

## DEVELOPMENT CONTROL PANEL

7 March 2024

Item: 3.

<b>Application No.:</b>	23/01996/FULL
<b>Location:</b>	The Lawns Nursery School Imperial Road Windsor SL4 3RU
<b>Proposal:</b>	Installation of 1no. parking spaces to the side of the existing Early Years Pre-Learning Hub.
<b>Applicant:</b>	Mr Smith
<b>Agent:</b>	Ms Ling Lee
<b>Parish/Ward:</b>	Windsor Unparished/Clewer East

**If you have a question about this report, please contact:** Vivienne McDowell on 01628 796578 or at [vivienne.mcdowell@rbwm.gov.uk](mailto:vivienne.mcdowell@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The application originally proposed 2no. additional parking spaces. Following concerns about encroachment into the tree root protection area, the applicant has submitted an amended plan 220173-1-003 Rev D (dated 7<sup>th</sup> Feb 2024) which shows just 1no. additional parking space, immediately adjacent to the nursery building and alongside existing carparking spaces. The description of the application has been amended to reflect the provision of 1no. carparking space. The single carparking space is intended to be used for staff parking.
- 1.2 The amended parking scheme is considered to be acceptable.

**It is recommended the Committee grants planning permission with the conditions listed in Section 12 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application for this proposal as it involves an RBWM school site.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the east side of Imperial Road. The main vehicular entrance to the application site lies immediately to the south of the nursery building ( Early Years Pre-Learning Hub) which was formerly the caretaker's bungalow.

### 4. KEY CONSTRAINTS

- 4.1 The site is not within the Green Belt and not within an area liable to flooding.

### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a single parking space immediately adjacent to the nursery building (Early Years Pre-Learning Hub) and near the gates and main entrance to the school site, on Imperial Road. It is understood that the provision of one additional car parking

space, is required to ease pressure on the existing on-site car park. The amended plan Ref. 220173-1-003 Rev D (dated 7<sup>th</sup> Feb 2024) shows 1no. additional parking space, immediately adjacent to the nursery building and alongside existing carparking spaces

- 5.2 When the previous application 23/00352/FULL was being considered the agent explained that there was a shortage of parking spaces for staff currently employed at the school.

## History

23/00352/FULL	Change of use of the existing caretaker's bungalow (C3a) to provide early years pre-learning hub (F1a) with alterations to fenestration, rear terrace, 1no. car parking space and alterations to the existing school entrance with 1no. ramp and the creation of two separate entrances to The Lawn Nursery & Oakfield School	Approved 10 <sup>th</sup> July 2023
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## 6. DEVELOPMENT PLAN

### Borough Local Plan: Adopted Feb 2022

Issue	Local Plan Policy
Character and Appearance	QP1, QP3
Sustainable Transport	IF2, IF5
Trees and Ecology	NR2, NR3
Environmental Protection	EP1, EP3, EP4
Trees	NR3
Nature Conservation and Biodiversity	NR2
Climate Change	SP2

### Adopted Windsor Neighbourhood Plan – policies DES.01, PAR 02

## 7. MATERIAL PLANNING CONSIDERATIONS

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

Section 2 – Achieving Sustainable Development  
 Section 4 – Decision-making  
 Section 6 – Building a Strong, Competitive Economy  
 Section 8 -Promoting healthy and safe communities

Section 9 – Promoting Sustainable Transport  
 Section 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

**Other Local Strategies or Publications**

- 7.1 Other Strategies or publications material to the proposal are:
- RBWM Landscape Character Assessment
  - RBWM Parking Strategy

**8. CONSULTATIONS CARRIED OUT**

8.1 A total of 4 neighbouring properties were directly notified. No letters of concern or objection been received.

Consultee	Comment	Where in the report this is considered and officer comment.
Highways	No objection.	The latest amendments show one of the previously proposed space (near the tree) removed. The planning officer has discussed the proposal with the Highway Officer. The proposed single parking space is considered acceptable.  See paragraphs 9.7, 9.8
NatureSpace	No objection raised to previous application 23/00352.	Noted.
Environmental Protection	No objection	Noted

**9. EXPLANATION OF RECOMMENDATION**

9.1 The key issues for consideration are:

- i Character, appearance and residential amenity
- ii Parking provision
- iii Biodiversity
- iv Sustainability

### **i Character of the area and residential amenity**

- 9.2 Concerns were raised about the originally submitted scheme which proposed additional hardstanding to provide 2 additional parking spaces, as this would encroach the root protection area of a mature tree adjacent to the site entrance. The tree contributes positively to the visual amenity of the locality. Borough Local Plan Policy NR 3 (Trees, Woodlands and Hedgerows) amongst other things seeks to protect and retain trees, woodlands and hedgerows and extend coverage where possible. Where the amenity value of the trees, woodland and hedgerows outweighs the justification for development, planning permission may be refused.
- 9.3 Following concerns about encroachment into the tree root protection area, the applicant has submitted an amended plan 220173-1-003 Rev D (dated 7<sup>th</sup> Feb 2024) which shows just 1no. additional parking space, immediately to the nursery building (Early Years Pre-Learning Hub) and alongside existing carparking spaces.
- 9.4 The applicant has not submitted a tree survey or arboricultural method statement, with the current application; however, it is noted that there is existing hardstanding (tarmac) on the site of the proposed new parking space. The application form states that the proposed parking space would be surfaced in permeable block paving. As the proposed new space would be on an area of existing hardstanding, the LPA is satisfied that the one parking space will have an acceptable impact on this tree.
- 9.5 The amended drawing shows a gate in the fence to the nursery garden area. It is understood that this gate would be used only to provide access to the garden area by the school gardener, or for maintenance purposes. Therefore, there is no need for any additional hardstanding to create a path to leading to the gate.
- 9.6 The new parking space is some distance away and separated by a fenced garden area, from the nearest residential property at 39 Imperial Road. As such there would be no adverse impact on the amenities of nearby residents.

### **ii Parking provision**

- 9.7 The Council's Parking Strategy parking requirements for schools and nurseries is 1no. parking space per 1no. full time equivalent staff member. The applicant has previously advised during the determination of the previous application 23/00352, that there were no additional members of staff to be employed at the school/nursery site. It was also noted when application 23/00352 was being determined, that the parking requirement for the former 2/3 bedroom caretaker's house (now nursery building) was 2no. parking spaces and that there were 2 existing parking spaces at the front of the building. Application 23/00352/FULL proposed a total of 3no. parking spaces for the nursery building – with the previously proposed additional/new space being alongside the existing spaces at the front of the bungalow.
- 9.8 The amended plan 220173-1-003 Rev D (dated 7<sup>th</sup> Feb 2024), showing one additional parking space to the side, alongside and parallel to existing parking spaces is considered to be acceptable in both in terms of impact on the tree root protection area and in terms of parking and highway considerations.

### **iii Biodiversity**

- 9.9 Policy NR 2 (Nature Conservation and Biodiversity) of the Borough Local Plan states that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species.
- 9.10 Windsor Neighbourhood Plan Policy BIO.01 (Green and Blue Infrastructure Network) states that development proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 9.11 Windsor Neighbourhood Plan Policy BIO.02 (Green Routes) identifies Imperial Road as a Green Route. It states that where development fronts these routes the provision of green boundary treatments with trees, vegetation and soft landscaping to sustain and improve air quality and visual amenity, and the safeguarding, provision and/or enhancement of habitats to facilitate the movement of wildlife will be supported.
- 9.12 The frontage of the application site which contains trees and hedgerows falls within the Green Route. The applicant provided details of biodiversity enhancements for application 23/00352/FULL including a new hedgerow planting alongside the site boundary onto Imperial Road. The new hedgerow is shown on the amended drawing 220173-1-003 Rev D (dated 7<sup>th</sup> Feb 2024), and in addition this drawing shows a new tree (*Tilia Cordata*) to be planted within a grassed area.
- 9.13 NatureSpace has previously raised no objections regarding potential impact on Great Crested Newts (GCN). The current proposal for one new parking space on an area of exiting tarmac, raises no additional concerns with regard to GCN.

### **iv Sustainability**

- 9.14 Adopted Borough Local Plan policy QP3 states that new development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where amongst other things it achieves the following design principles:
- a. Is climate change resilient and incorporates sustainable design and construction which: minimises energy demand and water use maximises energy efficiency; and minimises waste.
- 9.15 Policy SP 2 (Climate Change) requires that all developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The Council's Interim Sustainability Position Statement (ISPS) requires that all developments (except householder residential extensions and non-residential development with a floorspace of below 100sq.m) should be net-zero carbon unless it is demonstrated this would not be feasible.
- 9.16 The ISPS requires 20% of new parking spaces to be provided with EV charging facilities and passive provision (ducting, cabling and capacity with the Mechanical Engineering Services) for the remaining 80% of spaces provided. Given the only one new parking spaces is now proposed it is considered rather onerous to impose a condition requiring provision of EV charging point/s.

## vi Planning balance and conclusion

- 9.17 It is considered that the amended proposal for one parking space would be in compliance with national and local planning policies.

## 10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The Royal Borough of Windsor and Maidenhead implemented its Community Infrastructure Level (CIL) to help deliver the infrastructure needed to support development in the area in September 2016. The proposed development for 1no. parking space would not attract CIL payments.

## 11. APPENDICES TO THIS REPORT

- ☐ Appendix A - Site location plan
- ☐ Appendix B – Proposed Plans and Elevations

## 12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application (i.e. permeable block paving) unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area, to reduce the risk of flooding and increase the level of sustainability of the developmen Relevant Policies - adopted Borough Local Plan QP3, NR1, SP2.
- 3 The biodiversity enhancement measures i.e. the new hedgerow planting, provision of grass and planting of new tree shall be provided fully in accordance with the approved amended plan Ref. 220173-1-003 Rev D (dated 7th Feb 2024) and within the first planting season following the commencement of the development hereby approved, and shall subsequently be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To provide a biodiversity enhancement at the site. Relevant policies - adopted Borough Local Plan QP3, NR2.
- 4 No additional hard surfacing whatsoever shall be provided beyond the area of the 1no. parking space hereby approved.  
Reason: To ensure that there is no additional encroachment into the tree root protection area, in the interests of protecting a mature tree that contributes positively to the street scene and visual amenity of the area.
- 5 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.