

DEVELOPMENT CONTROL PANEL

5 January 2022

Item: 2

Application No.:	21/02367/FULL
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	Part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and external alterations, following demolition of the existing single storey side and rear elements.
Applicant:	Mr Jagdev
Agent:	Mr Simon Horler
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 This grade II listed building lies on the High Street in Eton and comprises commercial floor space on the ground floor and residential use on the first and second floors. The proposal seeks to amend a previous planning permission and listed building consent. The amendments relate to changes to the internal layout resulting in a reduction in the amount of commercial floorspace at ground floor and an increase in residential floor area. Minor external alterations are also proposed.
- 1.2 The retention of the existing shopfront and the amount of commercial floor area retained would be sufficient to maintain the vitality and viability of the High Street in accordance with neighbourhood plan policies BL1 and BL2.
- 1.3 The proposal would be sympathetic to the character and appearance of the existing building and the Conservation Area and would accord with Local Plan policy CA2, Neighbourhood Plan policy HD3 and emerging policy HE1.
- 1.4 Subject to appropriate flood resistant and resilient measures being secured the proposal would accord with neighbourhood plan policy EN3, adopted local plan policy F1, emerging policy NR1 and paragraph 167 of the NPPF and is acceptable in flood risk terms.
- 1.5 The living conditions of existing and future occupiers is acceptable and the proposal accords with emerging policy QP3 and paragraph 130f) of the NPPF.
- 1.6 The proposal is acceptable in terms of parking and highway safety.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- The application has been called in by Cllr Rayner, if minded to approve, on the grounds that it conflicts with the neighbourhood plan and could have a detrimental effect on the economic viability of Eton High Street.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the western side of the High Street in Eton on a prominent corner plot adjacent to Jubilee Gardens, an area of public open space. To the north of the site lies The Christopher Hotel. The site comprises an attractive, late 17th or early 18th century, two storey building with rooms in the roof. It fronts onto the High Street and has a white painted façade. The ground floor has two timber shopfronts and a pair of entrance doors and was formerly occupied by a photographic studio (Class A2 financial and professional services) and is now vacant. The first and second floors were in residential use (1 x 1 bed and 1 x 3 bed flat). There is a gravel parking area to the rear of the building served by a gated vehicular entrance from Eton Court.
- 3.2 Work has already commenced on site under the previous planning permission and listed building consent, reference numbers 17/02460/FULL and 17/02461/LBC. The single storey rear extension is nearing completion and internal alterations are underway.

4. KEY CONSTRAINTS

- 4.1 The building is grade II listed and lies within the Eton Conservation Area. The site lies within Flood Zone 3.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to amend the previously consented schemes under application numbers 17/02460/FULL and 17/02461/LBC (which have been implemented). The overall size and external appearance of the proposed extensions remains largely unchanged. The amendments to the permitted scheme include:
- Retention of the Jubilee Garden party wall, previously shown to be demolished.
 - The reconfiguration of the internal layout resulting in a reduction in commercial floorspace (to 66 sq.m) and an increase in residential floor space at ground floor level. This in turn has resulted in the number of bedrooms for each residential unit being increased from 2 to 3.
 - The replacement of a door on the front elevation with a window and two separate entrance doors to serve both residential units on the rear elevation.
- 5.2 The number of residential units remains unchanged at 2.
- 5.3 Further amendments were sought during the application and include:
- Stepping in of the first floor side extension off the Jubilee Garden party wall.
 - Changes to the design of the rear entrance doors
 - A note to include replacement of existing uPVC dormer windows with timber windows.
- 5.4 The relevant planning history is set out as follows:

Reference	Description	Decision
17/02460/FULL	Part change of use of ground floor from A2 (Financial and Professional Services) to residential; part single, part two storey side and rear extensions following the demolition of existing additions.	Permitted 19.10.17

17/02461/LBC	Consent for part change of use of ground floor from A2 (Financial and Profession Services) to residential; part single, part two storey side and rear extensions following demolition of existing additions.	Permitted 19.10.17
20/02910/CONDIT	Details required by condition 2 (materials) 3 (roof materials) 4 (windows) 5 (joinery) 6 (rainwater goods) 7 (roof details) 9 (archaeology) of planning permission 17/02460/FULL	Approved 24.12.20
20/02911/CONDIT	Details required by condition 2 (materials) Condition 3 (Roof Materials) Condition 4 (Windows) Condition 5 (Joinery) and condition 6 (Rainwater goods) of listed building consent 17/02461/LBC	Approved 24.12.20
21/02368/LBC	Consent for part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, alterations to fenestration and internal and external alterations, following demolition of the existing single storey side and rear elements.	Pending Consideration

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1
Conservation Area	CA2
Listed Building	LB2
Highways and Parking	T5 & P4
Flooding	F1

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	Neighbourhood Plan Policy
Development within Eton	HD3
Retail	BL1
Eton High Street	BL2
Bicycle Parking	TI3
Flooding	EN3

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

- 7.1 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 16- Conserving and enhancing the historic environment

7.2 **Borough Local Plan: Main Modifications Version (July 2021)**

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Heritage Assets	HE1
Managing Flood Risk and Waterways	NR1
Sustainable Transport	IF2

- 7.3 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 7.4 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the Main Modifications has recently closed.

- 7.5 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

- 7.6 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Borough Wide Design Guide June 2020
- Eton Conservation Area Appraisal adopted 2009

Other Local Strategies or Publications

7.7 Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application. No comments have been received.

The planning officer posted a notice advertising the application at the site on the 20th August 2021 and the application was advertised in the Local Press on the 19th August 2021.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection subject to conditions	Paragraphs 9.4-9.6
Environmental Protection	Conditions requested relating to acoustic details and construction site working hours and delivery hours.	Paragraph 9.17
Eton Parish Council	No comments received.	

9. EXPLANATION OF RECOMMENDATION

Loss of commercial floorspace

9.1 The Eton and Eton Wick Neighbourhood Plan seeks to maintain and enhance a vibrant retail environment. Part of the vitality of the High Street in Eton is its mixture of small-scale shops that allow a diverse range of businesses including independent businesses. Neighbourhood Plan policy BL1 states that in Eton, the retention of single retail units and the limiting of alterations to the retail footprint of existing shops will be supported. Neighbourhood Plan policy BL2 states that development requiring planning permission for a change of use from retail to residential on the ground floor will not be permitted on Eton High Street.

9.2 In this case the ground floor was formerly used as a photographic studio and now lies vacant. It is proposed to retain the shopfront and retain 66 sq.m of retail/commercial floorspace at the front of the ground floor unit. The rear of the ground floor would be used for residential. It is considered that the retention of the shopfront and retail/commercial floorspace fronting the High Street would be sufficient to protect the vitality and viability of the High Street. The resulting smaller unit would still help to support smaller and independent businesses that define the local character of the High Street and would ensure that the vitality and viability is maintained in accordance with neighbourhood plan policies BL1 and BL2.

- 9.3 On this basis the proposal would not have a detrimental effect on the economic viability of Eton High Street and is acceptable.

Heritage and Design

- 9.4 The application has been accompanied by a Design and Access Statement and a Heritage Statement. The building is grade II listed and lies within the Eton Conservation Area. Local Plan policy CA2 requires proposals for new extensions in the Conservation Area to be of a high design standard and sympathetic in terms of siting, proportion, scale, form, height, materials and detailing. Neighbourhood Plan policy HD3 states that new development should not detract from the character of existing buildings or the appearance of the surrounding area and should be in harmony with materials, scale, massing and the architectural vernacular and rhythm of surrounding buildings. Emerging policy HE1 requires development proposals to seek to conserve and enhance the character, appearance and function of heritage assets and respect the significance of the historic environment.
- 9.5 The revisions to the previous planning permission and listed building consent are set out above and involve relatively minor changes to the internal layout of the ground and first floor and some small changes to the external appearance of the building. The Jubilee Garden party wall is now proposed to be retained, rather than demolished and the first-floor side extension would now be stepped in off the party wall. The uPVC dormer windows on the front elevation are to be replaced with timber windows and the design of the rear entrance doors have been revised and the side lights omitted.
- 9.6 Subject to securing appropriate conditions relating to the re-pointing of the existing brickwork, a brick panel to show the bricks, mortar mix and jointing detail and further details of the door and windows, the proposal is acceptable. Overall, the proposal would be sympathetic to the character and appearance of the existing listed building and the Conservation Area and would accord with Local Plan policy CA2, Neighbourhood Plan policy HD3 and emerging policy HE1.

Flood Risk

- 9.7 The application has been accompanied by a Flood Risk Statement and a Note on Flood Risk. The application needs to be considered against emerging policy NR1 and the guidance set out in the NPPF.
- 9.8 The site lies within Flood Zone 3a (High probability of flooding) and an area benefitting from flood defences on the EA flood maps for planning. There is no change proposed to the building footprint from the previous proposal and it would not result in any change in the risk of flooding to third party landowners or property. The works constitute 'minor development' and the Sequential and Exception Test do not need to be applied in this case.

Design response

- 9.9 Since the previous application in 2017 more comprehensive flood modelling information has been released that includes the anticipated impacts of climate change. The estimated design flood level has been reduced by 160mm (from 20.81 to 20.65m AOD) and the submitted Flood Risk Statement takes account of this latest available information. The ground floor is set 150mm above the street level at an estimated 20.47m AOD. The 1% annual probability flood event would result in a flood depth of 330mm externally and if water entered the building the internal flood depth would be

180mm. The floor levels are not expected to change and the approach proposed is to keep water out. The following measures are proposed:

- The use of flood boards on doorways
- Use of durable fittings that are not significantly affected by water and can be easily cleaned
- Placing fittings, like electrical appliances on plinths as high as practicable above floor so that they are above the floodwater level
- Install non-return valves for the drainage system to prevent back-flow of sewage
- Install electrical sockets above floor water level.

All sleeping accommodation is located at first floor and above.

Safe access and Egress

- 9.10 It was previously determined, under application number 17/02460/FULL, that there was no safe or low hazard escape route available for this site. However, given that the number of residential units was not increasing, and the number of bedrooms remained the same it was determined that there was no increase in the number of people or properties at risk of flooding. This is the same with the current proposal in that the number of residential units remains the same however the number of bedrooms is now proposed to be increased from 2 to 3 and it could be argued that more people are potentially at risk of flooding. It is acknowledged that the proposal constitutes 'minor development' and is not introducing new households, only changing the possible size of a household and the way it might occupy a single dwelling. On this basis it is not considered that an objection on flood risk grounds could be sustained.
- 9.11 The site has a very low risk of surface water flooding and is not expected to flood from surface water. The risk of groundwater flooding and risk of flooding from sewers to the site is also considered to be low. The existing drainage network would be used and surface water would be discharged from the site via existing connections.
- 9.12 Overall it is considered that subject to appropriate flood resistant and resilient measures being secured by condition the proposal would accord with neighbourhood plan policy EN3, emerging policy NR1 and paragraph 167 of the NPPF and is acceptable in terms of flood risk.

Impact on living conditions of existing and future occupiers

- 9.13 The site lies adjacent to the Christopher Hotel and the Jubilee Garden, an area of public open space. The proposal would have no adverse impact on the living conditions of any neighbouring properties. The provision of outdoor amenity space for each residential unit, whilst small, is unchanged from the extant permission. Overall, the living conditions of existing and future occupiers is acceptable and the proposal accords with emerging policy QP3 and paragraph 130f) of the NPPF.

Parking/Highway safety

- 9.14 Six parking spaces are shown to be provided at the rear of the site which will be accessed via the existing vehicular access from Eton Court. The proposal would not affect the existing visibility splays or access arrangements. The proposal would require four parking spaces to be provided for the 2no 3 bed units to accord with the adopted parking standard and a further two spaces would be available for the commercial unit. The proposal is acceptable in terms of parking and highway safety.

- 9.15 Details relating to cycle storage and bin storage can be secured by condition.

Other Material Considerations

- 9.16 Although the proposal seeks to increase the size of the existing residential units it is not proposing any new units and the proposal does not fall to be considered against the criteria set out in the interim position statement in terms of sustainability.
- 9.17 The suggested conditions from the Environmental Protection team in relation to construction hours and deliveries can be satisfactorily covered by the Considerate Constructors informative and other statutory regimes. The suggested condition relating to acoustic insulation was not previously secured under the extant permission and it would not now be reasonable to secure this condition.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The net increase in gross internal floor area would not exceed 100sq.m and therefore the development is not CIL liable.

11. CONCLUSION

- 11.1 For the reasons set out in this report the amendments to the previous scheme are deemed to be acceptable.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and block plan
- Appendix B – floor plans and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the commencement of the part single, part two storey side extension a sample panel of brickwork approximately 1m x 1m showing the bricks, method of bonding, colour and mortar mix and jointing shall be prepared on site and approved in writing by the Local Planning Authority. The external surfaces of the building shall thereafter be finished in accordance with these approved details.
Reason: To preserve or enhance the character and appearance of the Conservation Area. Relevant policy CA2.
- 3 The roof shall be clad in natural slate as approved under condition application 20/02910/CONDIT.
Reason: To protect or enhance the character and appearance of the Conservation Area. Relevant policy CA2.
- 4 Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors including surrounding frames, as well as full specifications at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
Reason: To preserve or enhance the character and appearance of the Conservation Area. Relevant policy CA2.
- 5 The development shall be undertaken in accordance with the flood mitigation

measures set out in the 'Design Response to Flood Risk' section of the Flood Risk Statement dated 28th July 2021.

Reason: To ensure the development is appropriately flood resistant and resilient in accordance with paragraph 167 of the NPPF and emerging policy NR1.

- 6 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces shall be retained for parking 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. Relevant Policy P4.

- 7 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 T7, DG1

- 8 No part of the development shall be occupied until a refuse bin storage area and recycling 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 be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 9 The development shall be carried out in accordance with the Project Specification of the Archaeological watching brief dated 27th October 2020 approved under conditions application number 20/02910/CONDIT.

Reason: The site lies within an area of archaeological potential, specifically within the historic core of the medieval settlement of Eton. A programme of work is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local policy.

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

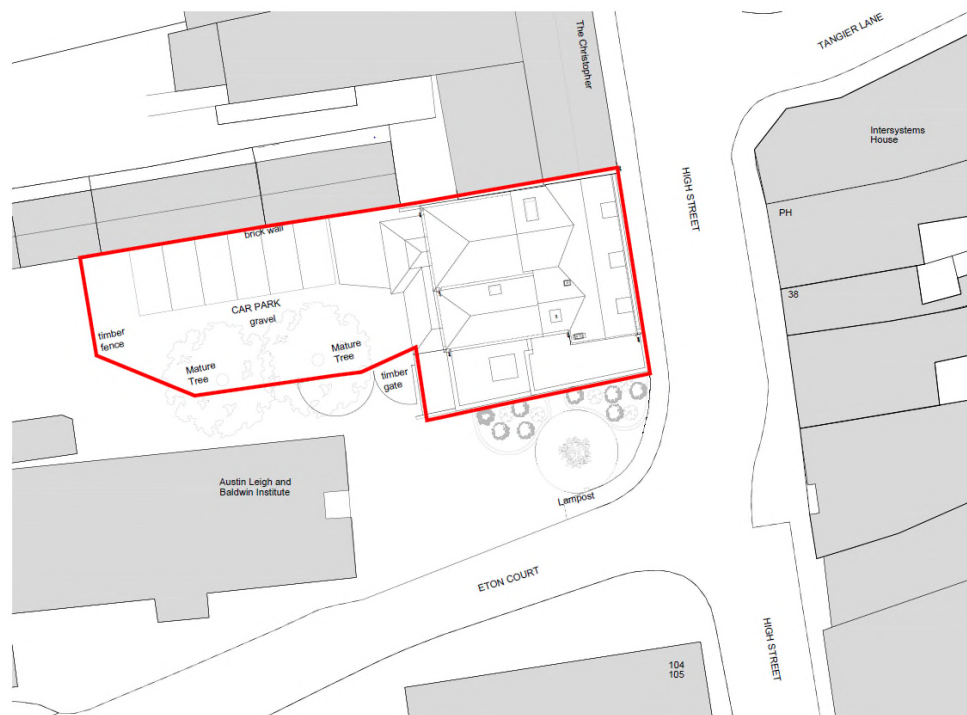
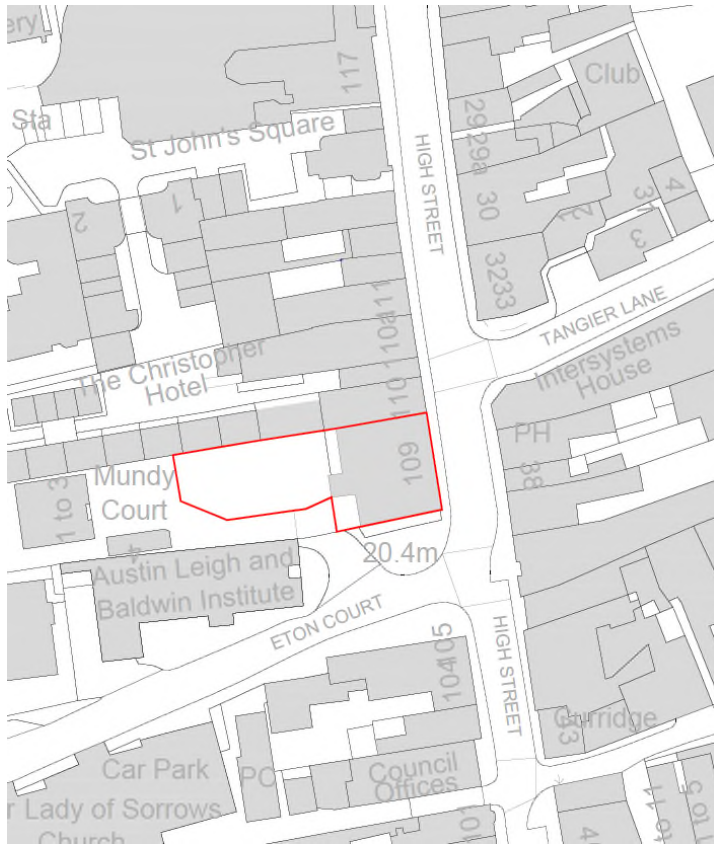
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 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

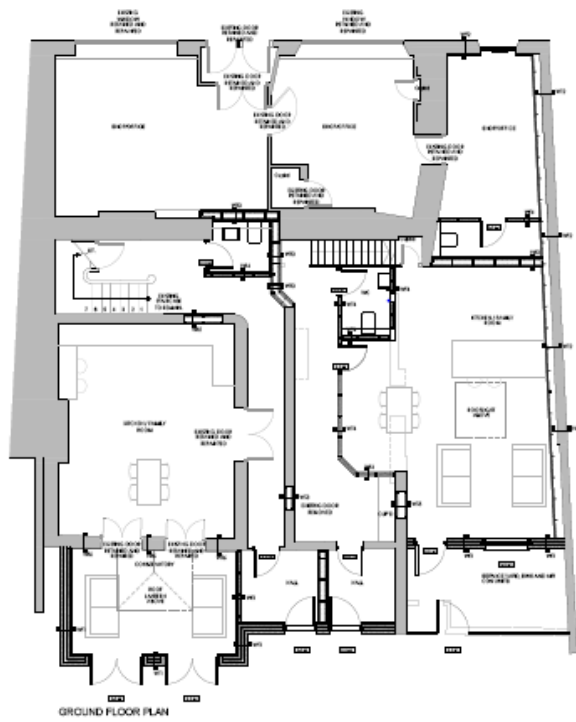
21/02367/FULL – 109 High Street, Eton

Appendix A – Site Location Plan and block plan

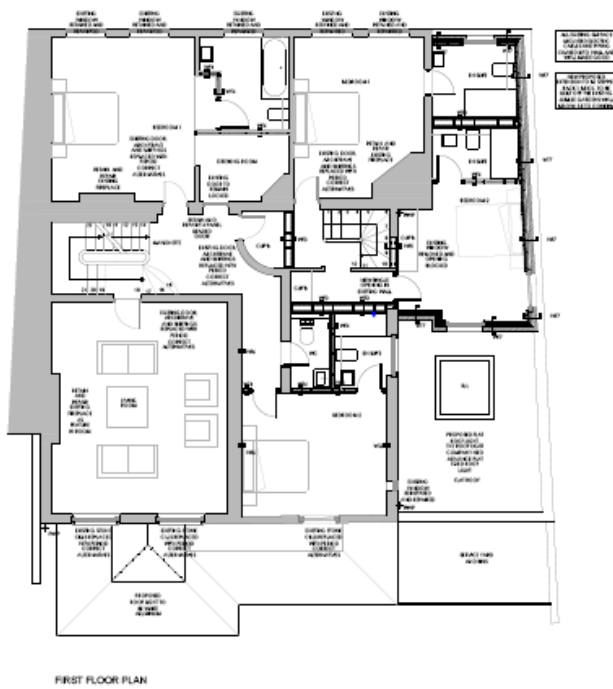


Appendix B – floor plans and elevations

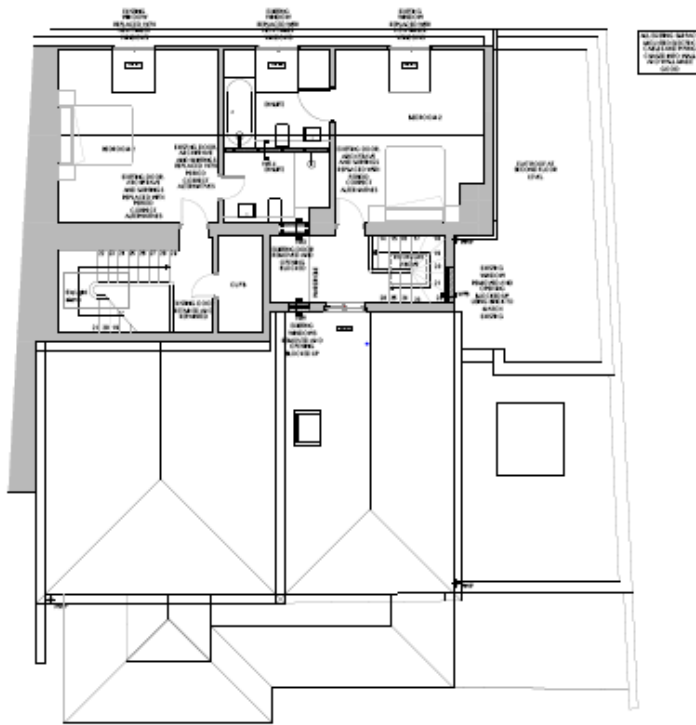
Ground floor



First floor

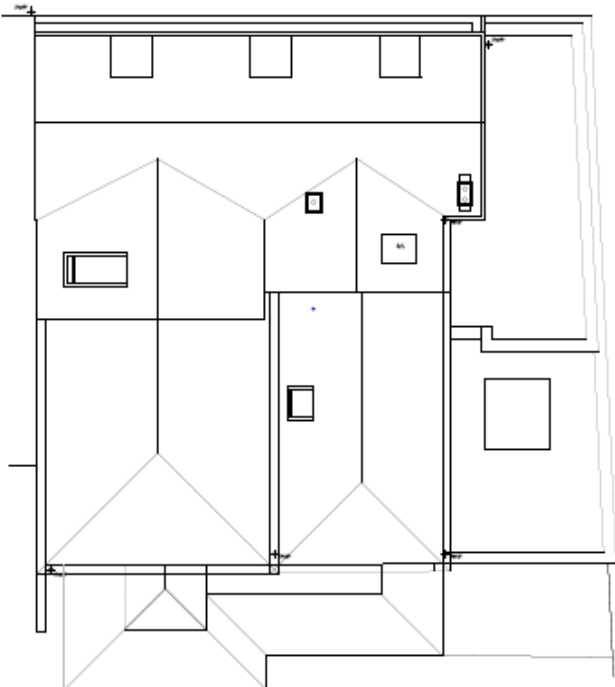


Second floor



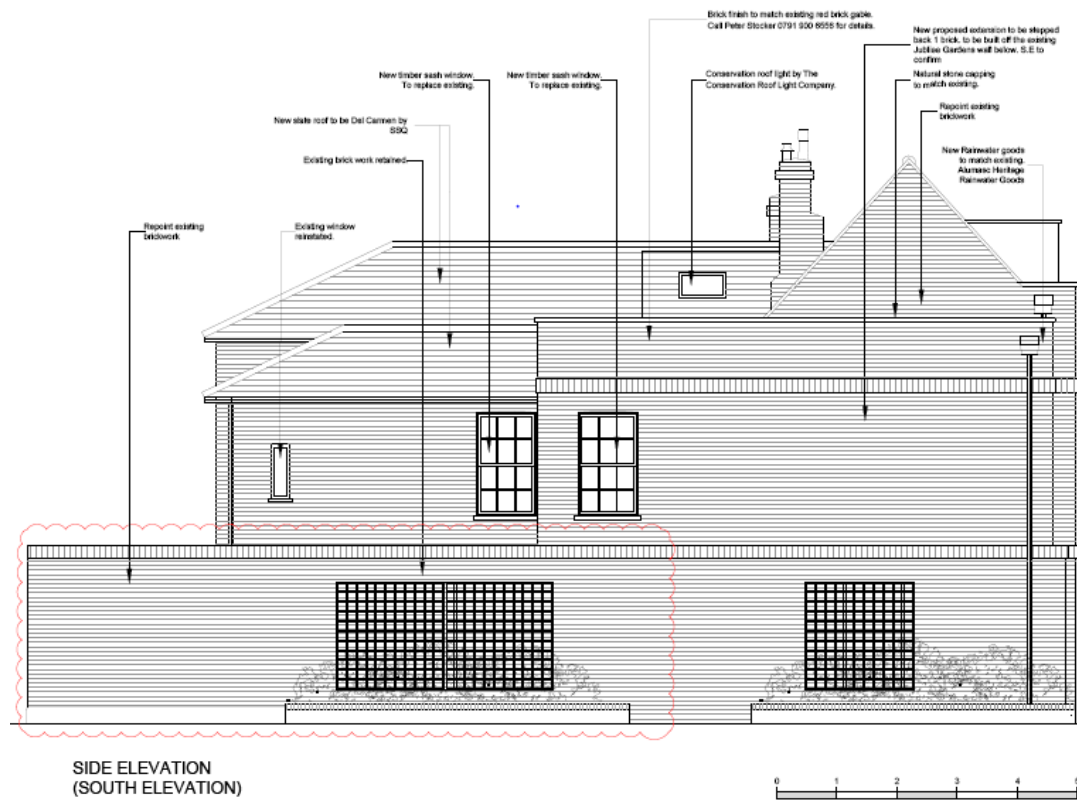
SECOND FLOOR PLAN

Roof plan



ROOF PLAN

Elevations





REAR ELEVATION
(WEST ELEVATION)

