

DEVELOPMENT CONTROL PANEL

2 November 2022

Item: 2

Application No.:	22/00934/OUT
Location:	Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the erection of up to 135 new dwellings, areas of public open space including play spaces and pocket allotments, together with associated landscaping, car parking, footpath/ cycle connections and vehicular access onto Maidenhead Road.
Applicant:	Mr Van Laun
Agent:	Mr Philip Allin
Parish/Ward:	Bray Parish/Clewer And Dedworth West
If you have a question about this report, please contact: Alison Long on 01628 796070 or at alison.long@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site comprises the northern portion of an allocated site for housing under the adopted Borough Local Plan (BLP). Since the adoption of the BLP, the Green Belt boundaries of the site have been redrawn and the site no longer falls within the Green Belt designation, as set out in the supporting proposals maps.
- 1.2 The BLP sets out that Site Allocation AL21, which includes the application site, has been allocated for approximately 450 units, with associated works, and sets out the expectation of proposals in delivering a scheme at the site. Application ref. 22/01354/OUT which forms the southern portion of the wider site allocation is not brought forward simultaneously to this committee given outstanding Environment Agency comments. The Council is obliged to make timely decisions on applications and not unnecessarily delay them. The two planning applications whilst forming a single site allocation in the BLP are separate and could be implemented and function so and this would not preclude the Council from making a decision on application ref. 22/00934/OUT. The principle of the proposal satisfies the context of the Site Allocation within the BLP and the principle of the development is acceptable.
- 1.3 The proposal is an outline planning application, for access only to be considered at this stage, with all other matters to be reserved including layout, for up to 135 new dwellings. The report sets out the relevant Development Plan and other policy considerations relevant to this planning application as well as the necessary consultation responses that have been submitted during the course of the application. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.4 Of the up to 135 new dwellings proposed, 40% would be affordable and 5% of market housing units would be fully serviced custom and self-build plots. The legal agreement would secure this provision, together with an appropriate tenure mix and securing a Registered Provider for the affordable housing in order to ensure that proposal delivers an appropriate mix of housing in line with the requirements of the BLP. Matters of design and layout within the site would be addressed as part of a future reserved matters application; however, appropriate height, form and design principles are secured through submitted parameter plans and a design code.

- 1.5 It has been demonstrated that the two proposed access points from Maidenhead Road are acceptable and the development as a whole would not result in material harm to pedestrian and highway safety in the surrounding area, subject to securing financial contributions for relevant highway work improvement in the required legal agreement/S278 Agreement. This includes the upgrading of the Oakley Green Road and A308 junction and the accesses points from Maidenhead Road through a S278 Agreement and pedestrian/cycle improvement works in the surrounding area as detailed within the report
- 1.6 It has also been demonstrated that the outline proposals would not result in material harm to heritage assets, including non-designated non-heritage assets, ecology, trees, landscaping or flood risk and has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of appropriate conditions and/or securing this through the legal agreement.

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To grant planning permission on the satisfactory completion of an undertaking to secure the following:</p> <ul style="list-style-type: none"> - On-site policy compliant affordable housing; - On-site policy compliant self- build and custom build units; - Highway works contributions; - Carbon off-set contributions (if required); - Travel plan and associated monitoring fee; and, - Sport pitch contribution (if required). <p>and with the conditions listed in Section 15 of this report.</p>
2.	<p>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not be accompanied by affordable housing, required highway infrastructure, and other associated infrastructure/contribution provision.</p>

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 as it is a major development; 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 comprises an area of pasture land bound to the north by Maidenhead Road, the south by the A308 and existing residential areas to both the east and west (The Willows and The Hatch).
- 3.2 The site has a total area of 13.4 acres (5.4 ha) which is largely within Flood Zone 1, with areas to the north-west of the site located within Flood Zone 2. Immediately to the eastern edge of the site is the non-designated heritage asset of the garden wall to The Willows Estate, with buildings associated with the Willows Estate beyond.
- 3.3 The application site, along with land to the south of the A308 (assessed under application ref. 22/01354/OUT) forms part of the AL21, Land west of Windsor, north and south of the A308 Site Allocation within the BLP.

4. KEY CONSTRAINTS

4.1 The key site designations and constraints are listed below:

- BLP Site Allocation AL21 Land west of Windsor, north and south of the A308; and,
- Part of the north west of the site is located within Flood Zone 2.

4.2 The site previously fell within the Green Belt designation. However, since the adoption of the BLP in February 2022, the Green Belt boundaries have been redrawn to exclude this allocated site.

5. THE PROPOSAL

5.1 The application seeks outline planning permission for access only to be considered at this stage, with all other matters (appearance, landscaping, layout and scale) to be reserved, for the following development at the site:

- erection of up to 135 new dwellings (40% affordable and 5% custom and self-build plots);
- areas of public open space including play spaces and pocket allotments;
- associated landscaping, car parking, footpath/ cycle connections; and,
- vehicular access onto Maidenhead Road.

5.2 An illustrative plan has been provided with the application which shows how the site could be developed in line with the proposals above. However, this is indicative only and the application relates only to the principle of the development and to access, of which two points are proposed from Maidenhead Road to serve the development. The main entrance would be located to the west, with a secondary access to the east of this, which would serve a small number of units. There would be no vehicular access to the A308.

5.3 Subsequent reserved matters application would determine the exact appearance, landscaping, layout and scale within the site. However, a parameter plan/design code has been submitted which sets out that the development would take the form of largely two or 2.5 storeys across the site, with the central area incorporating some limited buildings at three storeys. With regard to the form of housing, the parameter plans demonstrate that lower density detached and semi-detached properties would be located towards the site boundaries, with higher density buildings located to the centre of the site in the form of a more varied typology including apartment buildings, terraced, semi-detached and detached buildings.

6. RELEVANT PLANNING HISTORY

6.1 There is no relevant planning history for this site. However, together with application ref. 22/01354/OUT (see below) which relates to the southern portion of the AL21 Site Allocation, a Stakeholder Masterplan Document (SMD) for the whole site was approved by Cabinet on the 28th October 2021.

6.2 The two applications have been co-ordinated in order to ensure that a comprehensive development of the wider site allocation can be delivered; however, the two applications are separate and could be implemented and function so. The Council is obliged to make timely decisions on applications and not unnecessarily delay them. Due to outstanding comments Environment Agency comments on application ref. 22/01354/OUT, the two applications have not been brought to committee simultaneously. As the two applications are separate, this would not preclude the Council from making a decision on application ref. 22/00934/OUT.

Reference	Description	Decision
22/01354/OUT	Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of up to x320 new homes, land for a Special Educational Needs (SEN) school, a multi-functional community building alongside an area of strategic open space including play spaces and orchard planting together with associated landscaping, car parking, footpath/cycle connections and vehicular access on to Dedworth Road, following demolition of existing structures.	Awaiting determination. This application is awaiting outstanding comments from the Environment Agency.

7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2

Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Open Space	IF4
Rights of Way and Access to the Countryside	IF5
Utilities	IF7

7.2 As noted above the site fall within the wider AL21 Site Allocation and as such additional reference is made to Policy HO1 and the associated AL21 Site Proforma in section 10.4.

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 8 – Promoting healthy and safe communities

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
- Sustainable Design and Construction SPD

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy
- RBWM Interim Sustainability Position Statement
- RBWM Environment and Climate Strategy
- RBWM Corporate Plan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

45 occupiers were notified directly.

The planning officer posted a notice at the site on 21st April 2022 and the application was advertised in the Local Press on 21st April 2022.

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

Comment		Where in the report this is considered
1.	Notification to article in the Maidenhead Advertiser.	Noted.
2.	Concerns with excessive increase in noise and air pollution with additional traffic.	Section 10.
3.	Value of the non-designated heritage assets should be recognised, and more value placed on preservation. The wall is in good condition. It is a significant, not a secondary, part of the Willows Estate. Reasonable to expect a green space to be available close to the wall for the full length and well within the applicant's ability to.	Section 10.
4.	Increased traffic flow on the Old Maidenhead Road and onto the A308 at the Ruddlesway roundabout.	Section 10.
5.	Traffic assessments were carried out during the Covid lockdown when there was limited traffic flow.	The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development or the methodology/findings of the submitted reports.
6.	Creation of two rather than one vehicular access requires the unnecessary destruction/removal of hedgerow.	The hedgerow is not protected and could be removed without planning permission.
7.	Plans indicate services trenches run through the road verge and owners must be fully consulted and compensated for any proposed works.	Noted. This is a private matter and is not a material planning consideration for the determination of the application.
8.	Assurances required that trees to the northwest boundary are protected.	The application has been submitted alongside an acceptable Arboricultural Assessment and conditions 8 and 9 are recommended to secure the proposed mitigation measures.

9.	Overdevelopment of the site. The housing density would be significantly higher than the surrounding area.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP.
10.	Concerns with privacy given the low-level wall to the eastern boundary. Tall trees are not an option as would cause a loss of light. The houses should be located a reasonable distance away.	The layout of the site would be secured through future reserved matters applications with consideration given as part of this to the impact on residential amenity. The current application relates only to access and principle.
11.	Removal of scrub land to south-eastern corner would compromise security, privacy and increase noise.	The layout of the site would be secured through future reserved matters applications with consideration given as part of this to the impact on residential amenity. The current application relates only to access and principle.
12.	Road safety concerns with new development and associated access points.	Section 10.
13.	Concerns with drainage locally.	Section 10. The drainage implications of the proposals have been reviewed by relevant consultees. No objection has been raised, subject to recommended conditions 19 and 20.
14.	Loss of habitat.	Section 10.
15.	Concerns with period of consultation.	The Council has carried out formal consultation on the planning application in line with statutory requirements.
16.	As owners of the wall, legally entitled to access both side of the walls, for maintenance purposes. A border is necessary to facilitate this.	This is a private matter and would not preclude the determination of the application. Notwithstanding this, the layout of the site would be secured through future reserved matters applications. The current application relates only to access and principle.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority (LLFA)	No objection, subject to recommended condition.	Section 10.

Environment Agency	This is a development that the EA does not wish to be consulted on. Standing advice to be followed.	Section 10.
Natural England	No objection.	Section 10.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to recommended condition and securing works under a legal agreement/S278 agreement.	Section 10.
Ecology	No objection, subject to recommended condition.	Section 10.
Environmental Protection	No objection, subject to recommended condition.	Section 10.
Housing	No objection, subject to securing appropriate provision, delivery and tenure mix as part of a legal agreement.	Section 10.
Berkshire Archaeology	No objection, subject to recommended condition.	Section 10.
Conservation	No objection.	Section 10.

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Bray Parish Council	<p>Increase in traffic on the already congested 'A' road connecting Windsor and Maidenhead.</p> <p>The delay in the completion of the report on the A308, resulted in the serious problems associated with the road not being brought to the attention of the BLP Inspector. Furthermore, a number of suggestions have not been implemented.</p> <p>A developer can only control infrastructure associated with the site they own. They cannot take a strategic view on the effect of their development on the wider area where there are a number of developments approved or planned.</p> <p>Before further development on this section of road is approved, a lot more investigative work will be required, adequate solutions found and implemented.</p>	Section 10.

	<p>Query as to whether the additional dwellings are necessary. Concerns with the density which is out of keeping with the current housing stock.</p> <p>Consideration should be made with regard to the setting of the Thames.</p> <p>The applicant should return to the resident's forum to discuss and agree positioning of the public open spaces, allotments and associated landscaping.</p>	
Oakley Green and Fifield Residents Association	<p>Difficult to assess the proposals for AL21 (north) without seeing the plans for A21 (south) as the combined site was the basis on which the Stakeholder Masterplan was prepared. A request to extend the consultation period for this application to do so was rejected.</p> <p>The Willows Estate has been listed as a Non-Designated Heritage Asset (NDHA) by the Windsor and Eton Society. This NDHA is under threat as new housing is intended to be sited immediately to the west of the existing walled boundary to the former kitchen garden and will therefore be lost from public view. There is an opportunity to protect and enhance this by providing green space along this boundary wall. This warrants a change to the site layout.</p> <p>Concerns about surface water flooding. Changes to the site layout or other mitigation is required.</p> <p>Significant additional traffic as a result of the development and failure to produce/complete the A308 corridor study ahead of the determination of the planning application to confirm (or otherwise) the viability of the proposed site and if it proceed, to ensure that a realistic developer contribution is secured.</p> <p>Concerns with existing air quality and new development can only exacerbate these levels and expose new and existing residents/road users to increase levels of pollution.</p>	<p>Section 10.</p> <p>The Council has carried out formal consultation on the planning application in line with statutory requirements. The Council accepts and takes into consideration comments up to point at which the application is determined.</p>
West Windsor Residents Association	<p>The Willows Estate has been listed as a NDHA by the Windsor and Eton Society and is a distinctive and cherished local feature. In the current design, the wall will disappear from view and a high likelihood it would be damaged by the works.</p> <p>The heritage wall is also unsuitable for a party wall and there will be further issues with privacy, noise and light.</p>	<p>Section 10.</p>

	<p>Remains insufficient regard to the impact of this development on the A308 and a further review is long overdue. The new development cannot be viewed in isolation.</p> <p>Concerns with impact of flood risk in the area.</p>	
<p>Ascot Sunninghill and Sunningdale Neighbourhood Plan Delivery Group</p>	<p>Note that the application is outline but this is the first and best opportunity to comment on the impact on the NDHA. The extent of development planned across the Borough means that it is possible that unlisted NDHA's will come under threat and may be damaged or lost completely.</p> <p>Concerns that the original boundary wall to the Willows Estate is threatened by the proposed development, would be lost from public view and would result in the loss of the identity of the Willows as a historic entity. The application has failed to give sufficient consideration to the status and importance of the wall. The applicant has the opportunity to reconsider the site layout to ensure that the setting is enhanced and it becomes a feature.</p>	<p>Section 10.</p>

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of the redevelopment of the site;
- ii Climate change and sustainability;
- iii Affordable housing;
- v Flooding and Sustainable Drainage;
- vi Highway safety;
- vii Design and character;
- viii Impact on Heritage Assets;
- ix Impact on amenity of neighbouring buildings; and,
- x Other Material Considerations.

Principle of redevelopment

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.
- 10.3 The application site comprises the northern portion of Site Allocation AL21 Land west of Windsor, north and south of the A308 which is allocated for *'approximately 450 residential units, strategic public open space, formal pitch provision for football and rugby, multi-functional community hub (including a café and internal space for community meetings/activities) and a Special Educational Needs School (approximately 150 pupil capacity).'* The Green Belt boundaries have been re-drawn under the BLP and the application site is no longer within the Green Belt.
- 10.4 The BLP identifies the site as appropriate for residential development, subject to site specific requirements. This list of requirements is set out within the BLP and their

adherence to this should be demonstrated by any proposed development at the site. The requirements are:

1. Retain the hidden nature of the site in the landscape through retention and reinforcement of existing tree belts and hedgerows along roads (especially the A308 Windsor Road) and by retaining low building heights that are reflective of local contextual heights
2. Be highly connected with surrounding streets, public rights of way and public transport corridors to ensure that the development integrates into the Windsor urban area
3. Provide a highly permeable layout within the site focused on the strategic public open space
4. Provide pedestrian and cycle links through the site and into surrounding streets and rights of way to improve connectivity
5. Enhance existing pedestrian and cycle links towards Maidenhead and Windsor
6. Ensure that the development is well served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including to local railway stations
7. Develop and implement a robust residential Travel Plan to manage travel to and from the site and reduce instances of single-occupancy car trips, including a car club for residents
8. Provide a strong high quality green and blue infrastructure network across both elements of the site that uses existing trees, water courses and landscaping elements as its base framework. The Green infrastructure network will need to support enhanced biodiversity, recreation, food production and leisure functions
9. Ensure the strategic public open space is of very high design quality and is located in the southern parcel of the site with the community hub and educational facilities located near to or fronting the space
10. Retain valuable trees at site boundaries
11. Be of very high quality design that respects the framework of trees and hedgerows in and around the site
12. Provide a series of character areas across the site, each focused on an element of the green and blue infrastructure network
13. Provide 40% affordable housing
14. Provide family housing with gardens
15. Provide 5% of market housing units as custom and self build plots (fully serviced)
16. Conserve, or preferably enhance, the Grade II* Listed The Old Farmhouse and its setting
17. Consider and avoid or, where necessary, mitigate potential disturbance impacts on the users of the Cardinal Clinic
18. Ensure appropriate edge treatments and transition to the countryside
19. Provide allotments or community garden/orchards by accommodating these uses on areas of best and most versatile land where practical, subject to wider site layout and design considerations
20. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zone 2 and 3 and larger than one hectare. This will need to demonstrate that the exception test can be passed and that a safe evacuation route can be provided
21. Demonstrate the sustainable management of surface water runoff through the use of Sustainable Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge must be limited to greenfield runoff rates
22. Provide appropriate mitigation measures to address the impacts of noise and air pollution to protect residential amenity.

- 10.5 The application relates to the northern section of Site Allocation AL21 and comprises a residential development of up to 135 new family dwelling, of which 40% would be affordable. In addition, 5% of market housing units would be custom and self build plots (fully serviced) which equates to four units. The current application is at outline stage, with access only and all other matters reserved. As such, the final form, design and layout of the development would be determined at reserved matters stage. However, it has been demonstrated through illustrative layouts that the site can incorporate residential accommodation of this form, alongside areas of public open play spaces, allotments, landscaping, car parking, footpath/cycle connections and associated vehicular accesses.
- 10.6 As the site now falls outside the Green Belt and is an allocated site for residential housing (AL21), the principle of up to 135 family units in this location is acceptable, subject to the proposal satisfactorily achieving compliance with the site-specific requirements set out in the BLP, the parameters of the approved SMD and wider BLP policies, as addressed in detail within this section of the report.
- 10.7 Land for a multi-functional community hub (including a café and internal space for community meetings/activities) and a Special Educational Needs School (approximately 150 pupil capacity) does not fall under this application. Together with additional residential units, this forms part of application ref. 22/01354/OUT.

Climate change and sustainability

- 10.8 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.9 A Sustainability and Energy Statement has been submitted as part of the planning application. This sets out the energy efficiency, low carbon and renewable energy measure which could be incorporated into the detailed design and uses assumed calculations for homes which are similar in scale, design and specification. The report highlights the use of passive design measures, air source heat pumps to all homes, together with photovoltaic panels and the use of energy efficient, low-carbon and renewable technologies and water efficiency measures. The Statement, based on these assumptions, predicts the potential for a 68.56% carbon reduction over current building regulations based on the fabric performance of the proposed buildings and the provision of air source heat pumps and photovoltaic panels.
- 10.10 The proposed development would also be designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing. Whilst the application is outline and the proposed sustainable strategy is indicative and sets out what could be achieved, on this basis, the proposed development would sufficiently incorporate sustainable design techniques. Condition 21 is recommended which would secure the submission of an updated Energy and Sustainability Statement as part of a future reserved matters application. This would provide further details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. Notwithstanding this, as the development is not proposed to be net-zero carbon at this stage, the legal agreement would secure an appropriate carbon off-set contribution at reserved matters stage

should the development not be net-zero carbon. This would ensure compliance with the requirements of policy SP2 of the BLP and the Council's Interim Sustainability Statement.

Affordable Housing

10.11 Policy HO3 of the BLP states that the Council will require all developments for 10 dwellings gross to provide on-site affordable housing in accordance with the following:

- a. On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
- b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.

Policy HO3 goes on to set out that affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall. The Site Allocation proforma is also relevant and requires the provision of 40% affordable housing provision.

10.12 The proposed development would provide 40% affordable housing on site, which would equate to 54 dwellings. Whilst the application is at outline stage only, relating only to access, the supporting documents set out that it is anticipated that the affordable units would be in the range of one bedroom apartments to three bedroom houses.

10.13 This level of provision complies with the proforma requirements and BLP policy HO3, with the provision of 40% affordable housing on site. However, the tenure mix and units sizes in this case should be 15% one bedroom apartments, 20% two bedroom apartments, 25% two bedroom houses, 30% three bedroom houses and 10% four bedroom homes in order to comply with the identified need. This would be secured as part of the required legal agreement. The legal agreement would also secure a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable units.

Flooding and Sustainable Urban Drainage

10.14 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. As the site forms part of the AL21 Site Allocation, there is no requirement for a Sequential Test to be undertaken. Notwithstanding this, the objectives of Policy NR1 are relevant and development proposals should increase the storage capacity of the flood plain where possible, incorporate SuDS systems, reduce flood risk, be constructed with adequate flood resilience and where appropriate to demonstrate safe access and egress. The exception test will need to be applied where applicable.

10.15 The application has been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy. The site is predominantly located within Flood Zone 1, with a small area to the north of the site located within Flood Zone 2. The illustrative layout plan demonstrates that the residential development of up to 135 homes can be accommodated in an area which is at very low risk of flooding from all potential sources

i.e. outside of the areas which fall within Flood Zone 2. Accordingly, in this case the Exceptions Test does not need to be passed for the development to comply with policy NR1.

- 10.16 Notwithstanding the above, the FRA does set out a number of measures which would be implemented as part of the development, including the use of an appropriate surface water drainage strategy design to ensure that off-site flood risk is not increased as a result of the proposed development. This includes, setting dwellings at least 150 mm above external finished ground levels, designing external finished ground levels to safely route overland flows away from buildings, towards the northern boundary and southwest corner of the site and using less vulnerable parts of the proposed development such as gardens, driveways, parking areas and roads to convey and / or store overland flows during extreme storm events. This would be secured by recommended condition 19.
- 10.17 With regard to Surface Water and Sustainable Drainage and the associated strategy, the proposal seeks to discharge surface water runoff from the new development directly into the ground onsite using two infiltration basins, one in the northwest and one in the southwest corner of the site. Infiltration basins and tanked permeable paving are proposed in order to meet water quality improvements requirements, with a private foul water package pumping station required to serve three plots in the southwest corner of the site which would discharge into the onsite gravity sewer through a short length of rising main. The proposed drainage strategy and associated works to overcome constraints is acceptable for the purposes of the outline planning application. In response to questions raised during the course of the application, the applicant has provided further information in relation to rainwater harvesting and reuse, including the use of water butts, protection of proposed dwellings to an existing surface water flood risk to the north of the site in the form of ground levels and information on existing flow paths and permeable paving and its retention.
- 10.18 The submitted information demonstrates that subject to recommended condition 20, which would secure prior to commencement of development a more detailed surface water drainage scheme based on the submitted sustainable drainage strategy, the proposals have been designed to take into account and satisfactorily address surface water flood risk in the surrounding area.

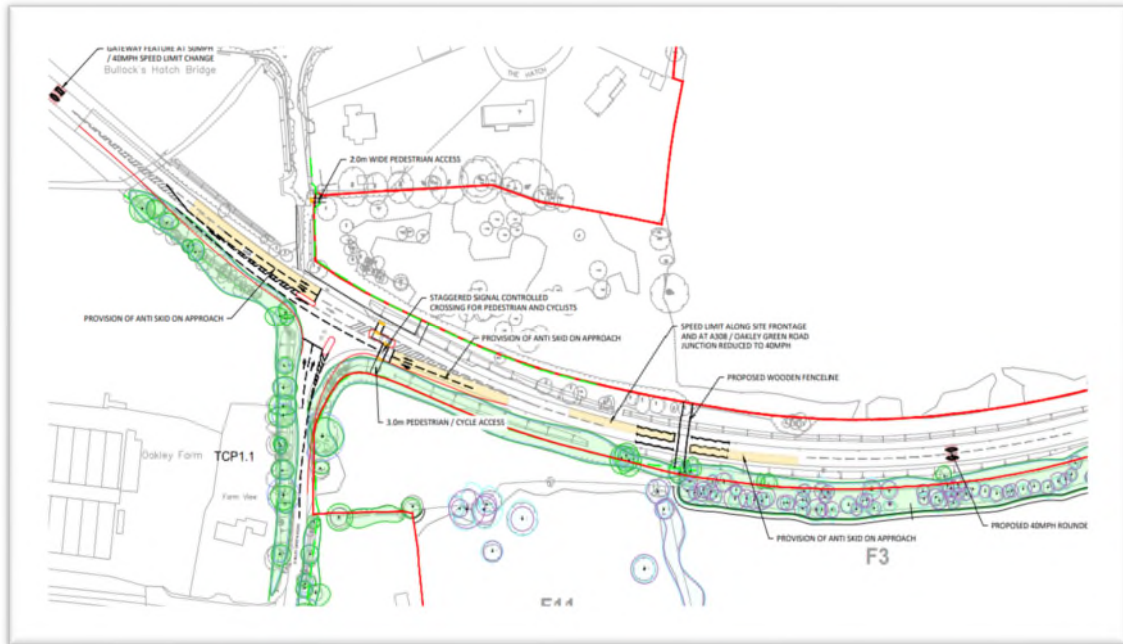
Highway safety

- 10.19 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposal maximise and promote opportunities for sustainable transport modes.
- 10.20 The application has been submitted alongside both a Transport Assessment (TA) and a Framework Travel Plan. Maidenhead Road is located to the north, and the A308 Windsor Road to the south. Maidenhead Road is a no-through public highway that

forms a priority junction with the A308. At present, the road serves Windsor Marina, Willows Riverside Park, a Mobile Home Park and several detached dwellings.

- 10.21 The site is located approximately 6.3 km south-east of Maidenhead and 3.6 km north-west of Windsor. Vehicles travelling west along the A308 from the Ruddlesway/A308 Windsor Road roundabout are subject to a 50mph speed limit. For eastbound vehicles, the A308 is subject to a 40mph speed limit. From the site heading west towards Maidenhead, there are no pedestrian or cycle facilities to the south of the A308 Windsor Road, with the exception of a narrow footway commencing from Fifield Road. Similarly, to the north the footway is either narrow, intermittent or absent.
- 10.22 Whilst the site is not deemed to be accessible given its location, the nature of use, the deficiencies in the existing pedestrian and cycle infrastructure and the infrequent public transport services, the site has been allocated for residential development and the principle is acceptable, subject to demonstrating that the proposals would not result in material harm to the safe operation of the surrounding highway network.
- 10.23 The primary vehicular access for the proposed development would be located on the western boundary from Maidenhead Road and would take the form of a bell-mouth junction, with a 5.5m access road bounded by a 2.0m wide footway to the west and a 2.0m verge, plus a 3.0m shared cycle/pedestrian facility to the east. The TA reports that the new access would achieve visibility splays of 2.4m x 51m to the left, by 56m to the right. This is acceptable. A secondary vehicular access on the eastern boundary is also proposed from Maidenhead Road which would serve a smaller number of residential dwellings and is similar in design terms to the first access, with the exception of the 3m shared cycle/pedestrian facility. The design is also acceptable. However, the applicant is advised that with any future reserved matters application, a pedestrian link across the site frontage should be provided in order to connect both accesses. The new vehicular accesses would be secured via a Section 278 Highways Agreement. Condition 7 is also recommended to secure further details of the accesses and construction of the accesses prior to commencement of any other part of the development.
- 10.24 The submission documents provide details of the expected trip generation as a result of the addition of up to 135 new residential dwellings on the site. The expected additional 69 (AM and PM) trip generations associated with the development would not result in material harm to the safe operation of the surrounding highway network. The submission also assesses junction capacity of the following:
- Junction 1 - Dedworth Road junction with Site Access (*Southern Site*);
 - Junction 2 - Maidenhead Road junction with Site Access (*Northern Site*);
 - Junction 3 - A308 Windsor Road junction with Maidenhead Road and Ruddlesway Roundabout;
 - Junction 4 - Dedworth Road junction with Mini Roundabout;
 - Junction 5 - Dedworth Road junction with Oakley Green Road; and,
 - Junction 6 - Oakley Green Road junction with A308 Windsor Road.
- 10.25 The submitted modelling demonstrates that junctions 1–5 would continue to operate within capacity between 2023 and 2033 with the additional trip generation associated with the development. However, the modelling concludes that junction 6 - Oakley Green Road junction with A308 Windsor Road, would operate over capacity in 2023. In order to address this, the proposal seeks to signalise junction 6 and construct two lanes on all approaches, as well as introducing a controlled crossing on the eastern arm. An illustrative plan of the proposed signalised junction is shown below, with the

final designs subject to further review at the reserved matters stage, secured through a Section 278 Highways Agreement:



10.26 In addition to the new junction, the required S278 agreement would secure the new accesses on Maidenhead Road (as set out above) and the provision of a Toucan crossing on the A308, as shown on the plan above. Other highway improvements works and funding towards enhancements to the pedestrian and cycle permeability as well as public transport provisions detailed below would satisfy the BLP Site Allocation proforma requirements and would be secured by financial contribution singly or jointly (pro-rata) for the wider AL21 Site Allocation as part of the required legal agreement in order to adequately mitigate the impact of the development on the surrounding road network:

- Cycling and pedestrian enhancements including a cycle crossover on Gallys Road, improved signage, localised footway widening and tactile paving/dropped kerb crossing on Maidenhead Road to facilitate a route to local schools;
- Improvement works to pedestrian route to Braywood CE Primary School;
- Local bus stop enhancement works;
- Maintaining/enhancing the number 16 bus service between Windsor and Maidenhead;
- Development of schemes to improve cycling and walking links in the area, as identified in the Local Cycling and Walking Infrastructure Plan; and,
- A Travel Plan based on the Framework Travel Plan submitted in respect of the planning application.

Design and Character

10.27 Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, ware features enclosure and materials. Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development

process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development.

- 10.28 Further to the objectives of Policy QP3 and Section 12 of the NPPF, the AL21 Site Allocation proforma sets out a number of design related criteria against which application proposals are to be assessed, including the need to be of very high quality design that respects the framework of trees and hedgerows in and around the site, provides a series of character areas across the site, each focused on an element of the green and blue infrastructure network and in a form which retains the hidden nature of the site, with appropriate landscaping and edge treatments.
- 10.29 The application is for outline planning permission for access only to be considered at this stage, with all other matters (appearance, landscaping, layout and scale) to be reserved. As such, the detailed design, including appearance, landscaping, layout and scale of the development will be the subject of future reserved matters applications. However, the application has been submitted alongside an illustrative layout for the development, a design and access statement containing parameter plans (height and building typology) and a design code. These documents set out that building heights would generally be two or 2.5 storeys across the site, with the central area incorporating some limited buildings at three storeys. With regard to form, lower density detached and semi-detached properties would be located towards the site boundaries, with the higher density form located to the centre of the site in the form of a more varied typology including apartment buildings, terraced, semi-detached and detached buildings. The typology and range of dwellings proposed would be contextual and reflective of the form of development in the surrounding area and the modest introduction of three storeys in the central part of the site would not dominate views from the surrounding area. The level of development would ensure that the hidden nature of the site would be retained, with appropriate planting across the site.
- 10.30 The proposed design approach/code will inform future reserved matters applications. The design approach for the built form establishes differing character areas in line with the Site Allocation proforma requirements and would integrate with green ways, areas of open space (including allotments) and transport corridors which link to the southern site and the wider Windsor area. Overall, the proposals would result in approximately 30% of the site comprising green space. The approach is appropriate and would ensure a very high quality of design for the site that respects the framework of trees and hedgerows in and around the site. The parameters for the development and the associated design code would be secured by recommended conditions 4 and 5, with future reserved matters applications required to demonstrate compliance with this and the details set out within the approved SMD. Furthermore, condition 7 is recommended to secure details of appropriate materials.

Impact on Heritage Assets

- 10.31 Policy HE1 of the BLP sets out that the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development proposals will therefore be required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets (whether designated or non-designated) and their settings and respect the significance of the historic environment. Furthermore, it is noted that heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification in accordance with legislation and national policy

- 10.32 The application has been submitted alongside a Heritage Statement. This identifies that the site itself does not include any designated or formally identified non-designated heritage assets (NDHA). However, the report acknowledges that immediately to the east of the site there is a group of non-designated heritage assets within the Willows Estate, Maidenhead Road, which are in residential use, and this includes the estate boundary wall which forms the eastern boundary of the application site.
- 10.33 The Heritage Statement identifies the heritage significance of this group of buildings and space from its local interest as a legible example of a high status, large residence, service complex and estate grounds dating from at least the 19th century. The report highlights the original main house within The Willows dating from the late 19th century as being of the greatest importance, together with clock tower given its height and style which serves as a local landmark, the Winter Garden House, the estate garden wall and other service buildings. Whilst the character of the application site would change as a result of the proposals, the distance of the site from these buildings and the screening provided by retained and enhanced frontage planting, would ensure that the impact on views from the properties and from the western approach would be minimised. The harm to the significance of the setting of the Willows group would be less than substantial and in terms of degree of impact, would be very low.
- 10.34 Concerns have been raised by residents regarding the impact of the proposed development on the NDHA, with particular reference to the estate garden wall, as the proposed illustrative layout plan indicates the location of ten residential dwellings along this part of the site, with associated private gardens. The Windsor Neighbourhood Plan provides the following description of the wall:
- Forming the boundary of the old Maidenhead Road this is the impressive, brick buttressed, high boundary wall of the former kitchen garden for the Willows Estate. It has been a feature of The Willows estate dating back to the early 1800s and the wall was retained when the site was converted into a garden centre in the 20th century. An important feature for understanding the heritage and development of this area bordering Windsor.*
- 10.35 Whilst attractive, well-constructed and historically linked with the estate, the walls are later works and of a simple functional design. They were constructed to enclose the additional estate cottages and were only ever visible by users of the adjoining field (the development site) and in distant views from the road. As a result, whilst the wall is an NDHA and should be maintained as part of the development, it is of a lesser architectural and historic significance than the earlier tall frontage wall.
- 10.36 There are no proposals for the removal of the wall as part of the application. Whilst the indicative layout would locate the garden estate wall within private residential gardens (as is the case to the Willows Estate) and not in public view, this is not dissimilar to the current arrangement where the wall is not widely visible in public views. Furthermore, the proposed dwellings are indicatively shown as being set away in excess of 13m from the wall and it would remain visible from within the estate, with the indicative layout showing a public garden area to its northern section close to a pedestrian access. Notwithstanding this, at this stage the layout is only indicative. Future reserved matters applications, which would provide detail on the layout of the site, could, if required, secure appropriate screening along this boundary and/or landscaping and boundary treatments. Furthermore, condition 24 is recommended to secure the plotting and recoding of the existing condition of the wall prior to commencement of development in order to retain the form following redevelopment of the site.

- 10.37 The proposed layout and design of the development which would come forward as part of a reserved matters application, would need to demonstrate at that stage that the works would preserve the character, appearance and function of the NDHA to ensure that there would be no harm caused to the significance of the NDHA of the Willows Estate as a whole.

Neighbouring Amenity

- 10.38 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be 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” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 10.39 The application is for outline planning permission with an indicative layout plan provided which demonstrates how the site could be developed in order to accommodate up to 135 residential dwellings. The final layout and design of the proposed dwellings would be determined at reserved matters stage; however, the parameter plans and associated design coding show that the proposed scale of buildings takes into account existing buildings around the site, reducing the height to a maximum of two storeys to the boundaries with the surrounding residential dwellings, increasing to two and a half and three storeys to the centre of the site. These parameter plans and design coding would be secured by recommended conditions 4 and 5. The submission documents demonstrate that the site can be developed without resulting in material harm to living conditions of occupiers of neighbouring properties in terms of loss of light, privacy or increased sense of enclosure. The detailed design and layout of the site and its buildings, including location and level of openings, artificial light pollution, acoustic insulation and plant, would be submitted as part of a future reserved matters application and conditions would be attached, as required.
- 10.40 Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. Development proposals which may result in significant increases in air pollution must contain appropriate mitigation measures in order to reduce the likelihood of health problems for residents.
- 10.41 As such, whilst outside of an AQMA, the application has been submitted alongside an Air Quality Assessment in order to address the impact of the proposed works on local air quality both during the construction and operation phase. The report includes a dispersion modelling study of the local air quality conditions and the potential impact from additional vehicle exhaust emissions resulting from the new residential units, concluding that the predicted annual mean nitrogen dioxide concentrations at the receptors points would be below relevant air quality objectives. Accordingly, the proposed development of the site both during construction and operation, would have an acceptable impact on air quality in the surrounding area, with the development incorporating measures to reduce potential emissions such as pedestrian and cycle links and reducing car dependency, once constructed in line with the BLP Site Allocation requirements. In addition, the report sets out recommended measures to reduce the risk of dust and exposure to pollutants during construction works and these measures would be secured by recommended condition 15.

- 10.42 Policy EP4 of the BLP is also relevant and requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers in order to ensure that they would not be subject to unacceptable levels of harm. Development proposals that generate unacceptable levels of noise and affect quality of life would not be permitted and effective mitigation measures will be required where development proposals may generate significant levels of noise (for example from plant and equipment) and may cause or have an adverse impact on neighbouring residents, the rural character of an area or biodiversity. The detailed design of the dwellings and any associated plant would be confirmed at the reserved matters stage; however, the site is located within close proximity to other residential properties in an edge of town location and the proposed introduction of residential units in this location could be accommodated without resulting in material harm to the quality of life of surrounding residents. Condition 16 is recommended to secure further detail of the measures to be taken to address noise mitigation measures for future occupants.
- 10.43 Policy EP5 of the BLP seeks to ensure that development proposals such as this do not result in contamination to local land and water. Given the nature of the proposals, condition 18 is recommended to secure the provision of a remediation measures prior to commencement of the development and to secure appropriate mitigation actions throughout the development.

Other material considerations

Trees

- 10.44 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness.
- 10.45 The application has been submitted alongside an Arboricultural Implication Assessment. The illustrative layout plan demonstrates that the residential development of up to 135 dwellings on the site, would retain suitable trees where possible and furthermore, would keep tree removals to a minimum. The identification, retention and adequate protection of the veteran oak T115 within the site is acceptable. The illustrative layout would see this tree made into a key site feature which would increase the aesthetic and amenity value of the site and the tree. Tree protection measures for the site would be secured by recommended condition 8.
- 10.46 The visual impact of the proposed tree losses would be minimal due to the enclosed nature of the site and the low number of removals. Where removals have been recommended, they have been justified are almost exclusively low-quality trees with no Category A or mature trees being removed. Proposed mitigation of tree losses has been recommended in the form of 80 new native trees to be planted on site. This is suitable and subject to securing this by recommended condition, would enhance the quality of tree stock on the site. Suitable space would be given to ensure the continued development and viability of retained trees reducing the potential for post-development removals. Where pruning work to retained trees is to be carried out, this would be carried out in an acceptable manner and would avoid any negative impact to the overall condition of these trees. As stated within the submitted report, any tree work should

be carried out to the standards set in BS3998 and current industry guidelines and this would be secured by recommended condition 9.

Ecology and Biodiversity

- 10.47 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.
- 10.48 The application site is located within 5km of several internationally and nationally designated sites, the closest sites being Windsor Forest and Great Park Special Area of Conservation (SAC) Site of Special Scientific Interest (SSSI), Bray Pennyroyal Field SSSI and Sutherland Grange Local Nature Reserve (LNR). Given the scale of the proposals and the potential sensitive receptors such as the nearby designated sites, it is possible that the proposed development could have the potential for significant environmental effects on these sites. The application has therefore been submitted alongside an Ecological Assessment.
- 10.49 The existing trees on site have all been surveyed for roosting bats, with the submission demonstrating that no bats were seen to emerge. As such, no further survey or mitigation is required with regards to roosting bats. Bat activity surveys were also undertaken at the site during 2018, 2020 and 2021. A number of bat species were recorded commuting and foraging across the site. However, the majority of the hedge and tree lines which are used by commuting bats are to be retained and protected, and if lost, would be replaced on a like for like basis. Further hedge, tree and grassland planting is also to be provided, which would provide further habitat for bats. Condition 13 is recommended to secure this planting as part of a Landscape Environmental Management Plan (LEMP). Furthermore, as bats were recorded foraging and commuting across the site and given the type of development, the site is likely to have an increase in light levels which could affect commuting and foraging bats. Recommended condition 25 would also ensure that bats (and other wildlife) are not adversely affected by any external lighting installed by securing further detail of any external lighting.
- 10.50 Surveys for great crested newts (GCN) have been undertaken in 2018 and 2021 on three ponds within 250m of the site. In 2018, no GCN were recorded during the survey and in 2021, the eDNA results were negative for GCN indicating GCN are absent from the waterbodies. No further surveys or mitigation is therefore required. No badgers were recorded during surveys in 2018 or 2021 and therefore no further survey or mitigation is required with regards to badgers. There was habitat on site to support nesting birds and mitigation regarding breeding birds is recommended within the ecological assessment. This mitigation is secured by recommended condition 11 and 12.
- 10.51 With regard to reptiles, surveys during 2018 concluded that the site did not host reptile species. However, it is noted that the application site was recently cleared prior to this survey, with the ecology report setting out that there are areas of bare ground present that have since been recolonized by a mix of species. Coarse grass and scrub can provide suitable habitat for reptiles and given the time elapsed since the previous reptile surveys (three years), updated reptile surveys have been undertaken to ensure that these protected species are protected both during and after development. The reports have demonstrated that there is no presence of reptiles on the site.

- 10.52 Whilst updated dormice surveys have not been provided with the submission, based on the previous surveys in 2014 and 2018, and given that the dormouse habitat has not changed, the Council's ecologist is satisfied that there would be no harm to dormouse habitats in the area as a result of the development.
- 10.53 Paragraph 175 of the NPPF states that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged". Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.54 A biodiversity net gain assessment has been undertaken, based on the current masterplan, and concludes the development would result in a 30.69% net gain in habitat units. Condition 10 is recommended to secure the submission of an updated biodiversity net gain calculation as part of a future reserved matters application. In addition, a number of enhancements have been recommended which include native species planting (which includes the planting of 80 native species), installation of bird and bat boxes onto the new buildings and retained trees, provision of hibernacula and the provision of gaps in any boundary fencing for wildlife to travel across the site. Details of such enhancements, including the locations, specifications and management prescriptions, would be secured by recommended conditions 11, 12 and 13 which requires the submission of a LEMP, a Construction Environmental Management Plan and details of the biodiversity enhancements.

Archaeology

- 10.55 Policy HE1 of the BLP requires all applications for works in archeologically sensitive areas to include a desk-top archaeological assessment.
- 10.56 The application site is located approximately 150m south of the River Thames and therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. North of the river at this point, there is evidence of extensive Mesolithic, Neolithic and Bronze Age activity and, although there appears to be less known activity south of the river, there is still evidence of Prehistoric use nearby and there are various examples of important prehistoric finds locally. Given that the site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development, condition 17 is recommended to secure a programme of archaeological work including a Written Scheme of Investigation, prior to commencement of the development, with implementation in accordance with the approved scheme and occupation only at such a time as a site investigation and post investigation assessment has been completed in accordance with a programme set out in the approved Written Scheme of Investigation

Open space provision

- 10.57 Policy IF4 of the BLP requires new open space and play facilities for children and young people on sites allocated for new housing and this requirement is replicated within the AL21 Site Allocation requirements. The illustrative layout and Green Infrastructure plan demonstrate that sufficient areas of open space can be provided throughout the site, including new accessible space around the single veteran tree towards the south-west of the site. This approach is acceptable.

Other matters

- 10.58 Future reserved matters applications would provide detail of the quality of the residential accommodation provided as part of the development. However, in order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, condition 22 is recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 10.59 Paragraphs 10 and 11 of the NPPF (2021) set out that there will be a presumption in favour of Sustainable Development which is consistent with the overarching objectives of the BLP. Policy HO1 of the BLP sets out a trajectory for the provision of new housing and the application site, and the wider AL21 Site Allocation, form an integral part of this housing trajectory. The provision of such housing will ensure the Borough is able to maintain its up-to-date five-year housing land supply.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is CIL liable. The liability will be calculated at reserved matters stage

12. PLANNING BALANCE

- 12.1 The application site forms part of the AL21 Land West of Windsor Site Allocation pursuant to policy H01 of the BLP. The proposed development is acceptable in principle and complies with relevant development plan policies. The site is allocated for residential development within the BLP, with the proposal demonstrating that it has the potential (secured through future reserved matters applications) to deliver the relevant site-specific requirements.
- 12.3 Given that the Council can now demonstrate that a five year housing supply is available, there is no requirement to apply the tilted balance approach in line with the context of the NPPF. Notwithstanding this, the site allocation and its position within the development plan is afforded significant weight in delivering housing.
- 12.4 For the reasons set out within this report, the proposed development is acceptable and the recommendation therefore is that planning permission is granted, subject to recommended conditions and the completion of the required legal agreement to secure appropriate provisions as set out in this report.

13 CONCLUSION

- 13.1 The application, would for the reasons set out above, represent an acceptable form of development on an Allocated Site in the BLP that would make for highly efficient use of the site, with acceptable accesses to be provided.

14. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Access plan
- Appendix C – Illustrative layout plan
- Appendix D – Parameter plans

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

2 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4 The reserved matters applications shall be submitted in accordance with the details set out within the Design Code, dated August 2022 Rev. 2635-A-4004-C, prepared by Omega Architects.

Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.

5 The reserved matters applications shall be submitted in general accordance with the details set out within the parameter plans contained in the Design and Access Statement Rev. 2635-A-4000-J, dated August 2022 prepared by Omega Architects.

Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.

6 No development above ground floor slab level shall take place until samples of the materials to be used on the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details. The development shall only be carried out in accordance with the approved materials or such other details as agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.

7 No part of the development shall commence until the accesses have been constructed in accordance with the approved drawing. The accesses shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic in accordance with policies IF2 and QP3 of the Borough Local Plan.

8 The erection of fencing for the protection of any retained tree as shown on plan numbers SJA TPP 21464-042 (East) and SJA TPP 21464-042 (West) and any other protection measures specified set out in the Arboricultural Implications Report prepared by SJA Trees dated March 2022, shall be undertaken in accordance with the approved plans and particulars 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 in accordance with policies DG1 and N6 of the Borough Local Plan.

- 9 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the buildings for their permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area in accordance with policies DG1 and N6 of the Borough Local Plan.

- 10 An updated biodiversity net gain calculation shall be submitted with any Reserved Matters application to provide details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved). The agreed net gain measures shall thereafter be implemented/installed in full as agreed.

Reason: To provide a net gain for biodiversity in accordance with Policy NR2 of the Borough Local Plan.

- 11 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings and around the site and native and wildlife friendly landscaping (including gaps at the bases of any fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall thereafter be installed as approved and a brief letter/report confirming that enhancements have been created/installed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To incorporate biodiversity in and around the development in accordance with the NPPF and policy NR2 of the Borough Local Plan.

- 12 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

a. Risk assessment of potentially damaging construction activities;

b. Identification of "biodiversity protection zones";

c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include all mitigation measures outlined in the ecology report (Ecology Assessment, prepared by Ecology Solutions, dated July 2022), an updated ecology walkover survey (including an updated PRA of the building) prior to commencement of any works to ensure that conditions on the site have not significantly changed since the time of the surveys, reasonable avoidance measures during site clearance works for reptiles, nesting birds, and hedgehog (including measures which would be undertaken should any individuals of these species be found), removal of the identified PRF under the supervision of a suitably qualified ecologist, protection of the river and any vegetation to be retained, and construction lighting to be directed away from any suitable bat habitat;

d. The location and timing of sensitive works to avoid harm to biodiversity features;

e. Times during construction when specialist ecologists need to be present on site to oversee works;

f. Responsible persons and lines of communication;

g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,

f. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. An updated ecology report detailing the results of this updated ecology walkover study should be submitted with any Reserved Matters application, and if any new signs of presence of protected species on the site is found then further surveys may need to be undertaken and/or conditioned as part of the Reserved Matters application.

Reason: To minimise impacts on biodiversity in accordance with Policy NR2 of the Borough Local Plan and Paragraphs 170 and 175 of the NPPF.

13 Prior to occupation of the development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the council. The LEMP shall include details of the following:

a. Schedules of plants and trees, to include native and wildlife friendly species, including pollen-rich and fruit bearing species and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities.

b. Clear long and short term aims and objectives for the site, to include measures to create and enhance woodland and other habitats.

c. Implementation timetables.

d. Prescriptions to achieve the aims and objectives of the plan to include details of which organisations/persons will be responsible for implementing the prescriptions.

e. Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative.

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, in line with policy NR2 of the Borough Local Plan.

14 The development shall be carried out in complete accordance with the measures to support nesting bird and mitigation measures for breeding birds set out in the Ecology Assessment, prepared by Ecology Solutions, dated July 2022.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR2 of the Borough Local Plan.

15 The development shall be carried out in complete accordance with the mitigation measures set out in Section 6.2 of the Air Quality Assessment Issue 04, prepared by Ramboll, dated 24th March 2022.

Reason: To secure an acceptable standard of residential amenity in accordance with policies QP3 and EP2 of the Borough Local Plan.

16 No development above slab level shall commence until a noise study has been submitted to and approved in writing by the Local Planning Authority. This shall include:

a. Details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise together with details of the methods of providing acoustic ventilation;

b. Details of how the proposed development is designed so that cumulative noise from surrounding uses does not impact on residential amenity. This shall include any appropriate mitigation measures.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings in accordance with policies HO5, QP3 and EP1 of the Borough Local Plan.

17 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:

1. An assessment of significance and research questions;
2. The programme and methodology of site investigation and recording;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site

investigation

7. 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 approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To protect potential archaeological remains within the site and surrounding area in accordance with policy HE1 of the Borough Local Plan.

18 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 points 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 point 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:

- i. a survey of the extent, scale and nature of contamination;
- ii. 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;
- iii. 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 work. 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 point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures in 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 point 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, 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 in writing for approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination.

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 in accordance with policy EP5 of the Borough Local Plan.

19 The development shall be carried out in accordance with the flood mitigation measures set out in the Flood Risk Assessment and Drainage Strategy, prepared by JNP Group Rev. P02, dated 25th March 2022.

Reason: To secure an acceptable standard of residential amenity and to ensure that the proposed development is safe from flooding in accordance with policies QP3 and NR1 of the Borough Local Plan.

20 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a. Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water;
- b. Full details of all components of the proposed surface water drainage system

including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components;

c. Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course;

d. Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details and retained thereafter.

Reason: To ensure compliance with the National Planning Policy Framework (2021) and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with: ensure the proposed development is safe from flooding and does not increase flood risk elsewhere in line with Policy NR1 of the Borough Local Plan.

21 An updated Energy and Sustainability Statement shall be submitted with any Reserved Matters application to provide details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. The approved details shall be implemented in full, entirely in accordance with the approved measures, and thereafter maintained.

Reason: To ensure that the development is designed to incorporate measures to adapt to and mitigate climate change in line with policy SP2 of the Borough Local Plan as informed by the guidance and requirements of the Position Statement on Sustainability and Energy Efficient Design - March 2021.

22 Prior to the commencement of above ground floor slab level building works, details regarding the provision of units designed to meet Categories M4(1), M4(2) and M4(3) of Approved Document Part M of Building Regulations 2010 (as amended) shall be submitted to, and approved, in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: In order to maximise the practical provision of accessible housing, in accordance with policy HO2 of the Borough Local Plan.

23 No buildings hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan submitted as part of the planning has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the approved Travel Plan.

Reason: In the interests of highway safety and the free flow of traffic in accordance with policies IF2 and QP3 of the Borough Local Plan.

24 Prior to commencement of the development, the existing boundary wall on the eastern boundary of the site shall be plotted and the existing condition recorded. The wall shall thereafter be retained in accordance with the existing condition.

Reason: In the interests of the visual amenities of the area in accordance with policies HE1 and QP3 of the Borough Local Plan.

25 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 to be installed) shall include the following figures and appendices:

a. A layout plan with beam orientation;

b. A schedule of equipment;

c. Measures to avoid glare; and,

d. 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 locations of the new bat and bird boxes.

The approved lighting plan shall thereafter be implemented as approved, unless otherwise agreed in writing.

Reason: To limit the impact of light pollution from artificial light on nature conservation, in line with policy NR2 of the Borough Local Plan.

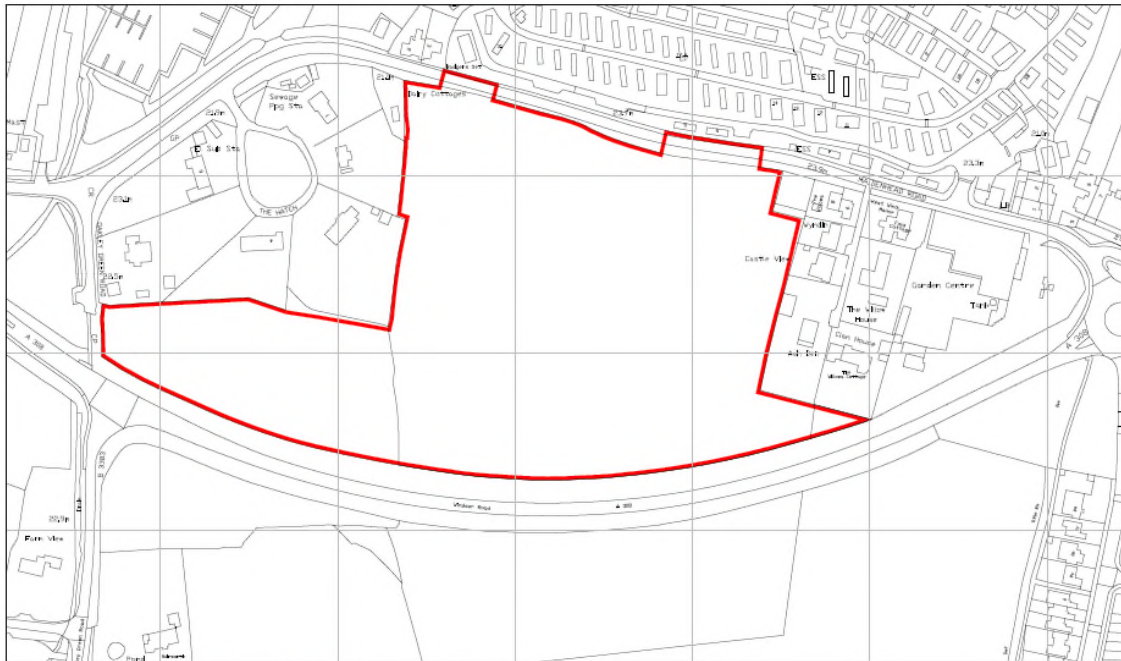
26 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

Appendices

22/00934/OUT - Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor

Appendix A – Site location plan



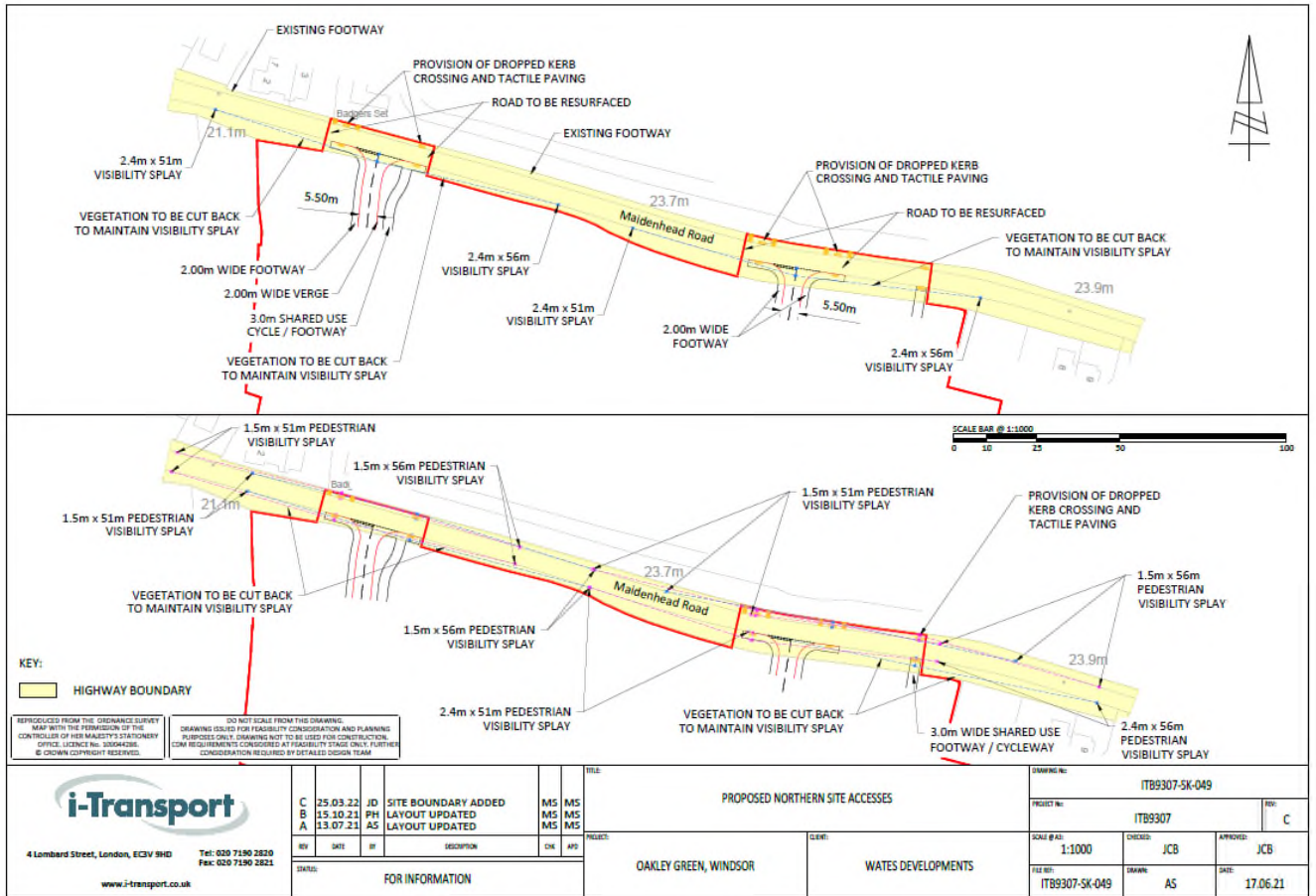
 Application Boundary

Land West of Windsor (AL21) North of the A308	
Location Plan	
Plan number : AL21-LP1	
Mar 2022	Scale 1:2500 @ A4

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Appendix B – Site access plans



REPRODUCED FROM THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE. LICENCE No. 10064268. © CROWN COPYRIGHT RESERVED.

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<p>4 Lombard Street, London, EC3V 9HD Tel: 020 7190 2620 Fax: 020 7190 2621 www.i-transport.co.uk</p>	<table border="1"> <tr> <td>C</td> <td>25.03.22</td> <td>JD</td> <td>SITE BOUNDARY ADDED</td> <td>MS</td> <td>MS</td> </tr> <tr> <td>B</td> <td>15.10.21</td> <td>PH</td> <td>LAYOUT UPDATED</td> <td>MS</td> <td>MS</td> </tr> <tr> <td>A</td> <td>13.07.21</td> <td>AS</td> <td>LAYOUT UPDATED</td> <td>MS</td> <td>MS</td> </tr> </table>		C	25.03.22	JD	SITE BOUNDARY ADDED	MS	MS	B	15.10.21	PH	LAYOUT UPDATED	MS	MS	A	13.07.21	AS	LAYOUT UPDATED	MS	MS	<table border="1"> <tr> <td>REQD:</td> <td>MS</td> <td>MS</td> <td>MS</td> </tr> <tr> <td>CHK:</td> <td>MS</td> <td>MS</td> <td>MS</td> </tr> </table>		REQD:	MS	MS	MS	CHK:	MS	MS	MS	<table border="1"> <tr> <td colspan="2">TITLE:</td> <td colspan="2">DRAWING No:</td> </tr> <tr> <td colspan="2">PROPOSED NORTHERN SITE ACCESSES</td> <td colspan="2">ITB9307-SK-049</td> </tr> <tr> <td colspan="2">PROJECT No:</td> <td colspan="2">REV:</td> </tr> <tr> <td colspan="2">ITB9307</td> <td colspan="2">C</td> </tr> </table>		TITLE:		DRAWING No:		PROPOSED NORTHERN SITE ACCESSES		ITB9307-SK-049		PROJECT No:		REV:		ITB9307		C	
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Appendix C – Illustrative layout plan



Appendix D – Parameter plans



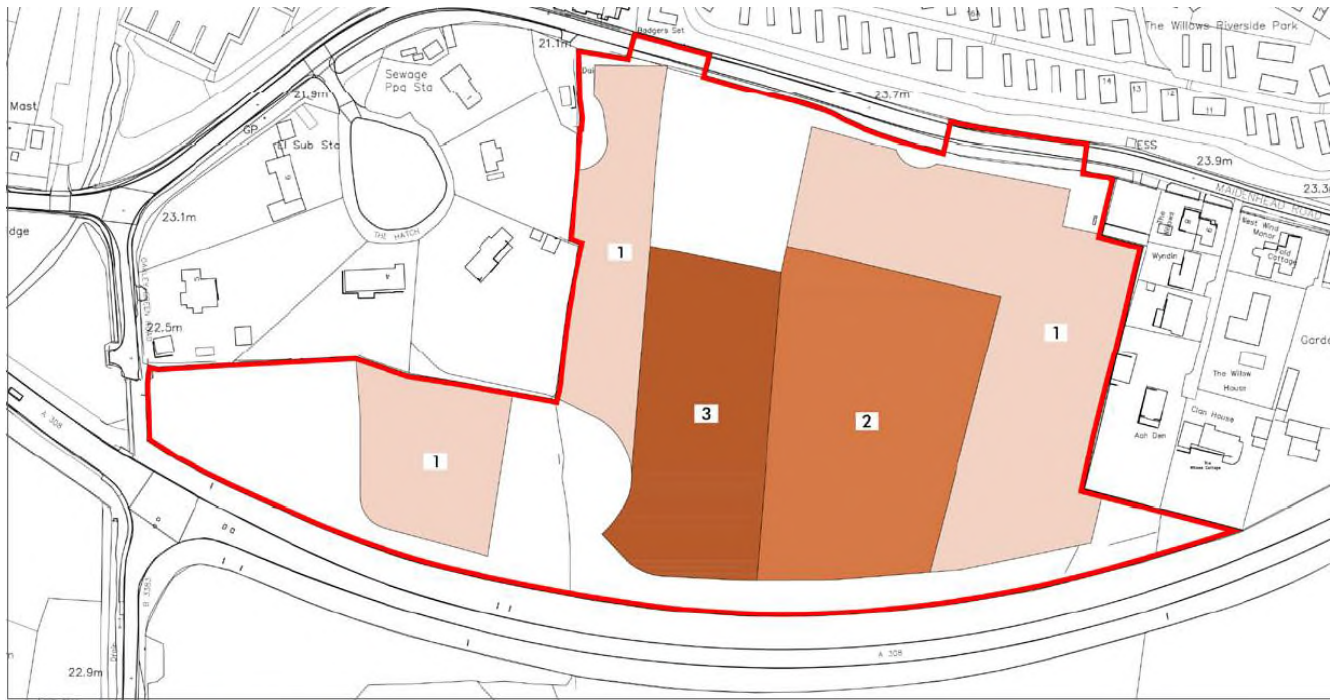
Heights Parameter Plan

KEY

- PLANNING APPLICATION BOUNDARY LINE
- RESIDENTIAL DEVELOPMENT COMPRISING A MIX OF 1 & 2 STOREY IN HEIGHT (INCLUDING ANCILLARY BUILDINGS)
- RESIDENTIAL DEVELOPMENT COMPRISING A MIX OF 1,2 & 2.5 STOREY IN HEIGHT (INCLUDING ANCILLARY BUILDINGS)
- RESIDENTIAL DEVELOPMENT RANGING BETWEEN 2 & 3 STOREY IN HEIGHT (AND ANCILLARY BUILDINGS)

NOTE:

DEVELOPMENT CELLS ALIGNMENT CAN DEVIATE BY UP TO 10m UPON DETAILED DESIGN



Density & Typology Parameter Plan

KEY

- PLANNING APPLICATION BOUNDARY LINE**

- 1 **LOWER DENSITY** - DETACHED & SEMI-DETACHED HOUSING WITH PARKING IN BETWEEN
25-35 DPH

- 2 **MEDIUM DENSITY** - MORE VARIED TYPOLOGIES PREDOMINANTLY COMPRISING TERRACED & SEMI-DETACHED HOUSING BUT WITH SOME DETACH HOUSING / SMALLER APARTMENT BUILDINGS
35-45 DPH

- 3 **HIGHER DENSITY** - LARGER APARTMENT BUILDINGS & CORNER PLOT HOUSING TO PROVIDE ACTIVE FRONTAGES
45+ DPH

NOTE:
DEVELOPMENT CELLS ALIGNMENT CAN DEVIATE BY UP TO 10m UPON DETAILED DESIGN