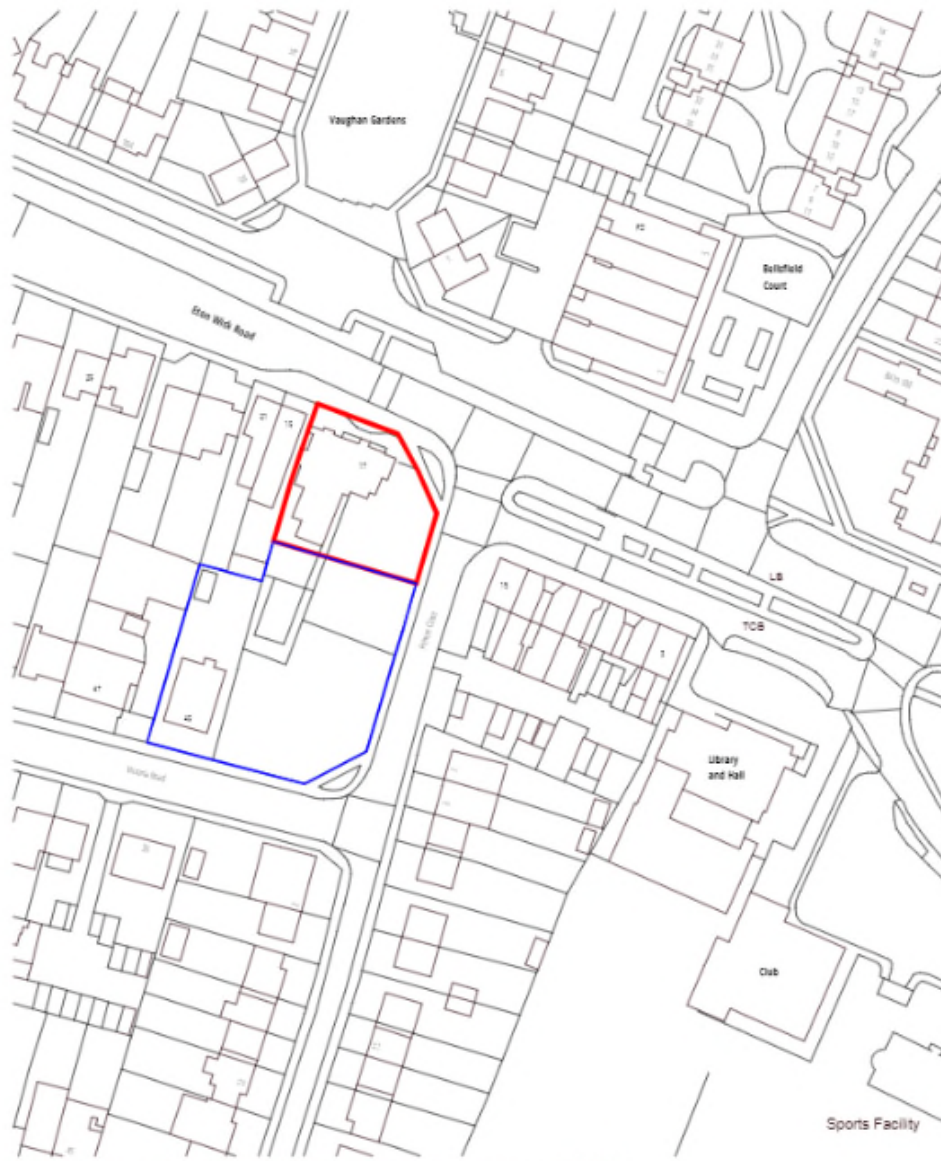
- 1 The proposed development, by virtue of its scale, form, design, limited space for landscaping and inactive frontages, would result in a prominent and incongruous form of development which would be harmful to the street scene and character of the area in general. It is therefore considered that the proposed development fails to comply with Section 12 of the National Planning Policy Framework 2021 and Policy QP3 of the Borough Local Plan 2013-2033.
- 2 There is insufficient amenity space for future occupants of the proposed development. The proposed development fails to comply with Section 12 of the National Planning Policy Framework 2021, Policy QP3 of the Borough Local Plan 2013-2033 and the Borough Wide Design Guide.
- 3 A sequential test has not been provided to support the number of units proposed in this application. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Given that the application site is not an allocated site in the development plan, a sequential is required in this case. Therefore, the proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.
- 4 The applicant has failed to submit information to demonstrate how the proposed development would work towards minimising CO2 emissions or how it has been designed to incorporate measures to adapt to and mitigate climate change. As such, the proposal is considered to be contrary to Policy SP2 of the Borough Local Plan, Chapter 14 of the NPPF (2021) and the Council's Interim Sustainability Position Statement.

21/03363/FULL - Site of Former Shepherds Hut 17 Eton Wick Road Eton Wick Windsor

Appendices

Appendix A - Site Location Plan and Site Layout

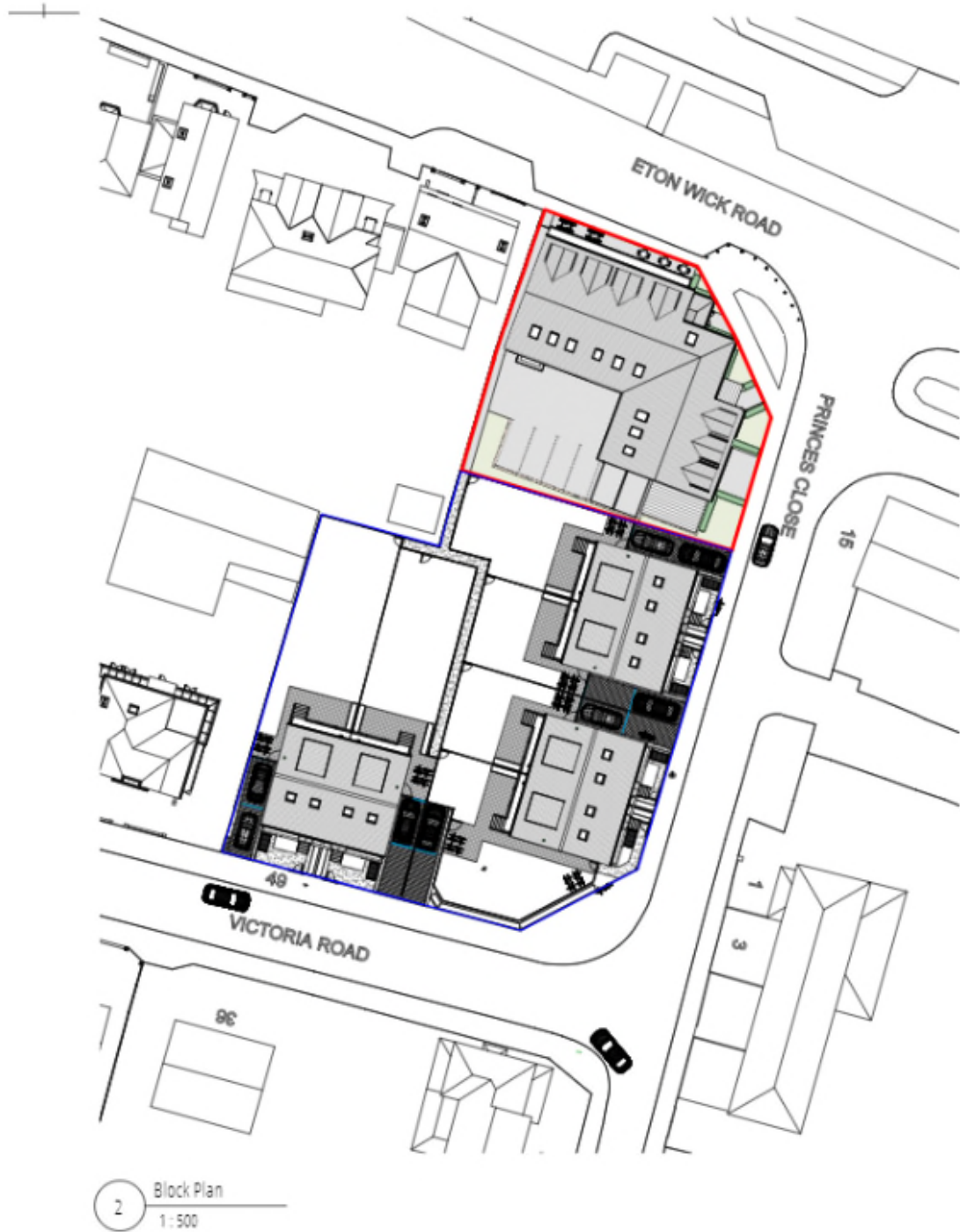
Site Location Plan



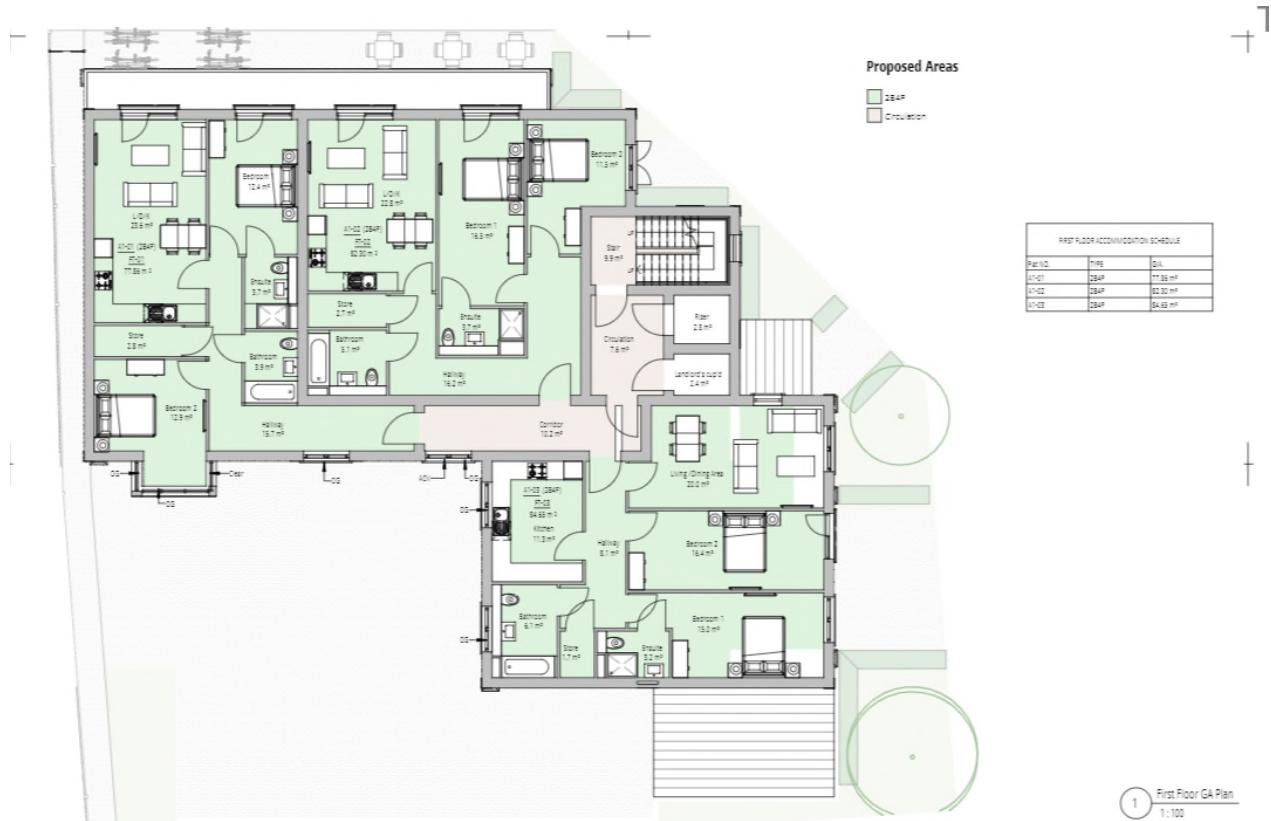
Ordnance Survey, (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

1 Location Plan
1:1250

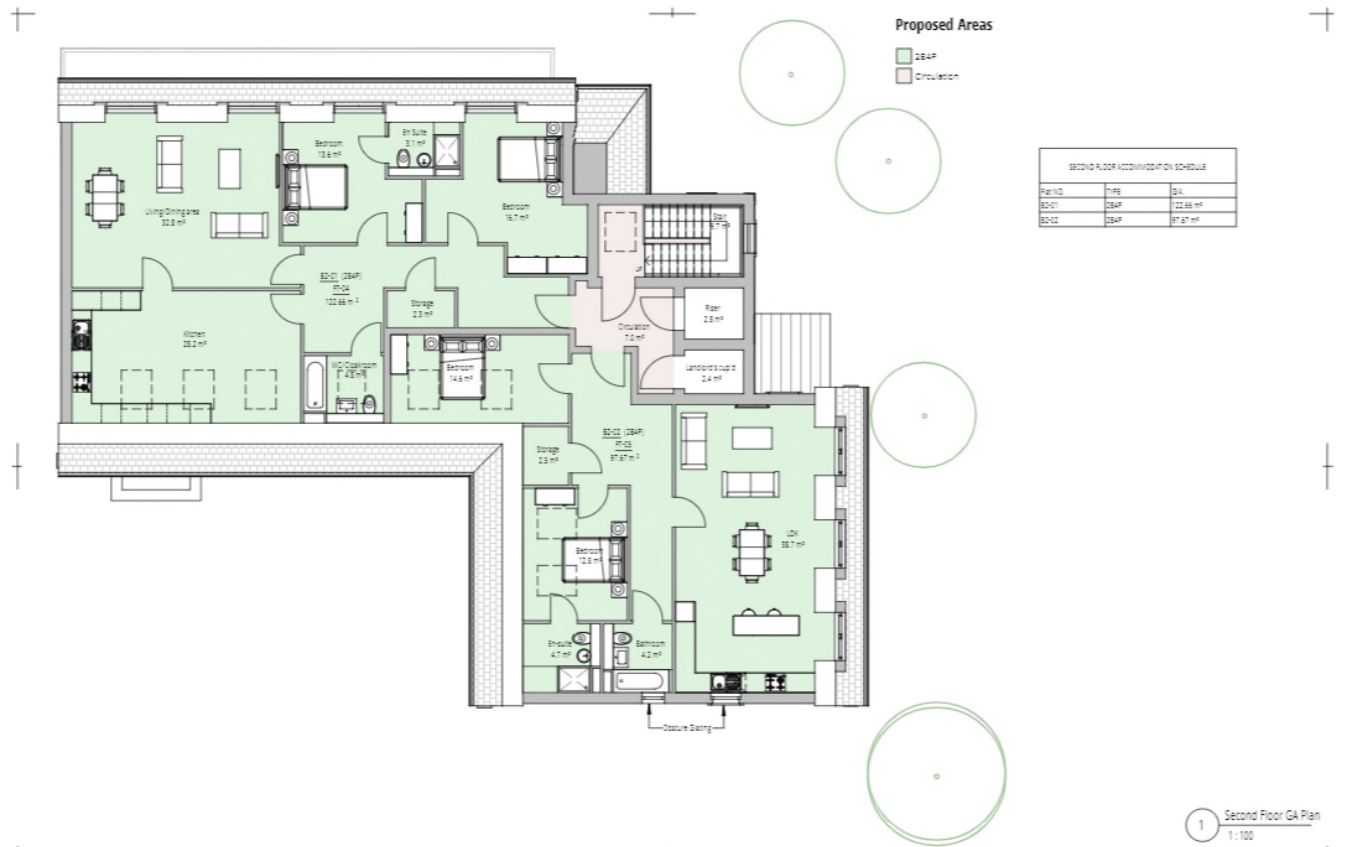
Block Plan



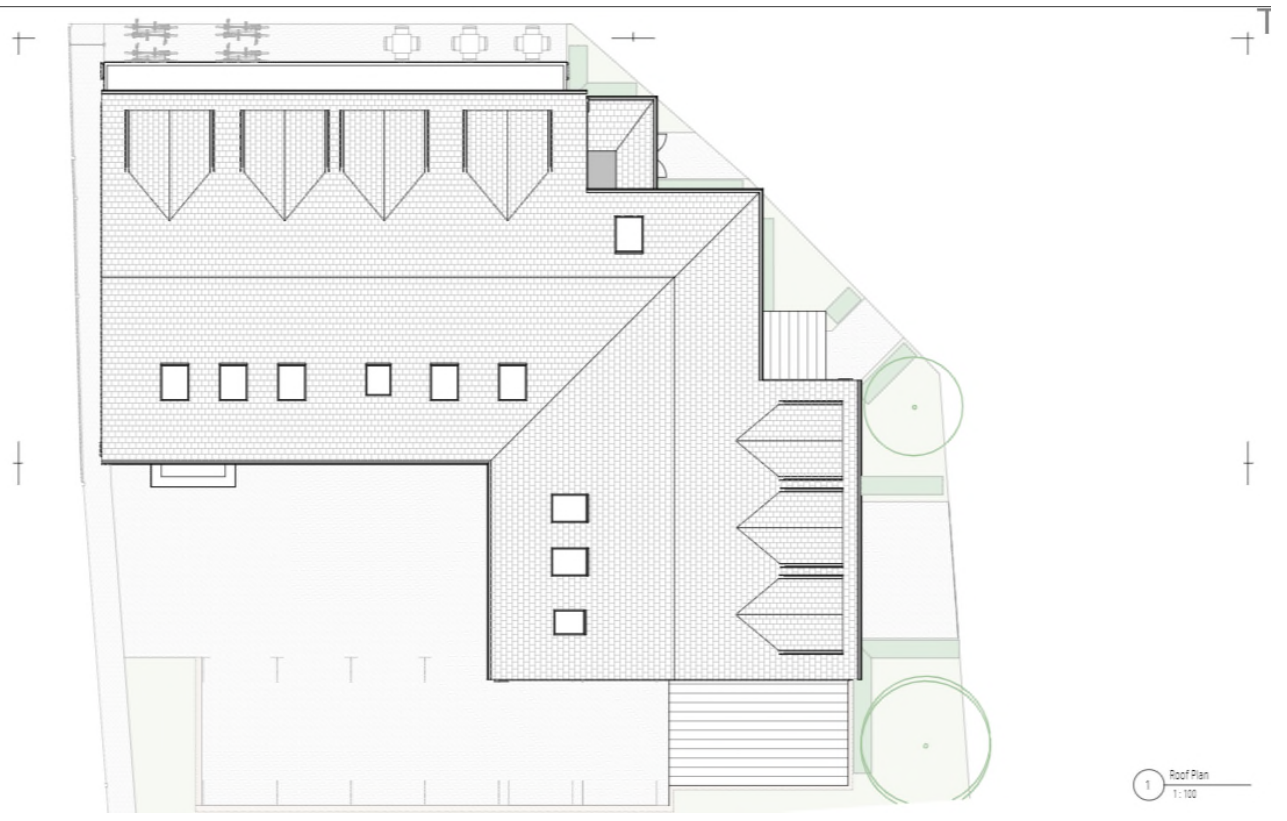
Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan



East Elevation



North Elevation



South Elevation



West Elevation



Eton Wick Road Street Elevation



Eton Wick Road Elevation
Scale 1:200

Victoria Road Street Elevation



Victoria Road Street Elevation
Scale 1:200

DEVELOPMENT CONTROL PANEL

3 August 2022

Item: 2

Application No.:	21/03536/FULL
Location:	The Briary And Briary End And Briary Cottage And Cotton Hall House And Eton Wick Chapel Eton Wick Road Eton Windsor
Proposal:	The redevelopment of the site comprising of the erection of a Boarding House containing 55 bedrooms (Class C2) including staff accommodation, car parking and associated facilities to be linked to the existing building (The Briary). Single storey side/rear extension, single storey infill extension and alterations to The Briary following demolition of the existing two cottages (Briary End and Briary Cottage) and associated outbuildings. Erection of a new garage and wall linked to the Boarding House and relocation of the gates within the curtilage of Cotton Hall and works to the wall enclosing the Chapel and Lychgate and resiting of a post box. Relocation of the existing vehicular access, new loading bay and associated highways works to Eton Wick Road and associated hard and soft landscaping.
Applicant:	C/o Savills
Agent:	Mr John Bowles
Parish/Ward:	Eton Town Council/Eton And Castle
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 to redevelop the site to provide a 55-bedroom boarding house for Eton College is acceptable in terms of design and impact on heritage assets, parking and access and ecology subject to relevant conditions being secured.
- 1.2 Concern is raised regarding the potential impact of the proposal on an off-site lime tree and a yew tree at the front of the site. Subject to a tree bond being secured to pay for any replacement planting, should this be necessary, no objection is raised to the proposal on tree grounds subject to relevant conditions being secured.
- 1.3 The Environment Agency has raised concerns regarding the flood compensation scheme and further information has been supplied. The final views of the EA are awaited.

It is recommended the Committee authorises the Head of Planning:	
1.	To grant planning permission with the conditions listed in Section 14 of this report following: 1) Removal of the EA objection; 2) The satisfactory completion of a section 106 securing a tree bond to fund any replacement tree planting and to secure the carbon off set contribution.
2.	To refuse planning permission if: 1) The EA maintain their objection because the proposed development would reduce floodplain storage capacity; and/or 2) an undertaking to secure a tree bond and carbon off-set fund is not satisfactorily completed.

2. REASON FOR COMMITTEE DETERMINATION

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

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the periphery of the built-up area of Eton College in Eton and measures approximately 0.45 hectare. It currently comprises two late 19th century semi-detached cottages (Briary End and Briary Cottage) situated close to Eton Wick Road and some outbuildings. A Master's House (The Briary), a large Arts and Craft House is situated towards the rear of the site. The site is heavily treed and backs onto a footpath.
- 3.2 To the west of the site lies the Cemetery Chapel and Lynch Gate which are both grade II listed. Cotton Hall House, a large boarding house lies to the east of the site and is identified in the Eton Conservation Appraisal (2009) as an Important Non-Listed Building.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Eton Conservation Area and adjacent to grade II listed buildings and a non-designated Heritage Asset. The site is located within Flood Zone 3a 'high probability' of flooding. There are several trees on and adjacent to the site.

5. THE PROPOSAL

- 5.1 The proposal involves the demolition of a pair of semi-detached, two storey cottages which front onto Eton Wick Road (Briary End and Briary Cottage) and associated outbuildings/garages and the construction of a new 2/3 storey boarding house for Eton College comprising 55 bedrooms and associated College staff accommodation. The Briary, an attractive 2 ½ storey dwelling to the rear of the site, is proposed to be retained and refurbish/altered and integrated into the new boarding house development. The existing access is to be relocated and a new driveway provided close to the western boundary together with a new layby at the front of the site. Alterations to the adjacent listed wall close to the new site entrance are proposed to improve visibility and listed building consent for these alterations is sought under a separate application. The existing garage building within the curtilage of Cotton Hall is to be demolished and a new building incorporating a garage and substation is proposed together with a new wall. Hard and soft landscaping including external courtyards are proposed.
- 5.2 The scheme is understood to be required to meet an identified need to deliver modern boarding accommodation to allow the College to increase its capacity. No new boarding houses have been delivered by Eton College for 50 years. Eton College currently has 25 boarding houses. Each house is presided over by a House Master and are assisted by a 'Dame'.
- 5.3 The ground floor of the proposed development would comprise a kitchen, dining room, TV room, games room, cycle store, bin store and plant room. The first floor would comprise 39 bedrooms, some with en-suite bathrooms. The second floor would comprise 16 bedrooms, some with en-suite bathrooms and a library. The staff accommodation would comprise 4 individual residential units. The House Master's 4

bed unit and the Deputy's 2 bed unit would be incorporated within The Briary. The other Deputy's 2 bed unit would be provided within the linked extension and the 2 bed Dame accommodation would be located at the front of the proposed building.

- 5.4 Associated off-site works, including a flood compensation scheme and biodiversity enhancement are proposed.
- 5.5 The College has undertaken consultation with a wide range of stakeholders and the local community prior to submitting the application and a Statement of Community Involvement has been provided.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
21/03514/LBC	Consent for alterations and rebuilding of wall to west of The Briary and east of Eton Wick Road Chapel and Lynch gate including relocation of post box.	Pending Consideration

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Climate Change	SP2
Character and Design of New Development	QP3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Contaminated Land and Water	EP5
Sustainable Transport	IF2

Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Policy
Development within Eton	HD3
Flooding	EN3
Bicycle Parking	TI3
Biodiversity	EN1

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Eton Conservation Area Appraisal (2009)
- RBWM Strategic Flood Risk Assessment

Other Local Strategies or Publications

- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

33 occupiers were notified directly of the application.

The planning officer posted notices advertising the application at the site on the 16th of December 2021 and the application was advertised in the Local Press on the 16th of December 2021.

No objections have been received. 1 letter of support has been received from a local Chartered Architect. His comments are summarised as:

Comments	Where in the report is this considered
1. The Art's & Craft styling is just right	See section 10 (i)
2. The loss of Briary Cottages is not significant	
3. Retention of the Briary is welcomed	
4. Ground floor bay to Dame's accommodation seems at odds with street scene.	
5. Uppermost gables are bland – might benefit from the Arts & Craft features.	
6. The quality of construction and materials is key – Sample panels should be required.	

Statutory consultees

Consultee	Comment	Where in the report this is considered
	No objection	See section 10 (i)

Historic England		
Environment Agency	Object and recommend refusal. Comments awaited on further information	See section 10 (ii)
LLFA	No objection. Condition recommended.	See section 10 (ii)

Consultees

Conservation Officer	No objection. Conditions recommended.	See section 10 (i)
Tree Officer	Concern raised regarding potential impact on trees.	See section 10 (iii)
Highways	No objection. Revision to cycle store design required. Conditions recommended and a section S38/S278 Agreement (Highways Act 1980) to be secured.	See section 10 (v)
Ecology Officer	No objection. Conditions recommended.	See section 10 (iv)
Archaeology Officer	No objection. Condition recommended.	See section 10 (i)
Environmental Protection	No objection. Condition(s) and informatives recommended.	See section 10 (vii)
Thames Water Utilities	No objection. Condition recommended.	See section 10

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Buckinghamshire Gardens Trust	A report entitled Eton (St John) Cemetery July 2020 compiled by Dr Sarah Rutherford may be of assistance when considering the application (copy supplied).	Passed to Conservation officer for information
Eton Town Council	No comments received.	

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Design and Heritage Assets
- ii Flood Risk and Drainage
- iii Trees and landscaping
- iv Ecology and Biodiversity Enhancement
- v Parking and Highway Impacts
- vi Climate Change and Sustainability
- vii Land Contamination
- viii Other Material Considerations

i Design and Heritage Assets

- 10.2 The application has been accompanied by a Planning Statement, a Design and Access Statement (document number ENBH-HAL-ZZ-RP-A-9030) Revision C – March 2022, a Built Heritage and Townscape Visual Impact Assessment and addendums and an Archaeological Desk Based Assessment.
- 10.3 A site selection process has been carried out by the applicant and 5 potential development sites assessed. The proposed site is accepted to be the most suitable in terms of site constraints, being outside the Green Belt, its location within safe and convenient walking distance of teaching and recreation space and its proximity to other boarding houses and to the centre of Eton.
- 10.4 The proposal has been subject to extensive pre-application engagement with RBWM officers, the Design South East Review Panel and Historic England. The proposal has undergone several design amendments.
- 10.5 Borough Local Plan policy QP3 sets out the design principles for achieving high quality design including respecting and enhancing the local, natural, and historic character of the environment, paying particular regard to layouts, rhythm, density, height, scale, bulk, massing, and proportions. The site lies within the Eton Conservation Area and adjacent to the grade II listed Chapel and Lynch Gate and Cotton Hall House, Westbury, and Waynfilet Houses which have been identified as being of local importance in the Conservation Area Appraisal (2009) and are considered as non-designated heritage assets. Borough Local Plan policy HE1 requires development proposals to demonstrate how they preserve or enhance the character, appearance and function of heritage assets and their setting. Neighbourhood Plan policy HD3 sets out design guidelines for development within Eton.
- 10.6 The site includes late 19th century modest scale cottages, Briary Cottage and Briary End, located close to the Eton Wick Road frontage, and currently occupied by staff. They have an overall height of approximately 7.1m to 7.6m and come close to the western boundary. The Briary, built in 1870, is an attractive, large Arts and Craft style house located to the rear of the site and is not visible from the road. In terms of space and urban form/layout, the site forms a transition between the taller more densely developed college buildings to the east and the open space of the cemetery to the west. The views of the site are mainly from the road and the adjacent cemetery.
- 10.7 The retention and reuse of The Briary is welcomed. The two cottages fronting Eton Wick Road, proposed to be demolished, are considered to make a limited contribution to the character and appearance of the CA and their demolition would cause some limited harm. No objection to their demolition is raised in principle however subject to

the buildings being recorded in accordance with best practice and this can be secured by condition. The Arts and Crafts influenced design approach of the new building is supported together with the use of good quality traditional building materials including red and stock bricks, flint and natural clay roof tiles which reflect those of Eton College buildings and the adjacent Chapel.

- 10.8 The proposal would comprise a 2/3 storey building sited close to the Eton Wick Road frontage. The building would have an overall height of 11.3m and has been designed with a hipped roof close to the site frontage. The building would extend into the site and the flank elevation which faces the cemetery would measure 47m. The proposed link between the main building and The Briary would be subservient to the main building. The proposed building would be set around two courtyards and separated from the adjoining cemetery by a new driveway. A Yew tree on the Eton Wick frontage is proposed to be pruned and retained. The proposed roof scape is made up of a series of pitched roofs and step down towards the site boundaries. The scale and massing of the proposed building would sit comfortably within the site. The flank elevation facing the adjacent cemetery is quite extensive, when compared to the existing situation. However, the harm to the setting of the adjacent Chapel and cemetery would be less than substantial and of a low level due to the high quality of the design, the use of good quality materials and the remaining greenery within the cemetery. The TVIA report identifies that the impacts relating to the proposal are likely to be limited primarily to the areas of the surrounding townscape and the open green space of the adjacent Cemetery. The visibility of the proposed boarding house would be relatively limited from locations within the wider townscape and the effects on the character of the street scene and wider townscape would be acceptable.
- 10.9 Overall the high-quality replacement building would serve to maintain the college character of this area of the Eton Conservation Area and the overall architectural quality of the proposal is considered good including the elevation facing the cemetery. The design of the courtyards and landscaped area would reflect the established character of the college boarding houses quads and gardens and would provide useable and attractive space for the boarders and staff.
- 10.10 The Conservation Officer considers the proposal to be well-designed, thoughtful, and thorough and supports a recommendation for approval subject to conditions. The design quality would make a positive contribution to the local character and distinctiveness of the site itself and the locality. Although the proposal would cause a low level, less than substantial harm to the setting of the listed chapel this needs to be weighed against the public benefits (as per paragraph 202 of the NPPF) of the proposal. In this case this low level of harm is considered to be outweighed. The proposal would have no impact on the Conservation Area. Historic England has confirmed that the proposal would not harm the character and appearance of Eton Conservation Area and would not harm the significance of nearby listed buildings and raises no objection to the proposal on heritage grounds.
- 10.11 The application falls within an area of archaeological significance and Berkshire Archaeology has recommended a condition to mitigate the impacts of the development to include a programme of archaeological work including a Written Scheme of Investigation.
- 10.12 Subject to securing appropriate conditions to include the approval of panel samples for the brickwork and flint, the proposal is of high-quality design and acceptable in terms of its impact on the character and appearance of the site itself and the locality and would have an acceptable impact on the Heritage Assets in accordance with Borough Local Plan policies QP3 and HE1 and Neighbourhood Plan policy HD3.

ii Flood Risk and Drainage

- 10.13 The application site lies within Flood Zone 3a, a 'high probability' of flooding. The application has been accompanied by a Flood Risk Assessment, a Sequential Test, a Surface Water Drainage Strategy, and a letter dated 29th March which responds to the EA objection.
- 10.14 Borough Local Plan NR1 states that development proposals in flood zones 2 & 3 will only be supported where it has been adequately demonstrated that the development is located and designed to ensure that flood risk is acceptable. In all cases the development should not itself, or cumulatively, materially impede the flow of flood water, reduce the capacity of the floodplain to store water, increase the number of people, property, or infrastructure at risk of flooding or cause new or exacerbate existing flooding problems either on the site or elsewhere. Neighbourhood Plan policy EN3 requires that development should not increase maximum flood levels within adjoining properties.

Sequential Test

- 10.15 The proposal constitutes a 'More Vulnerable' land use which is considered appropriate within Flood Zone 3a subject to passing the Sequential Test and Exception Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If following the Sequential Test, it is not possible for the development to be in areas with a lower risk of flooding the Exception Test may have to be applied. To pass the Exception Test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the floor risk and that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible, reducing flood risk overall.
- 10.16 As the proposal relates to new boarding accommodation for boys attending Eton College the search area extends to a maximum of a 10-minute walking distance from teaching and recreation space at the College. An Alternative Site Assessment has considered 5 possible development sites (including the application site) in terms of availability and suitability. The majority of Eton is covered by Flood Zone 3 and all the identified sites lie within Flood Zones 3a/b and the Conservation Area. There is an area within the centre of Eton which lies outside Flood Zone 3 however this is the heart of Eton Conservation Area and comprises important Grade I and II listed Buildings and this area is unsuitable as an alternative site for development. Following an assessment of the sites it is accepted that there is no reasonably available alternative site in a lower flood risk zone and the Sequential Test has been passed.

Exception Test

- 10.17 The Planning Statement states that the development will contribute towards wider sustainability benefits, including extending its ability to offer a world-class secondary education to more individuals, as well as increasing the number of means tested fully funded bursaries awarded to boys from less fortunate and more vulnerable backgrounds from the current 90 up to 140. It will also assist with opening up permanently its free online learning study courses and develop new courses, to help set up and co-sponsor more sixth form colleges and create partnerships with a wider

national network of as many as 50 schools and youth organisations, particularly in disadvantaged area and to run residential summer schools.

- 10.18 The final views of the EA are required before it can be confirmed whether the Exception Test is passed.

Flood Risk Mitigation

- 10.19 The flood risk mitigation strategy is set out in Section 7 of the FRA and includes:

The finished floor level will need be set at the 1 in 100 annual probability +35% allowance for climate change flood level. The flood level for the site is 20.60m AOD and therefore the minimum finished floor would need to be 20.90m AOD. The floor level of the existing Briary House will be retained at 20.45m AOD. Due to planning constraints and to avoid an excessive internal change of level between the existing and new built elements the applicant has chosen not to raise the floor level to achieve 20.90m AOD and the finished floor level is proposed to be set at 20.60m AOD in combination with other mitigation measures. The building finishes are stated to be easily replaceable materials up to the design flood level of 20.60m AOD for both the refurbishment proposals for Briary House and the new development however no details of these 'finishes' have been supplied and further details would need to be secured by condition.

The net loss of flood storage on the site has been calculated to be approximately 600 cubic metres. A flood compensation scheme is proposed on land owned by Eton College situated to the south of Eton Wick Road, between the viaduct and the A332 to the south-west of the application site. It is proposed to lower existing site levels on the site to provide an overall betterment of the floodplain storage. The proposed works do not form part of the current application and a separate planning application would need to be submitted to and approved by the LPA before any development can be implemented. This would need to be secured by condition. The EA has objected to the proposal on the basis that the submitted FRA has not adequately demonstrated that the proposed development will not result in a loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. The EA consider that there is insufficient evidence to show that the compensation scheme is hydraulically connected to the location of the site and the on-site flood storage analysis is unclear so that the compensation proposed cannot be adequately assessed. The applicant has provided a letter dated 29th March 2022 in response to these comments and further comments are awaited from the EA.

During the peak of the 1 in 100 annual probability +35% allowance for climate change flood event safe access would not be available to most via Eton Wick Road. Safe access is proposed to be managed via the wider Eton College procedures and formalised through the preparation of a 'Flood Warning Evacuation Plan' as part of the College Emergency Plan. This approach has been accepted when assessing other Eton College proposals and as a slow responding catchment there would be significant advance warning of potential flooding.

The existing surface water flood risk is low, and the surface water drainage strategy set out in Appendix D of the FRA is based on on-site attenuation in the form of cellular soakaways and permeable pavements with a combination of stone and cellular sub-base, with infiltration to ground, in line with the SuDs hierarchy. The LLFA has raised no objection to the proposal subject to securing further details by condition.

10.20 The final views of the EA have been sought on the applicant's response to the objection. The recommendation to approve is subject to the EA removing their objection.

iii **Trees and Landscaping**

10.21 The application has been accompanied by a Tree Constraints Plan, an Arboricultural Impact Assessment, an Arboricultural Method Statement (dated 11th April 2022), a Landscape Report, a Landscape Master plan and Landscape proposals Planning Issue – Rev C prepared by Bowles and Wyer.

10.22 Borough Local Plan NR3 requires development proposals to protect and retain trees and where harm to trees is unavoidable, provide appropriate mitigation measures and plant new trees where possible.

10.23 There are several important trees on and adjacent to the site including trees along the eastern boundary which provide screening to Cotton Hall House. There are 50 trees on the site and the adjoining land which are in proximity to the development. Of the 50 surveyed, 1 is category A, 20 are category B, 28 are category C and 1 is category U. A total of 30 trees (18 native trees and 12 non-native) are proposed to be removed to facilitate the development most of which are category C trees. The trees along the eastern boundary including a large Beech tree (T26), Lime trees (T31-35) and Grey Poplar (T39) are shown for retention as is the Yew tree at the front of the site which is proposed to be pruned.

10.24 The landscaping approach has been developed around three main character areas, the boy's courtyard, which is to be hard landscaped, the housemaster's courtyard and the housemaster's garden. The surface materials would comprise a mix of permeable natural stone paving, setts, and clay pavers in contrasting patterns to denote paths and routes. A total of 20 trees are proposed to be planted across the site including 3 legacy trees which will become key features within the landscape. The proposed trees include attractive species that provide seasonable interest as well as species that are beneficial to pollinators and other wildlife.

10.25 The tree officer has raised concerns that some trees shown to be retained could be adversely affected by the proposal. These include the roots of an off-site Lime tree (T42) close to the new vehicular entrance, which is one of the feature trees lining the cemetery, and the roots of the Yew tree (T1) which could be affected by the proposed layby. Despite indicative no dig build up details being provided for the proposed driveway and details provided in the AMS to indicate that the grading down to highway level can be achieved and no dig construction and surfaces proposed to lessen the impact on the Yew tree, the tree officer is still concerned that the Lime and Yew tree could ultimately be lost. A tree bond has been suggested by the applicant which would fund the cost of replacement trees should this be required, and a tree bond will need to be secured via a section 106 legal agreement.

10.26 A no-dig construction method is proposed around the horse chestnut T25, beech T26, common limes T31-T35 and the grey poplar T39. Voided foundations are also proposed for the parts of the building that encroach with the RPA of these trees. The foundations are designed using a raised pile solution to allow for a void below the building and precast brick arches are proposed to be used between the proposed pile locations. The extent of the voids and position of the piles are shown on drawing number 21071-SFK-ZZ-OO-DR-S-0101 P2. The AMS includes details of the routing and installation of services and details of construction methods and mitigation

measures. A condition will need to be secured to ensure that the development is carried out in accordance with the measures set out in the AMS.

- 10.27 Overall, it is considered that the landscape scheme has been appropriately designed and would help to mitigate the loss of trees on the site. It is also proposed to plant new native trees off-site (on land owned by the College) as part of the biodiversity net gain provision within an existing woodland strip 220m from the site, the details of which are set out below.
- 10.28 Subject to securing appropriate conditions and a tree bond it is considered that the proposal accords with Borough Local Plan policy NR3.

iv Ecology and Biodiversity Enhancement

- 10.29 The application has been accompanied by an Ecological Impact Assessment (Davidson- Watts Ecology Ltd, March 2022) which has been undertaken to an appropriate standard.
- 10.30 Borough Local Plan NR2 states that development proposals will be expected to demonstrate how they maintain, protect, and enhance the biodiversity of application sites and will be required to apply the mitigation hierarchy to avoid, mitigate or as a last resort compensate for any adverse biodiversity impacts. NP policy EN1 states that proposals that can demonstrate net gains in biodiversity and enhancement to ecological networks and connectivity will be supported.
- 10.31 The site does not contain suitable habitat to support great crested newts or badgers and only contains a small area of habitat that has the potential to support reptiles. No further survey or mitigation for these species is deemed necessary. The site has the potential to support nesting birds. The site also contains cotoneaster, an invasive species and to prevent the spread during the development a condition will need to be secured to require an invasive non-native species method statement to be submitted and approved by the LPA.
- 10.32 The existing buildings on the site have the potential to support roosting bats and further surveys have been undertaken. The Briary was found to host one common pipistrelle day roost and five soprano pipistrelle day roosts and Briary Cottage was found to host one common pipistrelle day roost. A licence for the development works affecting bats will need to be obtained from Natural England before works which could impact upon the roosts can commence. The report provides mitigation and recommendations for ensuring that bats are not harmed and that replacement roosting sites are provided within the new development. Providing this is implemented, the favourable conservation status of bats will be maintained. A condition will need to be secured to ensure that a licence is obtained from Natural England which requires the implementation of a bat mitigation strategy. A condition to ensure that new external lighting would not adversely affect bats and other wildlife will also need to be secured.
- 10.33 Details of Biodiversity Net Gain are set out in Section 8 of the Ecological Impact Assessment (Davidson- Watts Ecology Ltd, March 2022). Offsite biodiversity enhancement works are proposed on a field to the northwest of the application site. A vegetation survey was undertaken of a 200 sq.m area of grassland adjacent to an existing woodland strip that is 220m from the site along a connected corridor. It is proposed to create a connected broadleaved woodland/scrub habitat mosaic to increase the woodland edge area available to foraging bats. It comprises 100sq.m of connected broad-leaved woodland habitat and scrub and includes tree planting to

provide shelter for nesting and foraging birds, reptiles and invertebrates to provide an overall Biodiversity Net Gain of 20%. A condition will need to be secured to ensure that the biodiversity enhancements are provided.

- 10.34 The EIA refers to the site being within 5km of the Thames Basins SPA. This is incorrect and no mitigation is required. The site lies some distance from the Windsor Forest and Great Park SAC and the proposal would have no significant effect on this SAC and an appropriate assessment is not required in this case. The Council's ecology officer has raised no objection to the proposal on ecological grounds subject to securing appropriate conditions and the proposal accords with Borough Local Plan policy NR2 and NP policy EN1.

v Parking and Highway Impacts

- 10.35 The application has been accompanied by a Transport Statement which includes a swept path assessment – Appendix A and details of the proposed site access arrangement – Appendix B. A Technical Note to address comments provided by the Highways section has also been provided.
- 10.36 The proposal involves stopping-up the existing access and the construction of a new site access and driveway along the western edge of the site. Part of the adjacent grade II listed cemetery wall will need to be foreshortened and the integrated post box relocated to provide adequate visibility. The new driveway provides access to the northern courtyard area which would allow sufficient space for Light Good Vehicles and cars to access and turn around. Emergency fire tender access would also be achieved via the proposed access.
- 10.37 Two on-street parking spaces subject to a short stay, 2 hours maximum parking restriction on Eton Wick Road would be lost because of the proposed new access. A parking layby is proposed to be provided at the front of the site to compensate for this and to provide an off-carriageway area for refuse collection and HGVs deliveries to the site. Refuse servicing is anticipated to be undertaken once a week (Monday to Friday). The day-to-day deliveries (e.g. parcels, food, catering or laundry) would be undertaken at the rear of the site with a turning area provided to accommodate vehicles up to a size of 7.5t Panel vans. It is anticipated that the site would generate less than 1 HGV per week using the layby. Given the frequency of usage there is unlikely to be a conflict between the use of the layby for parking in association with the adjacent chapel and the proposed development.
- 10.38 There would be a negligible increase in traffic added to the local highway network. The new boarding house would fall under the college-wide travel plan. Drop off and collection of boys at the start and finish of terms would be managed by the College to minimise any disruption or impact on the local highway network.
- 10.39 The new driveway would serve four parking spaces in the northern courtyard comprising three garage spaces and one forecourt space, for each member of permanent staff. The proposed cycle store would provide 26 cycle spaces with the use of double decker cycle racks. An amendment to the internal width of the cycle store has been requested by the Highways section and further amendments are awaited.
- 10.40 A Construction Traffic Management Plan has been prepared to provide a framework for the management of construction traffic to and from the site during the construction phase of the development. The plan seeks to minimise the effects of heavy goods vehicles and other vehicles travelling to and from the site during the construction phase and ensure safety for all road users.

10.41 The Highway section has raised no objection to the proposal on highway safety or parking grounds subject to conditions. A section S38/S278 Agreement (Highways Act 1980) to cover the construction of the highway works and the adoption of the new footway and carriageway will be required. Overall, the proposal accords with Borough Local Plan policies QP3 and IF2 and Neighbourhood Plan policy TI3.

vi Climate Change and Sustainability

10.42 The application has been accompanied by an Energy and Sustainability Statement.

10.43 Borough Local Plan policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change and it will be expected that any new development would accord with the Council's Interim Sustainability Position Statement.

10.44 The Energy and Sustainability Statement sets out how the building meets the 7 criteria set out in the ISPS.

- The carbon off set contribution has been calculated to be £33,120 which will need to be secured by a s106 agreement.
- Energy saving measures include high airtightness, a highly insulated thermal envelop, low energy light sources and a ground source heat pump.
- The proposal has been designed to Passivhaus standards.
- The accommodation will be supplied with a three-phase power supply.
- All four new car parking spaces to be provided with active EV charging facilities
- The accommodation will be provided with a high-speed internet connection.
- The use of low flow fittings, both showers and wash hand basins and provision of regulating valves to control flow will limit the amount of water used.

10.45 Subject to securing a s106 agreement to secure the carbon off set contribution and a condition to ensure the development is carried out in accordance with the measures set out in the Energy and Sustainability Statement, the proposal accords with Borough Local Plan policy SP2 and the ISPS.

vii Land Contamination

10.46 A Geotechnical and Geo-environmental Desk Study accompanies the application.

10.47 Borough Local Plan policy EP5 requires development proposals on land suspected to be contaminated to demonstrate that there will be no harm arising from contamination to the health of future users or occupiers and that the proposal will not cause unacceptable harm to the environment. The report states that there is a possibility of contamination in the form of heavy metals, hydrocarbons and asbestos. The report concludes that an intrusive ground investigation should be undertaken to better qualify the risks and Environmental Protection team has recommended a contaminated land condition be secured.

viii Other Material Considerations

10.48 The site lies some distance from any residential properties and the proposal would have no unacceptable impact on the living conditions of the adjacent boarding houses to the east and north of the site.

10.49 Thames Water has confirmed that there is sufficient water network infrastructure capacity and sewerage capacity in the foul water sewer network to serve the development. The site is located within a Source Protection Zone of a groundwater abstraction source. These zones are used for potable water sources for public water supply for which Thames Water has a statutory duty to protect. Borough Local Plan EP5 requires proposals to demonstrate they will not cause unacceptable harm to the quality of groundwater and development proposals should demonstrate how they will achieve remedial or preventative measures and submit any supporting assessment. Thames Water has requested a condition to provide details of a Source Protection Strategy and this can be secured.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development is not CIL liable.

12 CONCLUSION

12.1 The proposal is understood to be required to meet an identified need to deliver modern boarding accommodation to allow the College to increase its capacity. Other sites have been assessed but the proposed site is the best solution. The proposal provides a high-quality standard of design and would have an acceptable impact on the heritage assets. The loss of trees can be adequately mitigated and subject to the EA's final comments any flood risk compensated for.

13. APPENDICES TO THIS REPORT

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

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No works shall commence until a programme of building recording and analysis of the existing buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. The work shall be undertaken by a person or body to be approved by the Local Planning Authority and in accordance with Historic England recording Level 3. A written scheme of investigation shall also be approved by the Local Planning Authority.
Reason: To ensure that a proper record of these historic buildings is achieved. Relevant Policies - Local Plan HE1.
- 3 No development above slab level shall commence until a schedule of materials to be used on the external surfaces of the development has been submitted to the Local Planning Authority and samples have been agreed on site and in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 4 No development above slab level shall commence until sample panels of the flint and

brickwork showing the proposed flint and brickwork, method of bonding, colour of mortar and type of pointing have been prepared on site and approved in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.

Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.

- 5 No development above slab level shall commence until detailed drawings to a scale of 1:20, 1:10, 1:5 or full size as appropriate, detailing the design, materials and finishes of the new and replacement windows, dormers, extract vents, external pipe work, external doors, ramps, handrails and steps and gates shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved plans.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 6 All external rainwater goods including down pipes shall be in cast metal and painted in a colour to be first agreed in writing by the Local Planning Authority prior to installation in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 7 Prior to work commencing on the boundary wall details of any excavation and below ground level works adjacent to the footings of the listed wall shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in the accordance with the approved details.
Reason: To ensure the stability of the listed wall is maintained and to preserve the Heritage Asset. Relevant Policies - Local Plan HE1.
- 8 No works of demolition shall begin until a binding contract has been entered into for carrying out of the works for the redevelopment of the site in accordance with the approved details. Details of the contact shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the binding contract.
Reason: To ensure that premature demolition does not take place that could cause an unsightly and derelict site in the Conservation Area. Relevant Policies - Local Plan HE1.
- 9 No development above slab level shall commence until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 10 Details of the design and type of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details.
Reason: To protect and preserve the character of the Conservation Area. Relevant Policies - Local Plan HE1.
- 11 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as assessment of significance and research questions and:

1. The programmes and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
The development shall take place in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: The site lies in an area of archaeological potential for all periods. The potential impacts of the development can be mitigated through a programme of archaeological work. Relevant policy - Local Plan HE1.
- 12 The development shall be undertaken in accordance with the Arboricultural Method Statement dated 11th April 2022, drawing number 2867-11-04 entitled 'Access Road Section' and drawing number 21072-SFK-ZZ-OO-DR-S0101 Rev P2 entitled 'Ground Floor Arrangements' which shows the extent of the voids and the screw piles, received on the 29th April 2022 unless any variation is first agreed in writing by the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policy - NR3.
- 13 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the Tree Protection Plan provided in Appendix 5 of the AMS dated 11th April 2022 before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policy - Local Plan NR3.
- 14 All hard and soft landscape works shall be carried out in accordance with the details provided in Landscape Proposals Planning Issue - Rev C prepared by Bowles & Wyr dated 1.4.22 and Landscape Masterplan drawing number 2867-11-01 received on the 29th April 2022. The works shall be carried out in the first planting season following the substantial completion of the development in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan QP3 and NR3.
- 15 Prior to the commencement of development, an invasive non-native species method statement shall be submitted to and approved in writing by the Local Planning

Authority, detailing the containment, control and removal of cotoneaster on site, including timescales and future management control regime. These works shall be carried out strictly in accordance with the approved details.

Reason: Cotoneaster is an invasive plant species that can have a significant adverse effect on biodiversity. This condition will ensure that it is controlled and not spread. Relevant Policy - Local Plan NR2.

- 16 No works hereby permitted (including demolition works) that could affect the bat roosts shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and / or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority prior to commencement of works.
- Reason: The buildings host a bat roost which could be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the proposed development. Relevant Policy - Local Plan NR2.
- 17 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 proposed) shall include the following figures and appendices:
A layout plan with beam orientation
A schedule of equipment
Measures to avoid glare
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 positions of bird and bat 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. Relevant Policy - Local Plan NR2.
- 18 A) Prior to the commencement of the development above slab level, details of on-site biodiversity enhancements, to include but not be limited to, integral bird and bat boxes, tiles or bricks on the new buildings, native and wildlife friendly landscaping to enhance the existing vegetation and to replace the invasive species and provide gaps in any boundary fencing for wildlife to travel across the site, shall be submitted to and approved in writing by the Local Planning Authority.
B) A brief letter report confirming that the biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the biodiversity enhancements, is to be submitted to and approved in writing by the Council prior to occupation of the development.
- Reason: To incorporate biodiversity in and around the development. Relevant Policy - Local Plan NR2.
- 19 A) Prior to the commencement of development, except for site enabling works including demolition, details of the off-site biodiversity enhancement referred to in Section 8 of the Ecological Impact Assessment dated 23 March 2022 shall be submitted to and approved in writing by the Local Planning Authority.
B) A brief letter report confirming that the biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the biodiversity enhancements, is to be submitted to and approved in writing by the Council

prior to occupation of the development. If within a period of five years from the date of planting of any tree or shrub shown on the approved plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide net biodiversity gain in and around the development. Relevant Policy - Local Plan NR2.

20 Prior to the occupation of the development a landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority. The LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological constraints on site that might influence management
- c) Aims and objectives of management.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule including a 5 year plan
- f) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is safeguarded and enhancements provided. Relevant policy - Local Plan NR2.

21 Prior to any construction works at the site, a surface water drainage scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

Supporting calculations confirming compliance with, the Non-statutory Technical Standards for Sustainable Drainage Systems, and the discharge rate and the attenuation volumes to be provided.

Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

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

22 The development shall be carried out in accordance with the sustainability measures set out in the Energy Statement dated November 2021 and the Sustainability Matrix - Appendix A received on the 2nd February 2022 and thereafter maintained in accordance with the approved measures.

Reason: To ensure the development is designed to adapt to and mitigate against climate change. Relevant policy - Local Plan SP2.

23 The development shall be carried out in accordance with the Flood Mitigation Measures set out in Section 7 of the Flood Risk Assessment (FRA) prepared by Stantec dated November 2021 (Project ref:332510262/FRA) and shall include proposed new build finished floor levels set at 20.60m AOD and a Flood Warning Evacuation Plan to be put in place as part of the College Emergency Plan.

Reason: To ensure that the development is flood resistant and resilient and safe access is provided. Relevant Policy - Local Plan NR1.

- 24 Prior to the commencement of the development above slab level, details of flood resistant and resilience design measures to ensure that the building can be quickly brought back into use without significant refurbishment in the event of a flood shall be submitted to and approved in writing. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure that the development is flood resistant and resilient. Relevant Policy - Local Plan NR1.
- 25 No development shall commence on site, including demolition, until the details of the off-site flood compensation scheme referred to in section 7.3 of the Flood Risk Assessment prepared by Stantec dated November 2021 to provide a net gain in flood storage of at least 600 cubic metres has been submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented and completed prior to the substantial completion of the development.
Reason: To ensure that the development does not increase flood risk. Relevant Policy - Local Plan NR1.
- 26 No development shall commence until a Source Protection Strategy detailing how it is intended to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after construction has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall thereafter be constructed in accordance with the approved strategy.
Reason: The site lies within a Source Protection Zone of a groundwater abstraction source and it is important to ensure that the water resource is not detrimentally affected by the development. Relevant Policy - Local Plan EP5.
- 27 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan QP3 and IF2.
- 28 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 QP3 and IF2.
- 29 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. 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 parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan QP3 and IF2.
- 30 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 QP3 and IF2.

- 31 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan QP3 and IF2.

- 32 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, adjoining land

groundwaters and surface waters

ecological systems

archaeological sites and ancient monuments

an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination

In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's `Model Procedures for the Management of Land Contamination, CLR 11'.

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 EP5.

- 33 The demolition of the cottages shall be undertaken in accordance with the Demolition Plan report dated 22.11.21.

Reason: To ensure the cemetery wall and adjacent cemetery is adequately protected during the demolition phase of the development. Relevant Policies HE1.

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

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

Informatives

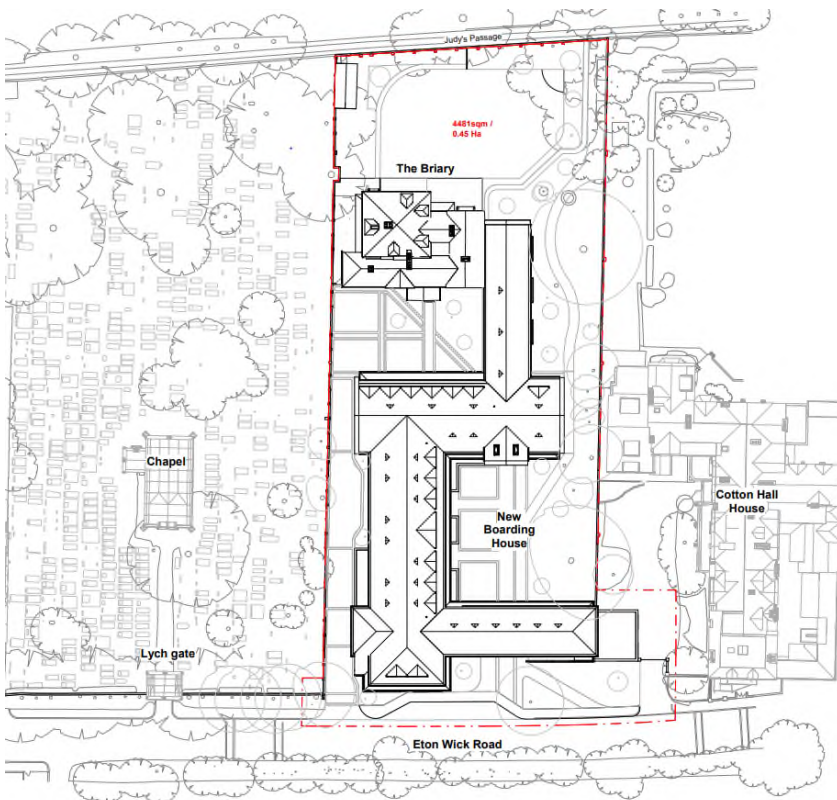
- 1 The applicant will be required to enter into a S38 and S278 legal agreement (Highways Act 1980) to cover the construction of the highway works and the adoption of the new footway and carriageway.
- 2 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The vegetation and buildings on the site are likely to be used by nesting birds and any clearance should take place outside the bird nesting season (March - August inclusive) or areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest. If there is

any doubt whether or not birds are nesting in the vegetation or buildings, expert ecological advice should be sought and or clearance work should not be undertaken until after the end of the nesting season.

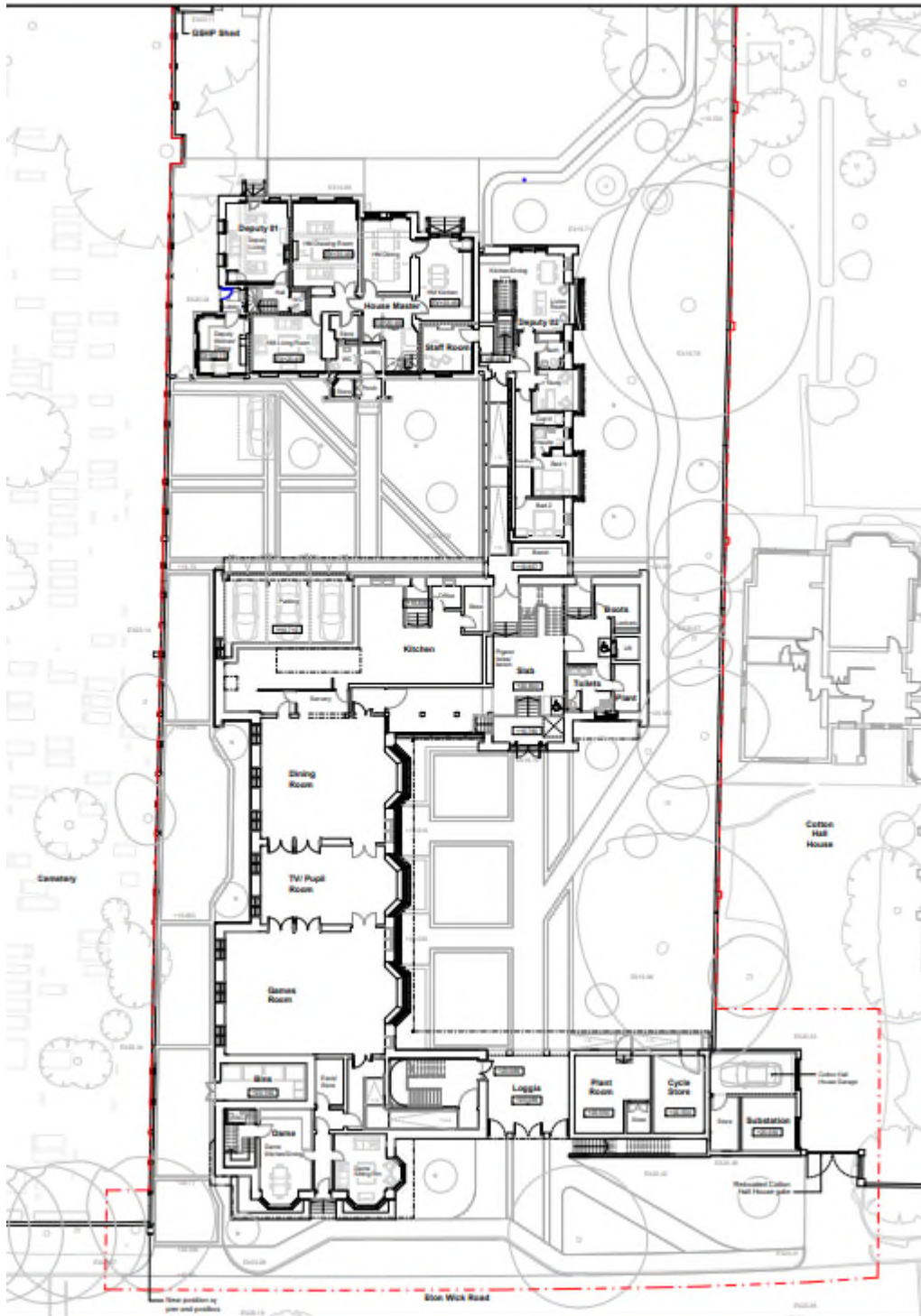
- 3 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk
- 4 Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team on 01628 683538 before burning and follow good practice.
- 1 applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.

21/03536/FULL – Proposed Boarding House for Eton College at The Briary, Briary End and Briary Cottage, Cotton Hall and Eton Wick Chapel, Eton Wick Road, Eton

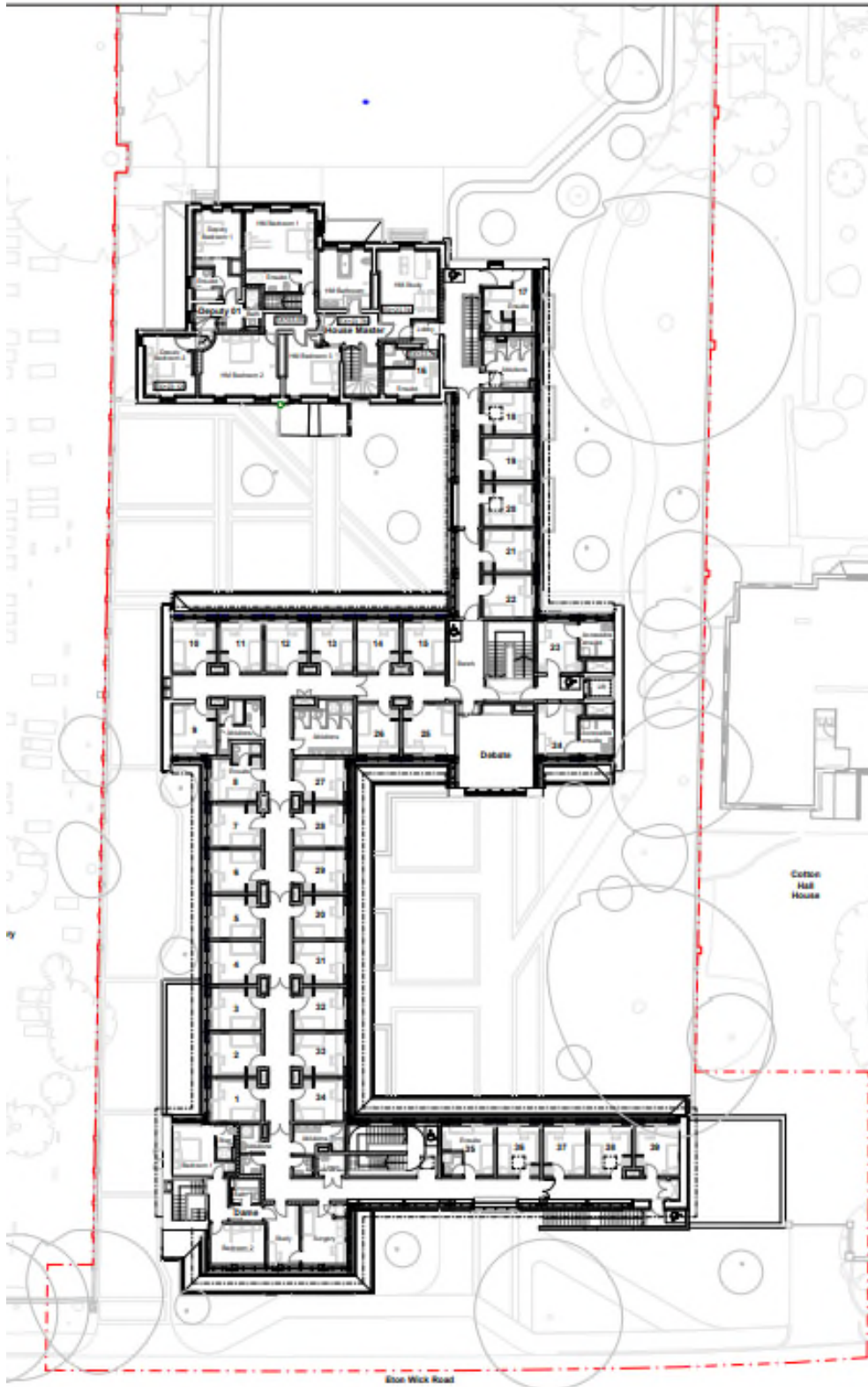
Appendix A – Site Location Plan and Block Plan



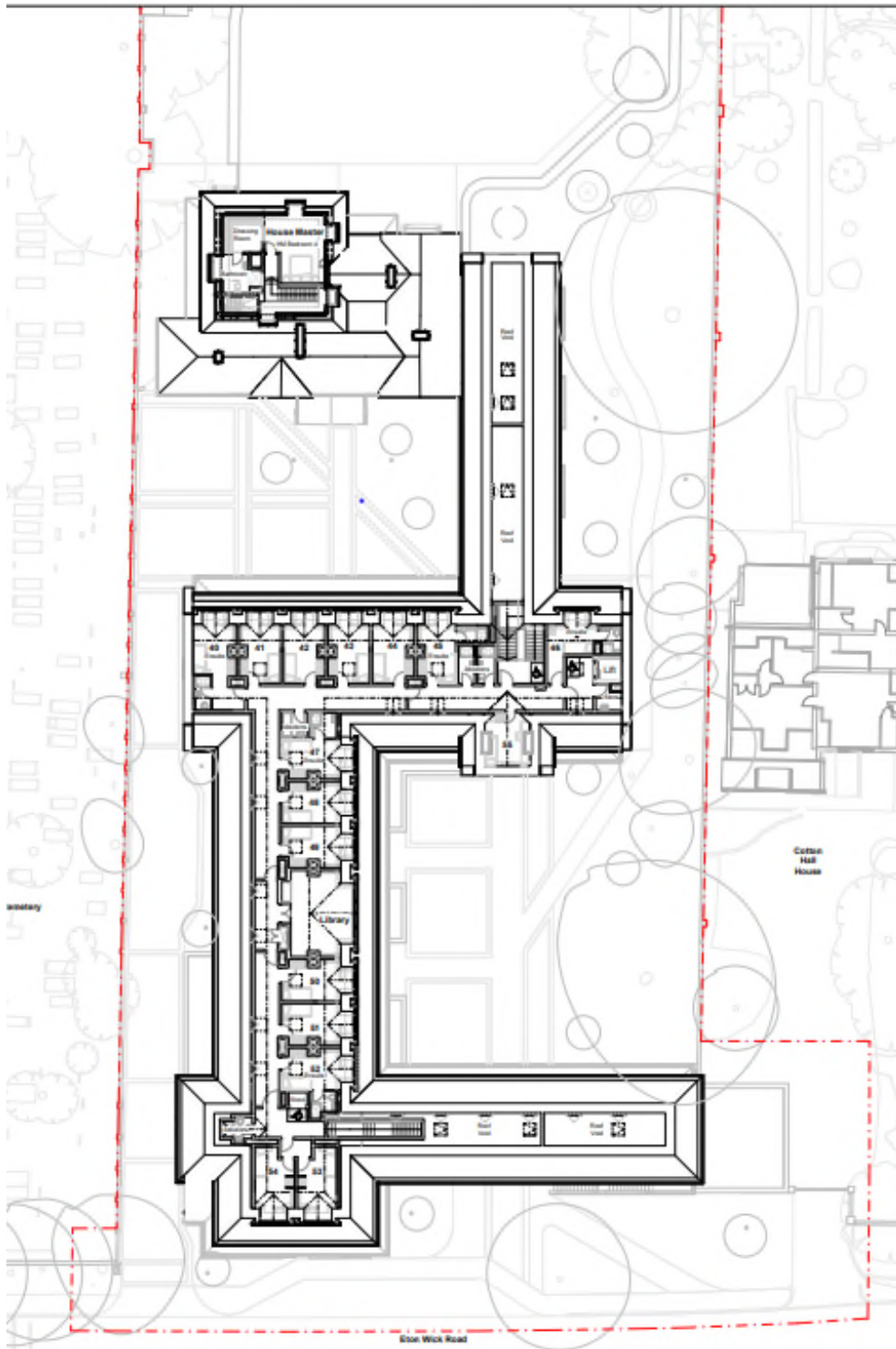
Appendix B – Ground Floor Plan



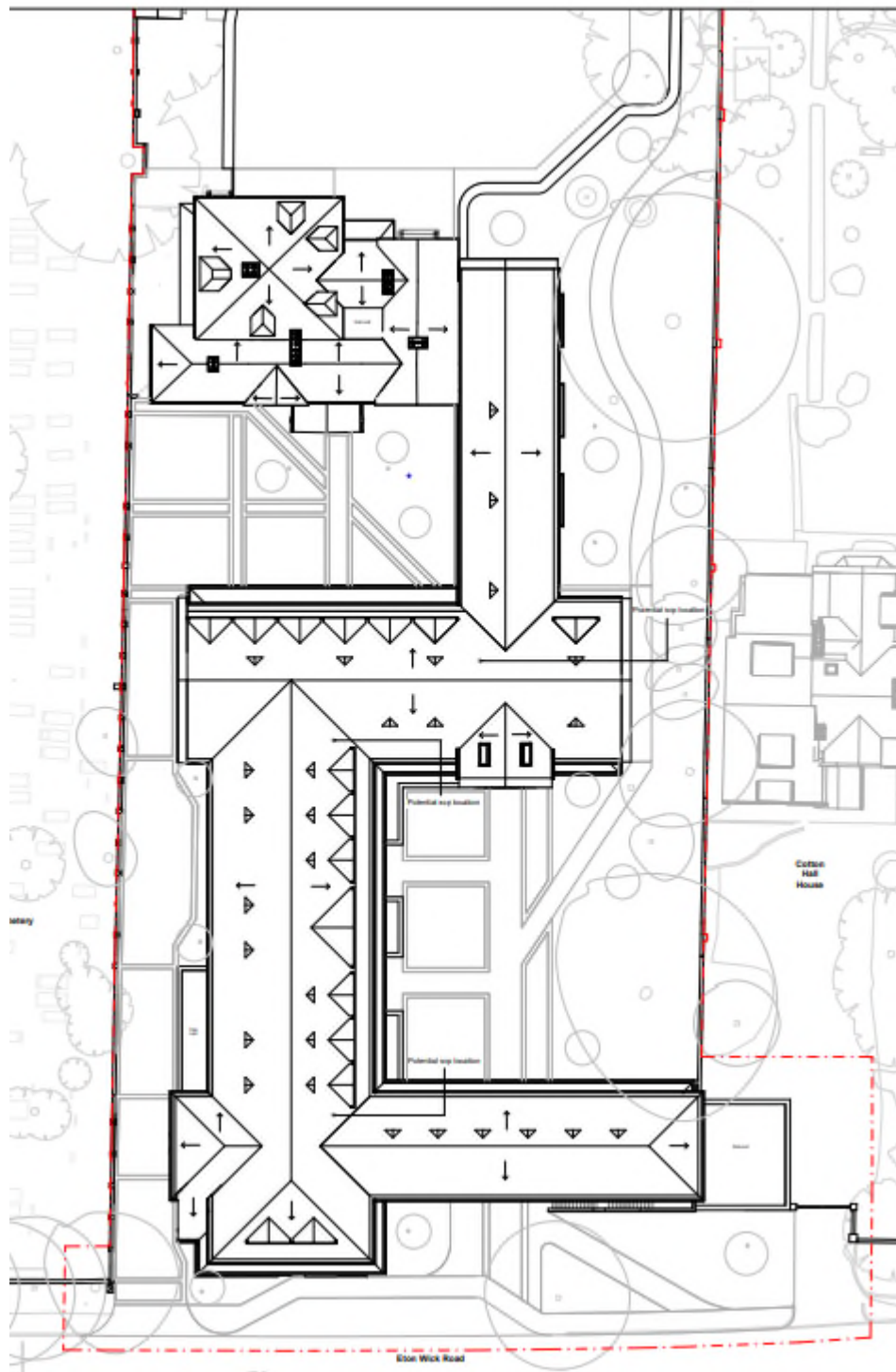
First floor Plan



Second floor Plan



Roof Plan



Elevations

Front elevation – south west elevation facing Eton Wick Road



Side elevation – south east elevation facing Cotton Hall



Rear elevation – north east elevation



Side elevation – north west elevation facing the cemetery



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Appeal Decision Report

24 May 2022 - 22 July 2022

Windsor and Ascot

Appeal Ref.: 21/60032/ENF **Enforcement Ref.:** 16/50363/ENF **Plns Ref.:** APP/T0355/C/2
1/3268946

Appellant: Mrs Kamaljeet Kaur Sall **c/o Agent:** Mr Paul Butt Paul Butt Planning Ltd 8 Hyde Copse Marcham Abingdon Oxfordshire OX13 6PT

Decision Type: No Further Action **Officer Recommendation:**

Description: Appeal against the Enforcement Notice: Change of use from a single dwellinghouse into 4 'studio' flats and 2 en-suite bedrooms with a shared kitchen on the ground floor without planning permission.

Location: 17 Rydings Windsor SL4 4HF

Appeal Decision: Quashed **Decision Date:** 30 June 2022

Main Issue:

Appeal Ref.: 22/60007/REF **Planning Ref.:** 21/01983/FULL **Plns Ref.:** APP/T0355/W/2
1/3282347

Appellant: Mr Dalhit Bhail Brookfield House Park Lane Horton Slough SL3 9PR

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey link extension between existing cottage and summer room.

Location: **Brookfield Lodge Datchet Road Horton Slough SL3 9PS**

Appeal Decision: Dismissed **Decision Date:** 12 July 2022

Main Issue: In the absence of any defined public benefit, the Inspector concludes that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies HE1 and QP1 of the Local Plan which seek, amongst other things, to conserve and respect the significance of the historic environment and achieve high quality design. Therefore, notwithstanding that it would accord with Green Belt policy, the proposal would not be in accordance with the development plan considered as a whole.

Appeal Ref.: 22/60008/REF **Planning Ref.:** 21/01984/LBC **Plns Ref.:** APP/T0355/Y/2
1/3282346

Appellant: Mr Daljit Bhail Brookfield House Park Lane Horton SL3 9PR

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Consent for a single storey link extension between existing cottage and summer room.

Location: **Brookfield Lodge Datchet Road Horton Slough SL3 9PS**

Appeal Decision: Dismissed **Decision Date:** 12 July 2022

Main Issue: In the absence of any defined public benefit, the Inspector concludes that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies HE1 and QP1 of the Local Plan which seek, amongst other things, to conserve and respect the significance of the historic environment and achieve high quality design. Therefore, notwithstanding that it would accord with Green Belt policy, the proposal would not be in accordance with the development plan considered as a whole.

Appeal Ref.: 22/60011/REF **Planning Ref.:** 21/00835/FULL **Plns Ref.:** APP/T0355/W/2
1/3285134

Appellant: Mrs Jenny Garner **c/o Agent:** Mr Justin De Vries Moule And Co Millridge Farm
Parsons Lane Hartlebury Kidderminster DY11 7YQ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: x1 shed, x3 greenhouses and x2 netted fruit cages.

Location: **Land To The North West of Cedar House Coombe Lane Ascot**

Appeal Decision: Allowed **Decision Date:** 22 June 2022

Main Issue: The Inspector concludes that the proposal would not be inappropriate development within the Green Belt or conflict with the purposes of including land within it as it would fall within the paragraph 149(a) exception of the Framework. The proposal would not conflict with Policy QP5 of the Local Plan as the proposal would not be inappropriate development under the Framework.

Appeal Ref.: 22/60016/REF **Planning Ref.:** 21/01100/FULL **Plns Ref.:** APP/T0355/W/2
1/3285155

Appellant: Mr Vipen **c/o Agent:** Mr G Benning G T Designz Ltd 82 Holyhead Road
Wednesbury West Midlands WS10 7PA

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part single part two storey side/rear extension to create x1 dwelling, following demolition of the existing garage.

Location: **The Firs Mill Lane Horton Slough SL3 9PN**

Appeal Decision: Dismissed **Decision Date:** 17 June 2022

Main Issue:

Appeal Ref.: 22/60018/REF **Planning Ref.:** 21/01877/FULL **Plns Ref.:** APP/T0355/D/2
1/3287460

Appellant: Mr And Mrs Guy And Sandra Matthews And Moore **c/o Agent:** Mr Nick Griffin
Inception Planning Limited Quatro House Lyon Way Camberley GU16 7ER

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part single/part two storey side/rear extension, relocation of front entrance door following demolition of existing conservatory.

Location: **Tudor Cottage 5 Bedford Lane Sunningdale Ascot SL5 0NP**

Appeal Decision: Allowed **Decision Date:** 14 July 2022

Main Issue:

Appeal Ref.: 22/60022/NON **Planning Ref.:** 21/02054/FULL **Plns Ref.:** APP/T0355/W/2
DET 1/3283139

Appellant: Pipeline Worldwide Ltd **c/o Agent:** Mr Neil Davis Davis Planning Ltd 19 Woodlands
Avenue Winnersh Wokingham Berkshire RG41 3HL

Decision Type: Delegated **Officer Recommendation:** Would Have Refused

Description: Construction of x6 three-bedroom dwellings with associated parking and new shared vehicular access, following demolition of the existing dwelling and outbuildings.

Location: **Former Missanda Wells Lane Ascot SL5 7DY**

Appeal Decision: Dismissed **Decision Date:** 15 June 2022

Main Issue: Dismissed on the grounds that the development fails to respect and preserve the character and appearance of the area and would conflict with Local Plan Policy QP3 and Neighbourhood Plan Policies NP/DG1 and NP/DG2. The lane has a distinctive rural nature. The cumulative scale and prominence of the 2 large, similar and closely positioned buildings would be dominant and at odds with the rural characteristics found generally in the 'Villas in a Woodland Setting'. The buildings would constitute a pronounced suburban intrusion into this part of Wells Lane and would detract unacceptably from the character and appearance of Wells Lane and be discordant and incongruous.

Appeal Ref.: 22/60023/REF **Planning Ref.:** 21/01844/FULL **Plns Ref.:** APP/T0355/W/2
1/3289134

Appellant: Mr And Mrs J Butler **c/o Agent:** Mr Laurence Moore Woolf Bond The Mitfords
Basingstoke Road Three Mile Cross Reading RG7 1AT

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: x2 new dwellings with detached garage and vehicular entrance gates, following
demolition of existing dwelling and garage.

Location: **Linthorpe Fireball Hill Sunningdale Ascot SL5 9PJ**

Appeal Decision: Allowed **Decision Date:** 18 July 2022

Main Issue: The Inspector concludes that the development would respect the character and
appearance of Fireball Hill and has no reason to find the scheme would compromise
the trees around the site. The appeal is allowed subject to the conditions outlined.

Appeal Ref.: 22/60030/REF **Planning Ref.:** 21/03264/CLA **Plns Ref.:** APP/T0355/D/2
SAA 1/3289697

Appellant: C/o CDP **c/o Agent:** Mr David Holmes G F Falconer 24D Peters Close Prestwood
Great Missenden HP16 9ET

Decision Type: Delegated **Officer Recommendation:** Prior Approval
Required and
Refused

Description: Application for prior approval for construction of one additional storey to the property
with a maximum height of 2.60m.

Location: **Jasmin House 2 The Hatch Windsor SL4 5UD**

Appeal Decision: Dismissed **Decision Date:** 26 May 2022

Main Issue:
