

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

**DEVELOPMENT CONTROL PANEL**

3 August 2022

Item: 1

<b>Application No.:</b>	21/03363/FULL
<b>Location:</b>	Site of Former Shepherds Hut 17 Eton Wick Road Eton Wick Windsor
<b>Proposal:</b>	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.
<b>Applicant:</b>	Mr Chatha
<b>Agent:</b>	Miss Risha Patel
<b>Parish/Ward:</b>	Eton Town Council/Eton And Castle
<b>If you have a question about this report, please contact:</b> 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):**

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| <b>1.</b> | 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 |
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	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<sup>e</sup> 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<sup>e</sup> 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<sup>e</sup> 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<sup>e</sup> 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.

	<b>RBWM Guidance</b>	<b>Proposed Waste Capacity (Flats)</b>
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<sup>e</sup> 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**

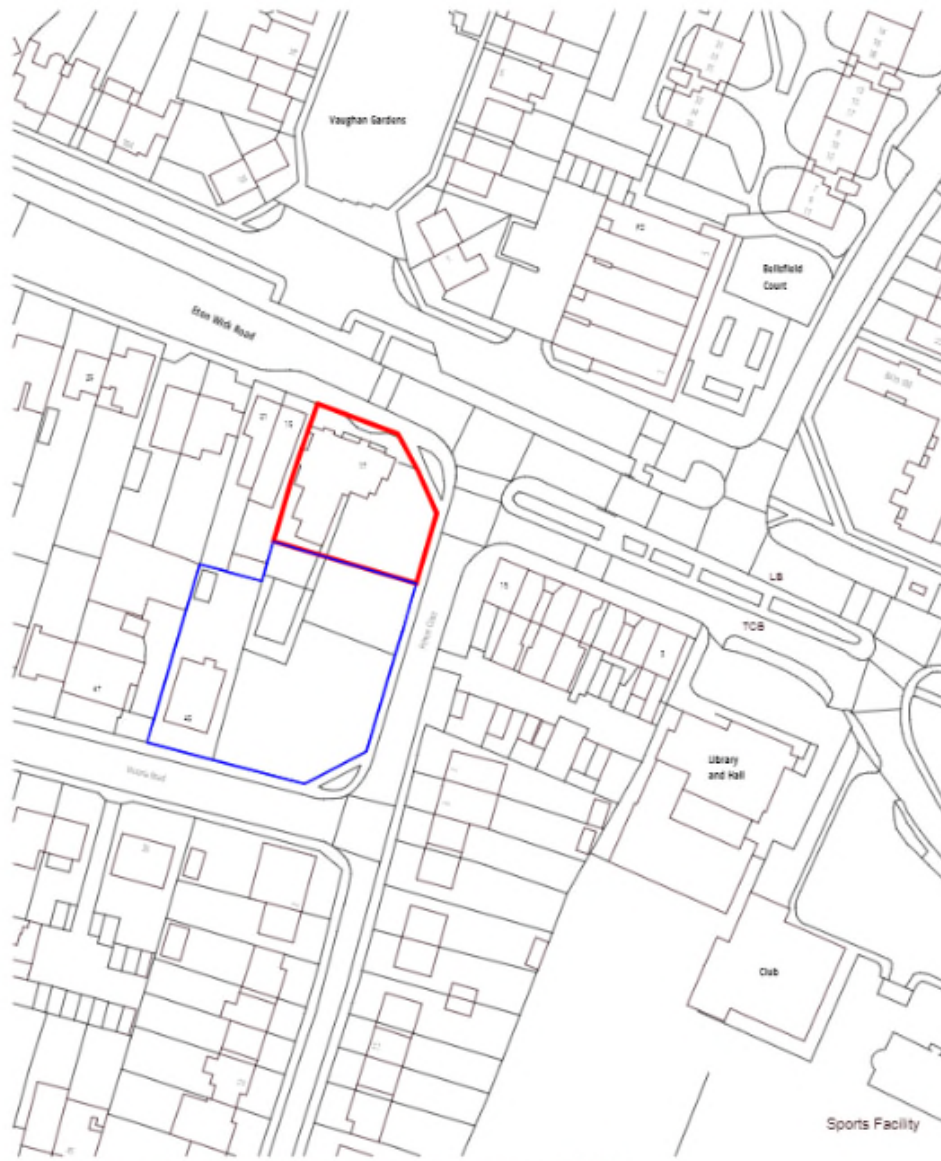
- 1 The proposed development, by virtue of its scale, form, design, limited space for landscaping and inactive frontages, would result in a prominent and incongruous form of development which would be harmful to the street scene and character of the area in general. It is therefore considered that the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

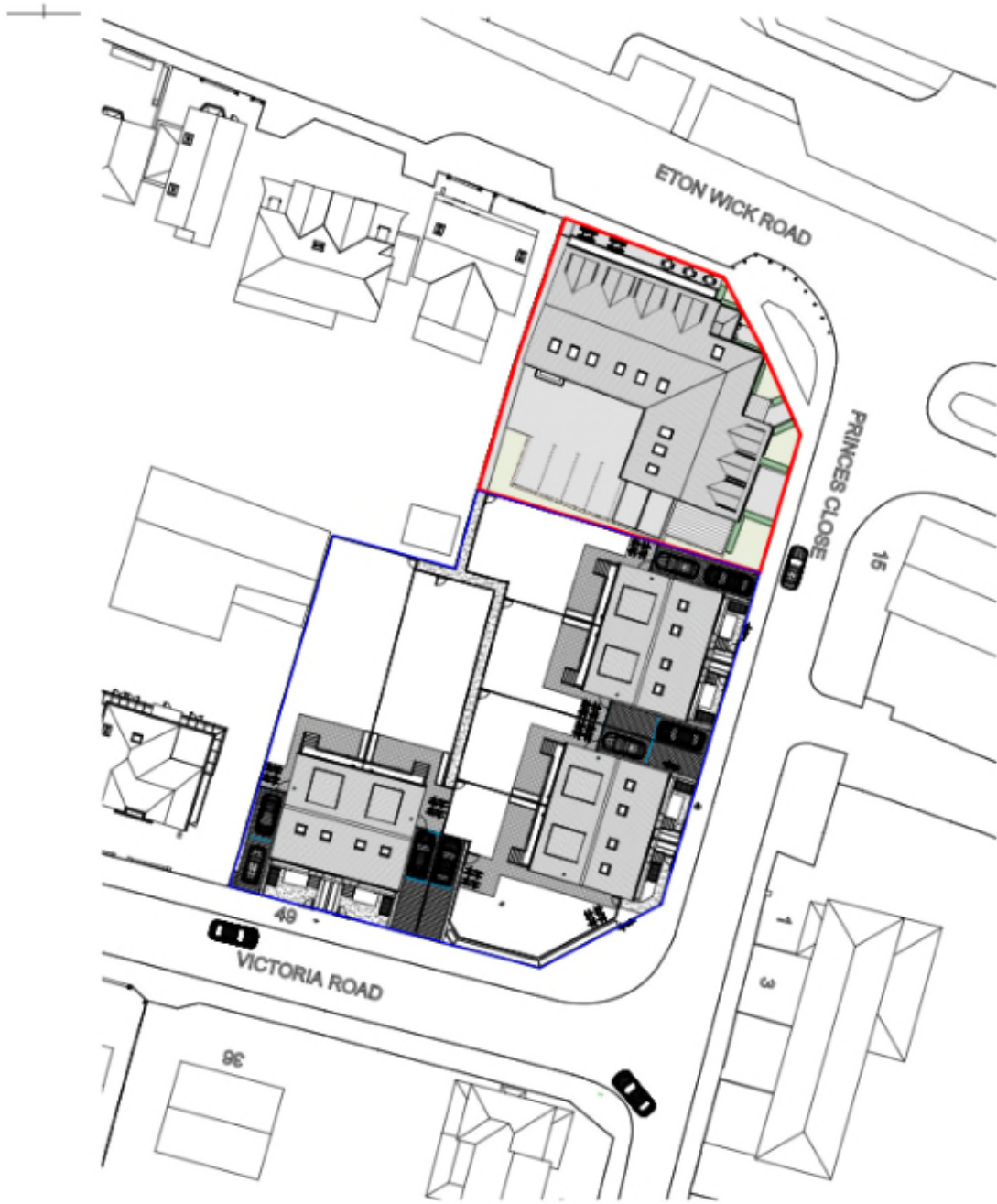
## Appendix A - Site Location Plan and Site Layout

### Site Location Plan



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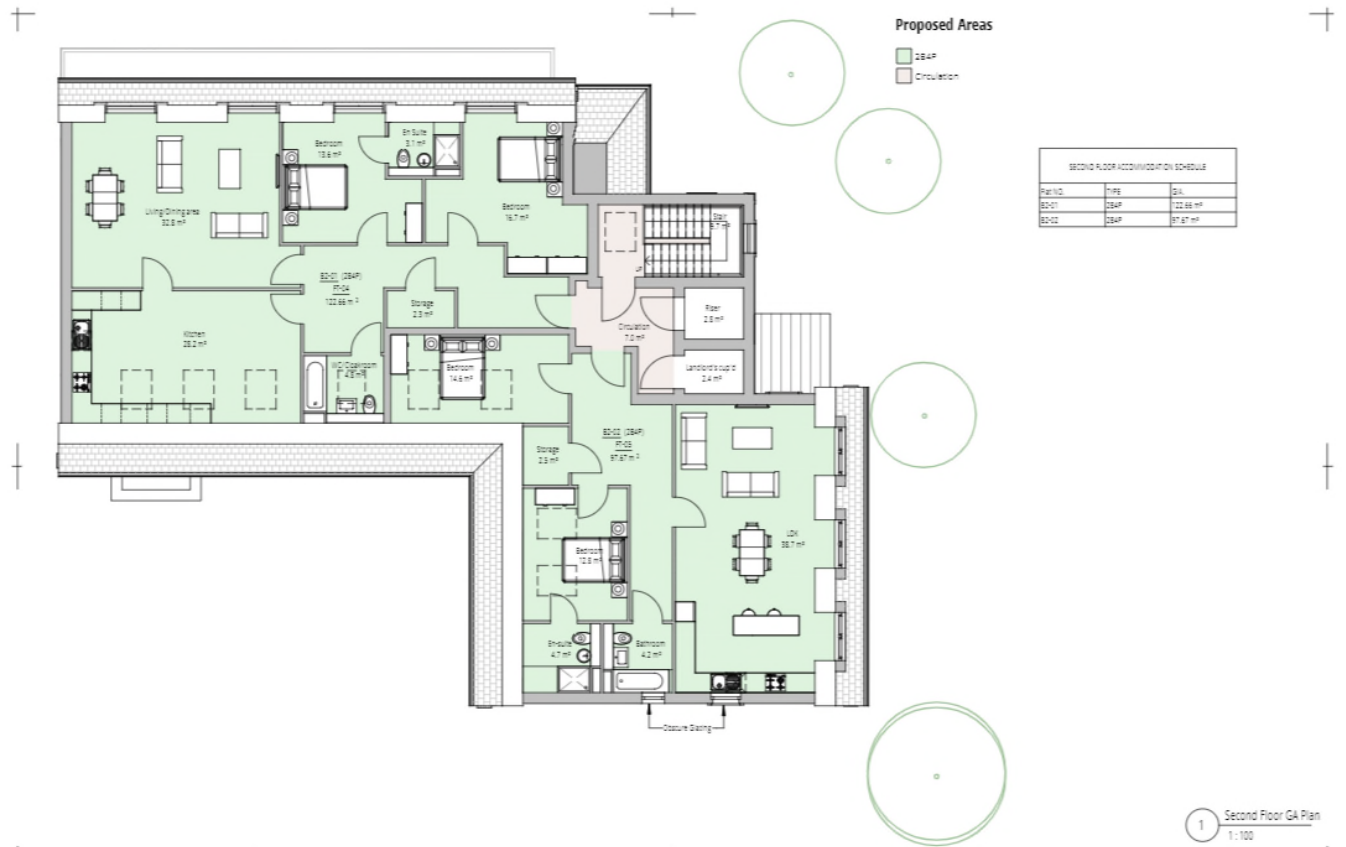
Block Plan





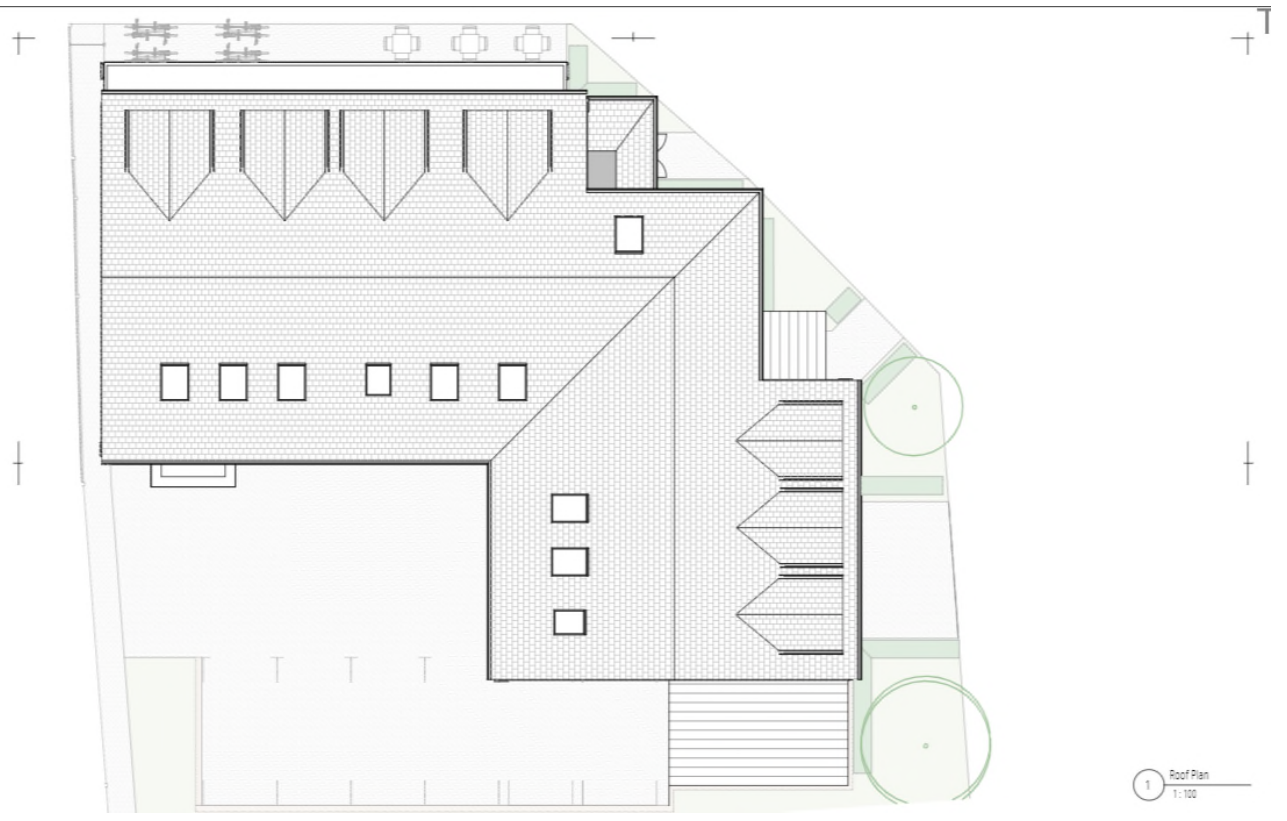


# Proposed Second Floor Plan





# Proposed Roof Plan



1 Roof Plan  
1:100



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