

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
PANEL UPDATE**

Application No.:	22/01354/OUT
Location:	Land Bounded By Willow Path And The Limes And Windsor Road And Dedworth Road And Oakley Green Road Oakley Green Windsor
Proposal:	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.
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. ADDITIONAL INFORMATION

- 1.1 Since the main report was written, a further consultation response has been received from the Environment Agency (EA). The EA have maintained their technical objection to the application relating to modelling in order to determine whether the development is located outside the 1% annual exceedance probability (AEP) plus 35% allowance for climate change flood extent and whether therefore any flood storage compensation measures would be required.
- 1.2 The applicants have undertaken the additional topographical survey works required by the EA and extended the catchment areas for this, again as required by the EA. The modelling is underway and the Flood Risk Assessment will be updated and the subject of formal reconsultation with the EA. There is no change to the recommendation in the committee report.
- 1.3 With regard to the proposed land for the Special Education Needs School to be secured through the required legal agreement, the following statement is provided by the School Place Planning & Capital Programme Manager – Operations:

The Royal Borough's Children's Services directorate has been closely involved in the stakeholder masterplanning of the AL21 West of Windsor site, working with the developer and colleagues from planning to ensure that:

1. *the proposed land for a special school is of sufficient size and appropriately shaped to allow for provision of a new special school.*
2. *the overall layout of the development is suitable, so that the needs of the school and residents are met.*

With these requirements met, we fully support the planning application. We have also been closely involved in discussions over the S106 agreement, which we also support.

1.4 The following wording at section 10.49 should be deleted as this is addressed in section 10.50:

No badgers were recorded during surveys in 2018 or 2021 and therefore no further survey or mitigation is required with regards to badgers.

1.5 In response to the published committee report, four further letters of objection have been received and these are summarised below:

Comment	Officer Response	Change to recommendation?
<p>The adopted AL21 Site Allocation Proforma requires development to:</p> <ol style="list-style-type: none"> 1. 'consider and avoid or, where necessary, mitigate potential disturbance impacts on users of the Cardinal Clinic', and 2. 'conserve, or preferably enhance, the Grade II* listed Old Farmhouse and its setting'. <p>Hopeful that Panel Members will remember this when considering this application which wasn't the case with the Aldi application.</p>	<p>Noted. This is addressed in section 10.32 – 10.36 of the Officers Report.</p>	<p>N/A</p>
<p>The development of the Aldi site caused horrendous noise and vibrations, with closures to facilities and cracks and movement to the listed building with no support from Environmental Services. Things should be different when works commence on this site and RBWM should be more helpful in ensuring the heritage site is conserved.</p>	<p>Noted. Control of noise, dust and vibrations during construction works would be covered by relevant Environmental Health legislation.</p>	<p>N/A</p>
<p>There is a substantial boundary to the north between the proposed SEN school and the Cardinal Clinic land. Asked for similar treatment to the eastern boundary to align with the proforma requirements. The access road is shown closer than on the Stakeholder Masterplan bringing noise concerns and road safety concerns.</p>	<p>Subsequent reserved matters applications would determine the exact appearance, landscaping, layout and scale within the site, with consideration given to amenities of surrounding buildings. The application demonstrates that the proposed access would accord with the required visibility splays and accord with development plan policies.</p>	<p>N/A</p>
<p>Essential that have the ability to comment further on all</p>	<p>Any future reserved matters application would be the</p>	<p>N/A</p>

<p>matters and ask that reserved matters are subject to further public consultation and review by the panel.</p>	<p>subject of formal consultation. Should planning permission be granted, members can, should they wish, require reserved matters applications to be determined at committee.</p>	
<p>Greatly saddened by this development. Site will be completely surrounded by busier, noisier and more polluted roads on two sides and Aldi, houses and a school on the other two sides. What will happen to the beautiful, tranquil setting we provided for the wellbeing of our patients?</p>	<p>This is addressed in section 10.38 of the Officers Report.</p>	N/A

West Windsor Residents Association and Cllr W DaCosta

<p>Outline applications are complex and, arguably, benefit well-funded developers who can overload the process.</p>	<p>Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. Outline applications are a normal part of the planning process used to establish the principle of the proposed development. There is nothing improper in the use of this application type by the applicant.</p>	N/A
<p>The proposals will have a profound and mainly negative impact on local residents, businesses, vulnerable people and the environment.</p>	<p>An assessment of the proposals in accordance with relevant development plan policies is contained within section 10 of the Officers Report. Moreover, the site is allocated for housing and the Examination into the BLP fully considered this matter.</p>	N/A
<p>Comments should be approached with an open mind, bearing in mind the prevailing move towards harnessing all channels, even planning, towards dealing with the Climate and Biodiversity emergency rather than letting planning decisions, individually and cumulatively, prevent achieving the Paris 2015 1.5oC target and Biodiversity and Ecosystem Restoration that the Government has committed</p>	<p>Noted. Relevant planning policies regarding the environmental impact of the proposals have been fully considered in the Officer's report. Each application must be viewed on its own merits.</p>	N/A

itself to.		
Panel should consider 'access' and 'general principles of how a site can be developed' (NPPG) rather than just the 'principle of development/ redevelopment' and also clauses from 'NPPF clauses relating to Access'.	The Officers report sets out the nature of the planning application. All relevant policies are considered as to how they relate to the principle and quantum of development proposed, as well as considering all relevant policies in relation to access which is being specifically applied for in this instance.	N/A
Have already achieved acceptable housing numbers given previous consents and application ref. 22/01717/FULL.	The site forms part of the AL21 Site Allocation in the Borough Local Plan (BLP). This site, alongside others, together contribute towards achieving the required housing numbers set out in the BLP and based on need. Approval for planning application ref. 22/01717/FULL (199 new homes at Land At Manor House Manor Lane And South of Manor Lane And Harvest Hill And East of Spring Hill Maidenhead) has not been granted.	N/A
On 22nd December 2022, Michael Gove proposed an insertion at Paragraph 11(b)(ii) of the NPPF which, for plan making, would prevent LPAs from having to meet housing need in full, where doing so would mean building densities that are 'significantly out of character with the existing area'. This development is clearly 'significantly out of character with the existing area'.	The Government has published a consultation document that proposes some short-term changes to national planning policy, and also some longer-term guidance to deliver wider changes. This remains the subject of consultation, which closes on the 2 nd March. Furthermore, here, the site forms part of the AL21 Site Allocation within the adopted BLP which amongst other things is allocated for approximately 450 residential dwellings. There is no change as to what the relevant considerations in this application.	N/A
The 'presumption in favour' set out in Paragraph 11 of the NPPF now no longer applies if an adopted neighbourhood plan is in place and is less than 5 years old (previously it had to be less than 2 years old).	No changes to the NPPF have been made, they are still the subject of consultation. However, the site is located outside of the Windsor Neighbourhood Plan area.	N/A
Site is located far from town centres and the proposal	The site forms part of the AL21 Site Allocation within the	N/A

<p>fails to comply with BLP Policy IF2.</p>	<p>adopted BLP. The BLP identifies the site as appropriate for residential, educational and community use development, subject to site specific requirements. It is not agreed by officers that the site fails to comply with policy IF2.</p>	
<p>Unable to comply with BLP Policy SP2 as the proposal proposes destroying a valuable Climate Change mitigation site. Some key features of the area make it inappropriate site for development as harm from development is unmitigable.</p>	<p>The site forms part of the AL21 Site Allocation within the adopted BLP. The submitted Sustainability and Energy Statement sets out the energy efficiency, low carbon and renewable energy measure which could be incorporated into the detailed design. A condition is recommended to secure an updated statement at reserved matters stage, requiring a net-zero carbon outcome as far as possible.</p>	<p>N/A</p>
<p>Unable to comply with BLP policy QP2 as it is destroying existing Blue and Green Infrastructure and not replacing it with a similar amount or more Blue and Green Infrastructure.</p>	<p>The site forms part of the AL21 Site Allocation within the adopted BLP. In line with the proforma requirements the development incorporates green and blue infrastructure across the site, including an area of strategic open space of no less than 1.2Ha.</p>	<p>N/A</p>
<p>Fails to comply with BLP Policy NR2. Removes an entire ecosystem and all biodiversity below ground (decomposers) and above ground with producers which are the food sources for consumers such as mammals and birds. Likely to have a negative impact on the biodiversity and the wider connected ecosystem. Destroys the "soil resources" that "protect below ground biodiversity" and allow above ground biodiversity to exist. The only way to compensate for these extensive losses is to create an equivalent connected ecosystem from a brownfield site or planting and maintaining hundreds of thousands of new trees.</p>	<p>The site forms part of the AL21 Site Allocation within the adopted BLP. Both RBWM Ecology and Natural England have been consulted on the application and no objections have been raised. Subject to recommended conditions, the submitted Ecological Assessment demonstrates compliance with the requirements of policy NR2. Furthermore, recommended conditions would also secure biodiversity enhancements and an updated biodiversity net gain calculation as part of a reserved matters application.</p>	<p>N/A</p>

No such compensation is proposed.		
Fails to comply with BLP Policy NR3. Proposal minimises the opportunity for tree planting, reduces the open character of the edge of settlement, destroys trees and hedgerow and doesn't seek to weight for weight, biomass for biomass, replace or enhance the proposed loss.	The site forms part of the AL21 Site Allocation within the adopted BLP. Tree removals associated with the development have been kept to a minimum and where removals are proposed, they have been justified. Furthermore, the proposed 350 replacement trees across the site would be secured by recommended condition, with tree protection for the retained trees.	N/A
Fails to comply with BLP policy QR1 and demonstrate how it plans to allow residents to adequately survive the experienced and predicted impact of Climate. Proposal does not foster or conserve but destroy a greenspace and above ground and below ground biodiversity, and blue and green infrastructure and is harming a historic wall.	As set out in the report the proposal is acceptable in relation to policy QP1. The site forms part of the AL21 Site Allocation within the adopted BLP. The proposals at outline planning application stage, satisfy the context of the site allocation. Recommended conditions would secure an updated statement at reserved matters stage, requiring a net-zero carbon outcome as far as possible, together with biodiversity enhancements and an updated biodiversity net gain calculation as part of a reserved matters application. There would be no harm to a historic wall with the proposals.	
Fails to comply with BLP policy EP1 in as much as contamination of the site is noted in the JNP Assessment, Table 7.1 yet no proposals have been made to investigate the nature of the contamination nor consider or propose remedial measures.	RBWM Environmental Protection have raised no objection. Remediation measures prior to commencement of the development and appropriate mitigation would be secured by recommended condition.	N/A
Fails to comply with BLP Policy EP5 given the potential contaminated land, the ingress of water from drainage channels from the South or flooding from above, and the high water levels on site, the application has not	RBWM Environmental Protection have raised no objection. Remediation measures prior to commencement of the development and appropriate mitigation would be secured by recommended condition.	N/A

<p>“demonstrated that proposals will not cause unacceptable harm to the quality of groundwater”.</p>		
<p>Fails to comply with BLP Policy EP5. Not clear how the proposal will impact any drainage channels from the South of the Dedworth Road from MoD sites into the proposed development site nor have any assessments been provided. These should be provided at a fresh application.</p>	<p>RBWM Environmental Protection have raised no objection. Remediation measures prior to commencement of the development and appropriate mitigation would be secured by recommended condition.</p>	<p>N/A</p>
<p>Fails to comply with BLP Policy EP2 as it will result in “significant increases in air pollution” from both the number of vehicle movements and the congestion caused by the location of the access and, given the high base readings recorded by the University of Kent and Bray Parish Council at the Dedworth Road/Green Oak junction, invariably negatively “residents being introduced by the development itself”.</p>	<p>RBWM Environmental Protection have raised no objection based on the submitted Air Quality Assessment. The proposed development would have an acceptable impact on air quality, incorporating measures to reduce potential emissions. The relevant measures are those set out in the NPPF and BLP.</p>	<p>N/A</p>
<p>Based on the NPPF and the practice of other local authorities, it is questionable as to whether access should be considered narrowly as just road access or whether it should be considered more widely to include other forms of transport (cars, buses, walking, cycling, e-scooting) and access to services such as health, public transport.</p>	<p>The layout within the site would be determined as part of future reserved matters applications. For the purposes of access for this outline application, consideration should be given to the position, form and treatment of the proposed access. The accessibility of the site in a wider sense is relevant to the consideration of the principle of development. This matter has also been considered as part of the decision to allocate the site under the BLP process.</p>	<p>N/A</p>
<p>The entrance is too close to the existing entrance and traffic flows to Aldi to allow safe access given the expected volume of traffic into and out of AL21 so fails NHE road design principles.</p>	<p>RBWM Highways have raised no objection. The submitted access plan and Transport Assessment demonstrates that the access would achieve the required visibility splays and the associated expected trip</p>	<p>N/A</p>

	generation.	
Roads are already at capacity, so fails NHE road design principles.	RBWM Highways have raised no objection. The expected trip generations would not result in material harm to the safe operation of the surrounding highway network.	N/A
Dedworth Road carriageways/pavements are too narrow for modern vehicles and the volume of pedestrian traffic to turn into or out of the access width, so fails NHE road design principles, and BLP policies.	RBWM Highways have raised no objection. The submitted access plan and Transport Assessment demonstrates that the access would achieve the required visibility splays and the associated expected trip generation.	N/A
Site imposes too great a volume of vehicular traffic by the very size and density up to 800 at peak times so fails NHE road design and BLP Policy QP3.	RBWM Highways have raised no objection. The expected trip generations would not result in material harm to the safe operation of the surrounding highway network.	N/A
Volume of traffic from the site especially at busy times is likely to fails NHE road design, and BLP policies QP3, EP1 and EP2 due to size of modern vehicles and cause congestion for road and pavement users, unacceptable levels combustion engine pollution which will possibly create a AQMA zone in a sensitive location, and impact on children including pupils at the SEN school.	RBWM Highways have raised no objection. The expected trip generations would not result in material harm to the safe operation of the surrounding highway network. RBWM Environmental Protection have raised no objection based on the submitted Air Quality Assessment. The proposed development would have an acceptable impact on air quality, incorporating measures to reduce potential emissions.	N/A
Proposal fails to comply with BLP policy IF2 given the existing narrow roads and pavements in the surrounding network and extra volume and traffic	The site forms part of the AL21 Site Allocation within the adopted BLP. The BLP identifies the site as appropriate for residential, educational and community use development, subject to site specific requirements.	N/A
The BLP in point 3.4.6 refers to access to Health. There is only a single GP surgery within 1.7 miles from this location which is already at capacity. No provision is being made to allow new residents access	The development is CIL liable with the figure calculated at reserved matters stage. The CIL will provide local infrastructure to support future residents.	N/A

to health care.		
Development fails to comply with NPPF clauses relating to safe and suitable access, providing high quality open spaces and opportunities for sport and physical activity, access to high quality public transport, by building on the site which increases the risks of climate change and removes existing climate change mitigation features from the local area and increases greenhouse gas emissions both offensively by releasing vast amounts of GHG during the construction phase and, prevents absorption from embodiment in biodiversity above ground and below ground.	The site forms part of the AL21 Site Allocation within the adopted BLP. The BLP identifies the site as appropriate for residential, educational and community use development, subject to site specific requirements. A full assessment of the proposed development is provided at section 10. The principle of the development is acceptable, as is the proposed accessed and further detail would be secured by recommended condition and/or at reserved matters stage.	N/A
Has the ecological value of the site been considered before it was apparently mysteriously cleared a number of years ago?	The site forms part of the AL21 Site Allocation within the adopted BLP. The BLP identifies the site as appropriate for residential, educational and community use development, subject to site specific requirements. The submitted Ecology Assessment covers surveys from 2018 to 2021. Clearing of land would not be development and so would not require any permission from the planning authority.	N/A
No comment on Affordable Housing.	Noted.	N/A
Questions and concerns about Thames Water ability to service the site given the capacity of Ham Island processing facility. Has the developer sought and received the assurances of Thames Water that the proposed impact of their developments on Thames Water infrastructure are acceptable?	Thames Water have provided comment on the application. No objections are raised, subject to recommended conditions.	N/A
The submitted FRA does	This Update Report provides an	N/A

not comply with the requirements for site-specific flood risk assessments.	update on consultation with the EA at section 1.1 – 1.2.	
It is diminishing and likely to cause short term and long term damage to listed buildings including Saxon Barn and the Cottage. This has been demonstrated by the damage caused by the development of Aldi on the Dedworth Road.	This is addressed in section 10.32 – 10.36 of the Officers Report. Detail of the layout would be provided under future reserved matters applications; however, the parameter plans demonstrate that housing located closest to the listed building would be limited to two storeys in height.	N/A
Failure to demonstrate that daily noise from site during construction and post construction will have “an adverse impact on neighbouring residents,” especially patients to the Cardinal Clinic which could cause closure.	Subsequent reserved matters applications would determine the exact appearance, landscaping, layout and scale within the site, with consideration given to amenities of surrounding buildings. Control of noise and dust during construction would be covered by Environmental Health legislation.	N/A
Concerns that RBWM’s Planning Authority has not taken sufficient steps to facilitate good, logical, methodical decision making.	Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. The process followed in this application has been as with all others, including the other site which is part of AL21 and which received outline planning permission in 2022.	N/A
Local Planning Authorities have the opportunity to issue clear structured guidance on how issues will be dealt with to help organise critical thinking and define a credible pathway to reaching a conclusion. This would help developers and, more importantly guide residents, members and even officers in developing consistently correct and understandable outcomes which residents will feel some degree of assurance with.	Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. The officer’s report sets out a clear assessment of the relevant considerations in this application and explains the recommendation that is being made to the Committee.	N/A
Concerns that RBWM’s Planning Authority does not	A Stakeholder Masterplan Document for the AL21 Site	N/A

<p>advise residents early enough and clearly enough, especially with complex planning applications such as Outline Applications, of the issues or the timing, including for evidence gathering, to enable them to submit appropriate comments and evidence in good time to aid good decision making.</p>	<p>Allocation was approved following community engagement and consultation with local residents. Furthermore, the application has been the subject of formal consultation with residents provided with an opportunity to comment. There has been sufficient opportunity for residents to submit comments on this application.</p>	
<p>Concerns about the way the report was constructed. It does not present many of the issues i.e. the negative issues, so members and readers are unable to form a balanced view having considered all the appropriate issues together with evidence available and their consequential impacts. The absence of these qualities frustrates Localism and could also lead to inconsistent and poor decisions which disenfranchises the general public and breeds mistrust in the way RBWM arrives at a decision. Would appreciate a discussion with the Head of Planning to try and resolve these issues and to improve process to prevent residents from being further disenfranchised in future.</p>	<p>Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. The report addresses the material planning considerations in determining the application and includes a planning balance in reaching a recommendation to committee. The report includes the comments that have been received on the application and sets out responses to those matters.</p>	N/A
<p>List of conditions are proposed at Appendix II should planning permission be granted.</p>	<p>A full list of recommended conditions is included at section 15 of the Officers Report. In line with Paragraph 55 of the NPPF, planning conditions should be kept to a minimum, and only used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise; and reasonable in all other respects.</p>	N/A

Oakley Green and Fifield Residents Association

Comment	Officer Response	Change to recommendation?
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<p>Now appears highly unlikely that anything can be said to prevent the building of 320 homes etc, but feel must strongly protest about the plans for the entrance to this site and the subsequent effect on traffic movements. Plans must be adjusted change the entrance from Dedworth Road to the A308, preferably onto a newly constructed roundabout at the junction of Oakley Green Road with the A308.</p>	<p>The application has been submitted alongside a Transport Assessment and an Air Quality Assessment which demonstrate that subject to recommended conditions as set out in section 15 of the Committee Report, the proposed development, including the proposed access on Dedworth Road, complies with relevant development plan policies.</p>	<p>N/A</p>
<p>Currently the air quality at the junction of Oakley Green Road and the Dedworth Road is the worst in the whole of the Bray Parish and way over the WHO guidelines. To force another 600 or so vehicles onto this junction would have a catastrophic impact on the air quality for new and established residents.</p>	<p>As set out at section 10.40 of the committee report, the submitted Air Quality Assessment which demonstrates that the proposed development of the site both during construction and operation, would have an acceptable impact on air quality in the surrounding area, in accordance with BLP policy EP2.</p>	<p>N/A</p>
<p>Any suggestion that cycles would be a credible alternative to cars at this point is risible as the area is made popular by its easy access to the M4, and potential buyers would be attracted for this very reason.</p>	<p>The submitted Transport Assessment demonstrates that the expected additional trip generations associated with the development would not result in material harm to the safe operation of the surrounding highway network.</p>	<p>N/A</p>
<p>The proposed traffic lights at the junction of Oakley Green Road (B3024) and the A308 is no doubt a cheaper option than constructing a roundabout, but would further compound the poor air quality by causing unnecessary queues of traffic at quiet times. Would also dramatically slow the traffic flow on the A308 which is already congested at busy times. Moving the entrance away from Dedworth Road would negate the need for a separate lane and would</p>	<p>The principle of the proposed signalised junction is acceptable in highways terms to address the junction capacity. The final design would be subject to further review at the reserved matters stage, secured through a Section 278 Highways Agreement.</p>	<p>N/A</p>

<p>reduce the already overburdened junction with Oakley Green Road. An extra road onto the new roundabout would keep traffic moving, allow residents to exit AL21 safely and reduce the need to force further traffic onto a semi-rural road. Already many drivers use Gallys Road as a way to access the A308 as the roundabout at that point gives a safer way to join the main road. Putting traffic lights at the end of the Oakley Green Road will encourage yet more drivers to do the same to avoid the hold ups that the traffic lights would cause. Gallys Road is a residential road and totally unsuitable for increased traffic.</p>		
<p>Currently, on leaving Windsor, drivers come into a more open and rural aspect. The construction of a large, traffic light controlled junction would completely destroy the nature of the area, an area which was formally in the green belt and is now being systematically urbanised.</p>	<p>The final design would be subject to further review at the reserved matters stage, secured through a Section 278 Highways Agreement. The use of signalised junctions on main roads such as this is an established method for traffic control. The site has been allocated for housing within the BLP.</p>	<p>N/A</p>
<p>The BLP recommended the construction of a roundabout and they should stick to this requirement and not be swayed.</p>	<p>The principle of the proposed signalised junction is acceptable in highways terms to address the junction capacity. The final design would be subject to further review at the reserved matters stage, secured through a Section 278 Highways Agreement. The submitted Transport Assessment confirms that the signal scheme was chosen as the preferred option as a roundabout scheme would fail to meet design standards and would not be deliverable within the highway as a much larger roundabout would be necessary to provide adequate deflection and visibility.</p>	<p>N/A</p>

Holyport Residents Association

Comment	Officer Response	Change to recommendation?
Land that used to be Green belt and need not have had that status removed.	The BLP has been found to be sound by the Planning Inspectorate and has been formally adopted by the Council. The site no longer forms part of the Green Belt.	N/A
Increased traffic and pollution	This is addressed in sections 10.20 – 10.27 and 10.39 – 10.40 of the Officers Report.	
Support the objection made by the Oakley Green and Fifield Community Association.	Noted.	N/A
Support the objection made by the Oakley Green and Fifield Residents Association.	Noted.	N/A