

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

DEVELOPMENT CONTROL PANEL

7 September 2023

Item: 1

Application No.:	22/02737/FULL
Location:	Land To The Rear of 45 To 63 London Road Datchet Slough
Proposal:	The construction of 80 dwellings with associated access, open space, landscaping and other infrastructure.
Applicant:	Hawridge Strategic Land Ltd
Agent:	Mr Matt Harris
Parish/Ward:	Datchet Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: James Overall at james.overall@rbwm.gov.uk

1. SUMMARY

- 1.1 The application site comprises an area of land which has been allocated for development under the adopted Borough Local Plan (BLP). The site does not lie within the Green Belt.
- 1.2 Policy HO1 of the BLP sets out that Site Allocation AL39 has been allocated for approximately 80 residential units with associated works and sets out the requirements for the development of the site with regard to forthcoming proposals in delivering a scheme at the site. The proposal satisfies the BLP in this regard and the principle of the development is acceptable.
- 1.3 The primary policies (neighbourhood, local and national), which play a large role in the assessment for this application relate to matters including flooding, sustainability, affordable housing, housing mix, character, ecology, biodiversity, heritage, transport and amenity.
- 1.4 Of the 80 dwellings proposed, 40% would be affordable, which the legal agreement will secure together with the agreed tenure mix. The legal agreement will also secure other matters such as off-site highway improvements and a contribution towards; the carbon offset fund, on-site play provision and biodiversity net gain (on and off-site).
- 1.5 It has been demonstrated that the proposed vehicular accesses from London Road and Riding Court 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 improvements in the required legal agreement/S278 Agreement.
- 1.6 It has also been demonstrated that the proposals would not result in material harm to heritage assets, including non-designated heritage assets, ecology, trees, landscaping or flood risk and would 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.
- 1.7 The National Planning Policy Framework (NPPF) states that proposals that accord with the provisions of an up-to-date development plan should be approved without delay. The proposed development complies with the policies of the Development plan when taken as a whole and therefore it is recommended that planning permission be granted subject to a s106 agreement (set out below) and conditions.

It is recommended the Committee delegates authority to the Head of Planning:	
1.	<p>To grant planning permission on the satisfactory completion of a S106 legal agreement to secure:</p> <p>40% on-site affordable housing (32 dwellings)</p> <ul style="list-style-type: none"> • 14 Social Rent • 12 Affordable Rent • 6 Shared Ownership • A contribution to the Council’s Carbon Offset Fund • On-site play provision • On and off-site biodiversity net gain <p>a S278 legal agreement to secure off-site highway improvements comprising:</p> <ul style="list-style-type: none"> • x2 Zebra Crossings along London Road • Revitalisation of the x2 existing bus stops • Relocation (east) of the bus stop furthest east (to allow for x1 Zebra crossing) and with the conditions listed in Section 14 of this report.
2.	<p>To refuse planning permission if the required legal agreements to secure the infrastructure in Section 10 of this report have 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 application is classified as a ‘major’ application due to the size of the application site, and therefore this application should be referred to the Windsor & Ascot Development Management Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a parcel of land measuring approximately 4ha, located to the north-east of Datchet village; east of Windsor; and south of the M4.
- 3.2 The site is currently agricultural land and has an existing access off Riding Court Road (bordering the west of the site). The north of the site is bordered by the M4 and the south of the site is bordered by London Road. Given the irregular shape of the site, it does not have a distinctive eastern boundary.
- 3.3 The site is located outside of the Datchet Conservation Area, which is situated approximately 80 metres to the south-west, along London Road at its closest point. The nearest heritage asset is some distance away, a Grade II Listed Garden Wall to the south of Datchet House to the south-west. To the north, beyond the M4 and Riding Court Road, is Riding Court Farmhouse which is Grade II Listed and Ditton Park, which is a Grade II Park and Garden, but has limited inter visibility due to intervening mature vegetation and motorway.
- 3.4 The site is relatively open and is bound by mature trees and shrubbery along most of its boundaries, with some visual gaps. The northern boundary of the site is formed of a wooden post and rail fence with dense scrub planting, then a wooden acoustic fence beyond which separates the M4 motorway. There is a dry ditch along the western and south-western boundaries along the centre of mature tree belts.

4. KEY CONSTRAINTS

- 4.1 The application site lies within the following constraints:
- Flood Zone 2
 - Minerals Safeguarding Area (Sand + Gravel)
 - Allocated site in BLP (AL39)

5. THE PROPOSAL

- 5.1 The proposal seeks the erection of 80 dwellings (x62 houses and x18 apartments), with an Area of Play, communal orchard and SuDS to the east and a foraging trail along the northern boundary.
- 5.2 The proposal seeks to provide 40% on-site affordable housing, with a housing mix as follows:

	1-bed		2-bed		3-bed		4+ bed	
Market	0	0%	3	5.55%	27	50%	24	44.45%
Affordable	12	46.15%	6	23.08%	6	23.08%	2	7.69%
All dwellings	12	15%	9	11.25%	33	41.25%	26	32.5%

- 5.3 The affordable housing will be split across three different tenures, being:
- Social Rent
 - Affordable Rent
 - Shared Ownership
- 5.4 Two vehicular access points are proposed into the site, one from London Road and one from Riding Court Road. Additionally, a pedestrian/cycle access point will be created from the pavement along London Road.

6. RELEVANT PLANNING HISTORY

- 6.1 None.

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan (2013-2033)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
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
Community Use	IF6
Utilities	IF7

Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036

Issue	Policy
Safeguarding sand and gravel resources	M2

Datchet Neighbourhood Plan (2022-2033)

The Datchet Neighbourhood Plan was 'made' (adopted) in June 2023 and therefore carries full weight.

Issue	Neighbourhood Plan Policy
Housing Suitable for The Needs of Older People	DAT1
High Quality Design and Character	DAT2
Non-Designated Heritage Assets	DAT4
Provision for Wildlife in New Development	DAT8
Roadway Verges	DAT9
Flooding Drainage and Water Efficiency	DAT10
Provision of Community Infrastructure	DAT11
Key Movement Routes	DAT12
Provision for Cycle Storage and Parking	DAT13

8. MATERIAL PLANNING CONSIDERATIONS

8.1 National Planning Policy Framework Sections (NPPF) (2021)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 6: Building a strong, competitive economy
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

8.2 Supplementary Planning Documents

- Borough Wide Design Guide
- Datchet Design Guide

8.3 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

62 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2nd Nov-22 and the application was advertised in the Local Press on 20th Oct-22.

36 letters were received objecting to the application. These letters came from 29 individuals from 19 unique addresses. The comments raised concerns with regard to:

Comment		Where in the report this is considered
1	Flooding	Section 10.i
a	The application is in Flood Zone 3, not only Flood Zone 2	
b	Increased risk of flooding to existing residents of Datchet	
c	The SuDS will be ineffective	
d	Concurrent proposals off-site will accumulate with this scheme to increase flood risk	
e	The Environment Agency should have made comments	
2	Character	Section 10.v
a	Apartment block will be in a prominent location when driving into Datchet	
b	Inactive walls should be avoided	
c	Datchet will lose its character	
d	Grass verges should be designed to avoid cars parking on them	
e	Datchet is a village not a town	
3	Highways	Section 10.viii
a	Detrimental impact upon highways by way of increased traffic	
b	Public transport (train) needs improvements e.g. longer platform	
c	There is already insufficient parking in Datchet	
4	Safety	Section 10.viii
a	Increased risk to pedestrian safety	
b	There are no safe road crossings or cycle paths	
c	Increase of anti-social behaviour	
d	Increased pollution and subsequent harm to public health	
5	Amenity	Section 10.ix
a	Increased noise levels	
b	Construction will impact the quality of life of existing residents of Datchet	
c	Proposed dwellings will be detrimentally impacted by noise from the M4	
d	Overlooking	
e	Proposed street lighting will impact existing residents	
6	Pressures on local infrastructure	Section 10.xii
a	Increase pressure on community facilities i.e. doctor surgery and schools	
b	The CoU at the Manor Hotel has already flooded Datchet with new persons	
7	Density	Section 10.v
a	The building density is too great	
8	Height of apartment block	Section 10.v
a	There are no other 3-storey buildings in Datchet	
9	Allotments	Section 10.vi
a	There is no evidence of feedback stating that the proposed allotments should be replaced by a foraging trail and community orchard; as claimed by the Statement of Community Involvement	
10	Housing mix	Section 10.iv
a	There is a need for downsizing properties	
11	Consultation Process	Section 9
a	The application was not fairly publicised as the whole of Datchet did not receive a direct letter	

b	Poorly labelled documents given the sheer amount of them causes significant confusion	
12	Archaeology	
a	The area has archaeological importance	Section 10.vii
13	Heritage	
a	The Grade II Listed London Road wall is already suffering from vehicle movements	Section 10.vii
b	Heritage report is inaccurate	
14	Open space & Play areas	
a	No open space or play area provisions for older children or adults	Section 10.vi
15	Sustainability	
a	Gas boilers should not be used	Section 10.ii
b	The applicant is proposed to buy its way out of meeting Policy QP3 or use viability as a get-out clause, which is unacceptable and cannot be considered "sustainable"	
c	No provision for renewable energy	
d	Energy Statement contradicts itself	
16	Ecology	
a	Wildlife needs to be relocated	Section 10.xi
17	Other	
a	Concerns regarding drainage and sewage infrastructure	Drainage has been assessed. Sewage infrastructure is a Building Regulation matter.
b	Inaccurate plans with regard to the number of lanes shown on the M4	The number of lanes on the M4 does not impact the proposed development.
c	Part of the site is Grade 1 Agricultural land, which the proposal does not make use of - instead choosing to build on it	The site is allocated for residential development. A foraging route and orchard allow for the site to have some food production value.
d	Green Belt ban shows importance of protecting this land	The site is not located within the Green Belt
e	Not the only residential development in the area, meaning there will be an accumulated impact of the concerns raised	The BLP has considered cumulative impact of new development

Statutory Consultees

Consultee	Comment	Where in the report this is considered
LLFA	No concerns subject to suitably worded conditions.	Section 10.i
Environment Agency	No comments provided. Advised to follow EA standard advice	Section 10.i

Consultee responses

Consultee	Comment	Where in the report this is considered
Trees	No objection subject to a suitably worded condition.	Section 10.xi
Conservation	No impact on the surrounding (above ground) built heritage assets.	Section 10.vii
Archaeology	A condition should be applied in order to mitigate the impacts of development, given the application site falls within an area of archaeological significance.	Section 10.xii
Ecology	Concern regarding biodiversity net gain (-1.26% habitat units), which needs to be overcome.	Section 10.xi
NatureSpace	Unlikely to cause an impact on great crested newts and/or their habitats.	Section 10.xi
Housing	The affordable housing tenure split is acceptable as well as the amount of affordable housing.	Section 10.v
Environmental Protection	No concerns subject to suitably worded conditions.	Section 10.xi
Highways	No concerns subject to suitably worded conditions.	Section 10.viii
Transport Infrastructure	Off-site highways improvements (namely crossings and improvements to existing bus stops) are required to be secured via a section 278 agreement.	Section 10.viii
Minerals	Agrees with outcome of MRA, but recommends a condition regarding incidental extraction.	Section 10.xii

Amenity Groups & Other

Consultee	Comment	Where in the report this is considered
Datchet Parish Council	<p>Objection – agrees with community comments.</p> <p>There are too many objections and concerns to list in our single objection or to not repeat all the objections, we support all the public comments. I think it is plainly clear from the residents comments attached here and comments from a public meeting held on 31st October 2022 held by the Datchet Parish Council that this current application, in its present form should be refused until all infrastructure, property density, road safety and flooding concerns are addressed. There are multiple weighted planning reasons why this development should not go forward and be rejected by the officers all have been listed by residents. However Datchet Parish Council request that they are also involved and have further input to any amended plans or any progress of this application and RBWM keep the Parish Council involved at every point of the decision making process and any significant changes in the application so DPC can communicate to residents and respond on any application developments.</p>	Section 10

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development & Flooding
- ii Climate Change and Sustainability
- iii Affordable Housing
- iv Housing Provision and Quality
- v Character, Appearance & Layout
- vi Landscaping & Open Space
- vii Impact on heritage
- viii Highway considerations, sustainable transport and parking provision
- ix Impact on neighbouring amenity
- x Provision of suitable residential environment
- xi Environmental Considerations
- xii Other material considerations

i. Principle of Development & Flooding

Principle of Development

- 10.1 The site is identified within the adopted Borough Local Plan (BLP) as a site allocated for the development of 80 dwellinghouses. The site used to lie within the Metropolitan Green Belt; however, since its allocation for development within the BLP, it is no longer within the Metropolitan Green Belt.
- 10.2 Development proposals should address site-specific requirements highlighted by the BLP and must further be compliant with the wider (relevant) planning policies set out within the BLP and the Datchet Neighbourhood Plan (DNP). The site-specific requirements set out within the BLP Appendix C proforma (part of policy HO1) are:
1. Provide a mix of housing including family homes with gardens that will respect the character of the area and with regard to the natural landscape.
 2. Provide 40% affordable housing.
 3. Provide high quality green and blue infrastructure across the site that delivers recreation, food production and leisure opportunities.
 4. Provide connectivity to village centre and take opportunity to connect Riding Court Lane [Road] and London Road.
 5. Provide safe pedestrian and cycle links through the site including open spaces, and to create easy pedestrian and cycle mobility to the village centre.
 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.
 7. Have a design which responds positively to the size, shape, and rhythm of the existing development on London Road, where the amenity of the existing dwellings is not adversely affected.

8. Be designed sensitively to consider the impact on long distance views into the site, especially from the conservation area in the south-west.
 9. Create a distinctive public realm with a high-quality design which can be accessed easily for all people.
 10. Provide biodiversity net gain for site with biodiversity assessment. Habitats areas must be connected to avoid fragmentation.
 11. Consider flood risk as part of a Flood Risk Assessment as the site is located partly within Flood Zone 2 and larger than one hectare.
 12. 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.
 13. Provide appropriate treatment to boundaries with adjoining land uses. Valuable trees should be retained, and new planting of trees or hedgerows should be implemented, especially on the site boundaries to provide screening.
 14. Provide appropriate mitigation measures to address the impacts of noise and air pollution from the M4 to protect residential amenity.
 15. Undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area.
- 10.3 Policy HO1 sets out that *“Site specific requirements and considerations for each of the allocated housing sites are...expected to help guide the design, decision making and delivery of the sites as they come forward for development. In meeting the proforma requirements, flexibility may be applied to allow for material changes in circumstance as a result of the passage of time or to enable alternative solutions that will deliver the same, or preferably, a better planning outcome”*.
- 10.4 The proposed development falls within the Datchet Neighbourhood Plan Area, where the Neighbourhood Plan carries full weight as it was adopted in June 2023. The Neighbourhood Plan notes a number of important points relating to the application site, which revolve around affordable housing, sustainability, accessibility and infrastructure.
- 10.5 In terms of affordable housing, the Neighbourhood Plan requires a 40% provision, which is in line with the requirement of the Borough Local Plan. It also identifies the plot as being able to host 80 dwellings, which also follows suit of the BLP.
- 10.6 The Neighbourhood Plan encourages the installation of sustainable alternative heating methods rather than gas boilers, as a way of promoting sustainability.
- 10.7 The Neighbourhood Plan identifies a lack of properties suitable for the elderly population in Datchet (Policy DAT1) and requires 5% of the dwellings to be accessible and adaptable, which is in line with Policy HO2 of the BLP.
- 10.8 Furthermore, the Neighbourhood Plan seeks the provision of associated on and off-site infrastructure in the form of on-site open space (DAT11 and paragraph 8.3), play facilities (Policy DAT11 and paragraph 8.2), allotments (Policy DAT11 and paragraph 8.2), and traffic-calming measures in addition to new cycle/walking routes (pages 75-79).
- 10.9 The Neighbourhood Plan’s reiteration of BLP requirements, further cements the importance of these provisions to ensure that development on site comes forward at a high standard.

Flooding

- 10.10 Flood Zones are categorised as 1, 2, 3a and 3b. Flood Zone 1 comprises land which is at low probability of flooding; Flood Zone 2 comprises land which is at medium probability of flooding; Flood Zone 3a is land which is at high probability of flooding; and Flood Zone 3b is functional floodplain.
- 10.11 In this instance, the application site lies within Flood Zone 2 and Flood Zone 1, and therefore a flooding assessment plays an important role in identifying whether the proposed scheme is acceptable in principle.

- 10.12 In terms of the vulnerability classification of the development, the proposal is deemed 'more vulnerable' as it comprises development for dwellinghouses.
- 10.13 Areas deemed to be in Flood Zone 2 have been shown to have between 0.1% – 1% chance of flooding from rivers in any year (between a 1 in 100 and 1 in 1,000 annual probability) or between 0.1% – 0.5% chance of flooding from the sea in any year (between a 1 in 200 and 1 in 1,000 annual probability).
- 10.14 Sites in Flood Zone 2 require an appropriate flood risk assessment (FRA) to be carried out and demonstrate that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. In this case, there is no requirement for a sequential test to be submitted with the application as the site was sequentially test as part of the Borough Local Plan process. Additionally, proposals for 'more vulnerable' development such as dwellings, do not need to carry out an exception test if located within Flood Zone 1 or Flood Zone 2. In this case, the application site does not lie within Flood Zone 3 and therefore the exception test is not required.
- 10.15 Policy NR1 of the BLP states that proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is taken into account. It also requires all development (cumulatively or alone) to not:
- Impede the flow of flood water
 - Reduce the capacity of the floodplain to store water
 - Increase the number of people, property or infrastructure at risk of flooding
 - Cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
 - Reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna
- 10.16 Additionally, Policy NR1 of the BLP states that developments should:
- Increase the storage capacity of the floodplain where possible
 - Incorporate Sustainable Drainage Systems in order to restrict or reduce surface water runoff
 - Reduce flood risk both within and beyond sites wherever practical
 - Be constructed with adequate flood resilience and resistance measures suitable for the lifetime of the development
 - Where appropriate, demonstrate safe access and egress and incorporate flood evacuation plans
- 10.17 In light of an appropriate FRA, the NPPF requires sites in Flood Zone 2 to demonstrate that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.18 The EA requires development falling within Flood Zone 2 to follow the standing advice, which seeks schemes to provide information relating to:
- floor and ground levels
 - extra flood resistance and resilience measures
 - access and escape
 - surface water management
- 10.19 In the assessing the flooding implications of this development, Officers have been reliant upon the EA standing advice and consultee comments from the Lead Local Flood Authority (LLFA).

10.20 Ground levels are proposed to be raised on some areas of the site to safeguard the most vulnerable parts of the development. As a result, all the dwellinghouses and access routes would be raised above the flood level thus complying with EA standing advice. Compensatory storage is not required to be provided to counteract this, as the site is 'only' at risk from the 1000-year event (Flood Zone 2), and the floodplain in the area has a large extent. Notwithstanding, the volume extracted to form the attenuation pond would go some way to counteracting the increase in ground levels. The increased ground levels are summarised within the following table (figures are Above Ordnance Datum (AOD)):

Flood Level		Max	Min	Average
18.65	Road	20.16 (1.51 above)	19.09 (0.44 above)	19.88 (1.23 above)
	Dwellinghouse FFL	20.31 (1.66 above)	19.93 (1.28 above)	20.07 (1.42 above)
	Garage FFL	20.16 (1.51 above)	19.82 (1.17 above)	19.98 (1.33 above)
	Garden	20.00 (1.35 above)	18.93 (0.28 above)	19.61 (0.96 above)
	Apartment Block	20.01 (1.36 above)		
	Apartment Block Garden	19.84 (1.19 above)		
	Apartment Cycle Store	19.93 (1.28 above)		
	Electric Substation	19.93 (1.28 above)		
	LEAP	19.00 (0.35 above)		

10.21 With regard to access and escape, due to the increased ground levels, the hazard rating is low and flow velocities closest to the site during the 100yr plus 35% climate change event, show small magnitudes of between 'only' 0.1m/s and 0.3m/s, lowering the potential flood hazard in accessing the site during the design storm event.

10.22 Furthermore, access and egress to and from the site is available via the Riding Court Road which runs to the north of the site. Whilst some of this route is shown to flood in the 1000-year event; the River Thames catchment is dominated by chalk, which is largely of high porosity, leading to relatively slow river response times to storm events (being groundwater, rather than surface water dominated). This increases the time taken for inundation allowing for both adequate warnings and preparation in an extreme flood event, thereby aiding safe access/egress to/from the site. Furthermore, two flood warning stations have been identified along the reach of the Thames through Datchet, which provide level gauging and alerts for the area.

10.23 In terms of an increase in third party flood risk as a result of the proposed development, it is considered that the development will have a negligible impact on peak flood levels and third-party flood risk, provided that suitable surface water management is implemented. In this instance, drainage from the site will be achieved using attenuation SuDS. Runoff volumes and rates will be controlled to the existing greenfield runoff rates calculated for the site.

10.24 Ultimately whilst the site is at risk of flooding during the 1000-year event, it is evident that the proposal can be developed safely and appropriately with respect to flood risk. The proposal is sited in an area where development is already established, does not fall within a critical drainage area, and benefits from nearby transport links allowing for safe access and egress.

10.25 All flood information provided during the application has been reviewed by the Lead Local Flood Authority (LLFA) and given no concerns have been raised in their last consultation response, the LPA is satisfied that the proposal would be safe with respect of flooding.

- 10.26 As such, the proposal is considered to comply with Policy NR1 of the BLP, Policy DAT10 of the Neighbourhood Plan.
- 10.27 On the basis of the assessment above the proposal is considered to satisfy the site-specific objectives 11 and 12.

ii. Climate Change and Sustainability

- 10.28 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. This is reflective of the Council's Climate Change Emergency and Corporate Strategy aims and initiatives.
- 10.29 The Interim Sustainability Position Statement requires all development proposals (with the exception of householder residential extensions and non-residential development with a floorspace below 100sqm) to make the fullest contribution to minimising carbon dioxide emissions. These developments "*should be net-zero carbon unless it is demonstrated this would not be feasible*" and should be accompanied by "*a detailed energy assessment and a completed Carbon Reporting Spreadsheet to demonstrate how the net-zero target will be met*". Where the net-zero carbon outcome cannot be achieved on-site due to feasibility issues, any shortfall should be provided through a cash in lieu contribution to the Borough's Carbon Offset Fund, which will be ring fenced to secure delivery of greenhouse gas reductions elsewhere in the Borough. This offset is "*required unless it is demonstrated that this would undermine the viability of the development*". Major development proposals should further seek to reduce potential overheating and reliance on air-conditioning systems and demonstrate this.
- 10.30 The Datchet Neighbourhood Plan supports policy SP2. Paragraph 7.45 states that development is encouraged to go as far as it can to minimise the impact of development on the environment and climate change. In particular it encourages the forthcoming development at AL39 (this site) to install sustainable alternative heating methods rather than gas boilers.
- 10.31 The proposed development of 80 dwellings incorporates the following sustainability measures in accordance with the Interim Sustainability Position Statement:
- Green infrastructure to help reduce the heat island effect and mitigate overheating
 - Construct external walls from aircrete blocks to ensure low thermal mass
 - Windows and doors to have argon-filled double glazing with a low-e coating, and designed to limit solar gain and maximise daylight penetration
 - Ensure air tightness is maximised and heat loss is minimised through accurate and accredited construction detailing
 - Provision of air source heat pumps for the houses instead of gas-fired boilers
 - Electric Wet heating system to be employed to all houses
 - High specification of heating controls to ensure operational efficiency
 - Waste-Water Heat Recovery to be employed to houses
 - Continuous Mechanical Extract Ventilation to be employed to dwellings which do not face the M4
 - 124 400wp Photovoltaic Panels (PV) to be integrated across the dwellinghouses, equating to 49.6 kWp of PV providing 39,829 KWh/year in renewable energy
- 10.32 Additional measures which are proposed include:
- 40% of parking spaces to have EV charging points
 - Maximum water usage of 105 litres per person, per day
- 10.33 It is anticipated that the proposal will result in an 81% reduction in carbon emissions which includes approximately 20% of energy demand using Low Carbon Technology and Renewables, (which is greater than the required 12%). This equates to a carbon emissions reduction of 106.3 tonnes of CO₂ per year.

10.34 Conditions will be attached to the permission to ensure that the developer is bound by the sustainability recommendations within the Design & Access Statement (condition 26) as well as requiring Air Source Heat Pumps (ASHP) and PV details to be submitted (condition 27). In addition, a legal agreement will be secured to obtain the financial contribution for the carbon off-set fund and lifestyle contribution. This breaks down as follows:

Carbon Offset Contribution

- Building Emissions
 - 24.9 CO2 tonnes per year * £2,070 =
 - £51,543
- Lifestyle Contribution
 - £1,144 (per dwelling) * 80 =
 - £91,520
- Total:
 - £143,063

iii. **Affordable Housing**

10.35 Site specific requirement 2 states that the proposal should provide 40% affordable housing, and Policy HO3 requires a tenure split in accordance with the Berkshire Strategic Housing Market Assessment (SHMA) 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall.

10.36 The scheme seeks to provide a total of 32 affordable dwellinghouses, which equates to 40% of the development (80*0.4 = 32). This is to be broken down as follows:

	1BF inc. x4 w/c	2BF	2BH	3BH	4BH	Total	
Social Rent	4	2	-	6	2	14	44%
Affordable Rent	8	4	-	-	-	12	37%
Shared Ownership	-	-	2	4	-	6	19%
	12	6	2	10	2	32	

10.37 It should be noted that the x6 Social Rented (SR) flats are located on the ground floor of the apartment block, with x4 wheelchair accessible units included in this. There are to be 12 Affordable Rented flats split over the first and second floors. As such, the whole apartment block is to be affordable housing, with 14 additional affordable homes to be provided throughout the remainder of the site. There is no option for including Shared Ownership accommodation in the form of flats as there is only once access core (stairs and lift), even though there are 3 entrances on the ground floor.

10.38 The Council’s Housing Officer supports the arrangement of the apartment units (with them all being Social Rented and Affordable Rented), due to reasons of maintenance and practicality, as this allows the Registered Providers to better take them on. Registered Providers also prefer Shared Ownership properties to be in the form of houses rather than apartments/flats. Furthermore, given the lower service charges for Social Rented and Affordable Rented units, these tenures are better suited to the apartment units rather than Shared Ownership.

10.39 As indicated by the Berkshire SHMA (2016), Social Rent tenure is the most sought after. As such, it is looked upon favourably that this tenure has a good mix of dwelling sizes, including 1, 2, 3 and 4-bed units. The 3 and 4-bed houses meet the needs of persons on the housing register and therefore aids with moving people out of temporary accommodation. It should further be noted that the 2-bed apartment units have the capability of accommodating 4-persons and therefore should be seen as smaller family units, which is obviously favourable.

- 10.40 The proposed tenure split very closely aligns with suggested tenure split set out in Policy HO3 of the BLP and this has been reviewed by the RBWM's Housing Enabling Officer. The proposal therefore will contribute to a recognised need for affordable homes within the Borough. As such it is considered that the proposed scheme meets site specific requirement 2, complies with Policy HO3 as well as paragraph 4.1 of the Datchet Neighbourhood Plan. The affordable homes are to be secured by way of a legal agreement.
- 10.41 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 2.

iv. Housing Provision and Quality

- 10.42 The Borough seeks to deliver a wide variety of high-quality homes that will provide the tenures, types and sizes of housing to meet the needs and demands of different people in the community. This will include housing for older people, people with disabilities, the travelling community and others in the community with specialist housing needs. The provision of new dwellings will take account of local need to allow for a genuine choice of housing options and the creation of sustainable, balanced and mixed communities.
- 10.43 Policy HO2 of the BLP sets out that development proposals should provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the most recent Berkshire SHMA, which in this case in 2016.
- 10.44 The Housing Size Mix by tenure set out in the 2016 SHMA for Eastern Berks and South Bucks HMA is as follows:

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

- 10.45 The proposed housing mix is set out below:

1-bedroom houses	12	15%
2-bedroom houses	9	11.25%
3-bedroom houses	33	41.25%
4-bedroom houses	19	23.75%
5-bedroom houses	7	8.75%
Total	80	100%

- 10.46 When split into market and affordable categories, the table is as follows:

	1-bed		2-bed		3-bed		4+ bed	
Market	0	0%	3	5.55%	27	50%	24	44.45%
Affordable	12	46.15%	6	23.08%	6	23.08%	2	7.69%
All dwellings	12	15%	9	11.25%	33	41.25%	26	32.5%

- 10.47 The majority of the units are 3-bedroom and therefore meets the recommendations of the SHMA, which identifies a shortfall of 3-bed units across the Borough. Whilst there is a lower number of 2-bedroom units than recommended, not every individual development proposal is expected to be able to meet the recommendations of the SHMA, which are a starting point for the application of policy HO2 in the determination of individual planning applications. In providing 33 three-bedroom units, this development proposal is addressing a recognised shortfall in housing size within the Borough. Furthermore, the provision of a larger number of 4-bed family homes with gardens on

this greenfield site is supported as it is recognised there are other sites and allocations in more urban areas which are likely to be providing a greater number of flats and smaller units.

- 10.48 Furthermore, Policy DAT1 of the Datchet Neighbourhood Plan states that major residential development must provide a mix of dwelling types to include units designed to meet the needs of older people i.e. step-free accommodation; spacious living areas and bathrooms; generous storage space; and smaller private outdoor amenity space (but still large enough to accommodate outdoor activities).
- 10.49 All dwellings would comply with the nationally described space standards and a condition will be applied to ensure 30% of units meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings) for the purpose of ensuring compliance with Policy HO2 of the BLP. These measures will be secured in perpetuity by **condition 28**. Amenity space provision is considered appropriate to meet the needs of older people and is further discussed within section x. The range of housing types will therefore accord with paragraph 4.10 of the Datchet Neighbourhood Plan, which sets out the criteria for dwellinghouses to meet the needs of older people as required by Policy DAT1 of the Datchet Neighbourhood Plan.
- 10.50 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 1.

iv. Character, Appearance & Layout

- 10.51 Policy QP3 of the BLP expects all new development to contribute to achieving sustainable high-quality design in the Borough by following a number of design principles, including respecting and enhancing the local character of the environment. Policy DAT2 of the Neighbourhood Plan states that *“Development must demonstrate high quality design and layout which respects the local character identified in the Datchet Design Guide 2021”*.
- 10.52 As per figure 5.1 of the Datchet Neighbourhood Plan (Datchet Character Areas), the application site does not fall within an identified character area; however, it does lie in close proximity to the “Historic Core” character area, which predominantly applies to the Datchet Conservation Area. The Datchet Neighbourhood Plan seeks for new development to:
- identify existing layouts which are characteristic of Datchet;
 - identify the key architectural features and design detailing associated with different scales and types of properties;
 - understand the palette of materials across Datchet and how these could be utilised in new development.
- 10.53 The Datchet Design Guide SPD 2021 notes that the key feature of the Historic Core is ‘The Green’ and the properties surrounding this space. ‘The Green’ was formed through the culverting of a stream and pond in the 1800s. On the eastern-side of ‘The Green’, two key routes (London Road and Horton Road) connect – marking their ends – which is an additional notable feature of this area. Whilst the application site lies in close proximity to the “Historic Core” character area, it is not close to these key features and will therefore have no impact upon them.
- 10.54 Whilst the application site does not lie within a character area identified by the Datchet Neighbourhood Plan, it does lie adjacent the townscape character area – “Inter War Suburbs” identified by the Townscape Assessment (2010). The key characteristics of this townscape are:
- Medium density consisting of crescents, avenues and closes
 - Semi-detached two-storey houses with pebbledash or colour render, sometimes with part tile-hung frontages
 - Architectural detailing including bay and bow windows, recessed arched porches and casement windows with stained glass and leaded lights
 - Roofs are moderately pitched and hipped or gabled, typically finished in clay tiles – chimneys add to visual interest on the skyline
 - Shared amenity greenspace in and around housing, including generous grass verges and small ornamental street trees

- Well vegetated domestic front gardens with ornamental shrubs, bounded by low brick walls and clipped hedges
- Views are channelled down streets, framed by the regular facades of houses
- Quiet and peaceful with a spacious character due to relatively wide street proportions

10.55 The approach to the design of the site has been to provide 'Arts & Crafts' styled dwellings, with traditional pitched roof forms and architectural detailing to give them a contemporary quality. The proposal seeks to complement the local vernacular, using similar and established materials, details, and features. The Design & Access Statement identifies that the key materials will be a variety of either locally sourced bricks, tile hanging and render. This coincides with the materials palette identified by the Datchet Design Guide SPD 2021 for the Historic Core and the key characteristics of the Inter-War Suburbs townscape character.

Layout

- 10.56 As noted in the previous section, the site falls within Flood Zones 1 and 2, which given the location of these constraints throughout the site and focusing on safety, best suits the west to residential development and the east to SuDS and Area of Play. This is to ensure that the occupants of the proposed dwellings are not impacted to a detrimental degree.
- 10.57 That said, the whole site measures 3.92ha and the circa 2/3 where residential development is limited to (~2.615ha), is of a sufficient size to allow for a layout and pattern of development, which is not cramped.
- 10.58 Site-specific requirement 7 of AL39 within the BLP states; "*Have a design which responds positively to the size, shape, and rhythm of the existing development on London Road, where the amenity of the existing dwellings is not adversely affected*". Focusing on the forepart of this, as amenity is covered later within this report (section ix.), it is clear that this site should be read as one with the wider residential areas of Datchet.
- 10.59 The existing pattern of development on the northern side of London Road, is surrounded by the application site and consists of dwellinghouses fronting London Road with rear gardens extending northward. The proposal does not continue this pattern; however, there is a sufficient reason for this – due to the curvature of London Road and the existing junctions on the southern-side, creating driveways off London Road would be undesirable from a highway's standpoint. As such, the development seeks to provide a pattern similar to the residential character found south of London Road.
- 10.60 The parking courts include large areas of hard-surfacing, which are noted on the hard landscaping plans to comprise bitmac surfacing laid in line with engineers sub-base requirements. The parking court serving plots 69-80 is relatively hidden from wider views by the dwellings. The parking court to serve the apartments would be more visible – especially given its extension to the northern side of the through-road. The spaces provided in this area encroach marginally into the proposed foraging route along the northern boundary. The Design and Access Statement notes that, "*A combination of bitmac and various colours of block paving (including a proportion of permeable) will provide variety and create clear changes between public and private*"; however, it is not clear which elements will be permeable. It is therefore proposed that the materials condition (3) will be worded accordingly to ensure that the large areas of hard-surfacing (parking courts) comprise permeable materials.
- 10.61 Policy DAT9 of the Neighbourhood Plan seeks for developments to provide new grass verges where possible, designed in a way to prevent degradation. The proposal will provide a number of grass verges throughout the site, with some containing trees, which would prevent cars parking on them.
- 10.62 The proposed dwellinghouses are evenly spread out, forming distinctive building lines. Blocks are created through separation features such as pedestrian footpaths, driveways, landscaping and roads. These blocks are relatively even with regard to the number of dwellinghouses they contain, ensuring that no part of the site is spatially domineering.

- 10.63 The proposed play area in the east of the site is well linked to the estate through pavements and pedestrian walkways, as well as the grass cut foraging route.
- 10.64 The front facade of the proposed dwellings, including their primary entrances have all been designed to face the street, which enables the scheme to create active frontages throughout the estate.
- 10.65 The foraging trail runs along the northern boundary, with a number of pedestrian walkways and pavements linking through the site towards it. This ensures that all dwellinghouses have ease of access to this element of the scheme.
- 10.66 Overall, the layout is considered to be well designed and complies with Policy QP3 of the BLP and Policy DAT2 of the Datchet Neighbourhood Plan.

Scale

Apartment Block

- 10.67 The initial submission proposed a bulky roof serving the apartment block; however, concerns were raised by Officers with regard to the prominence of this building impacting on long distance views into the site – especially those seen as travelling east-west where Major's Farm Road merges into London Road and further along London Road.
- 10.68 Revisions were sought to reduce the roof bulk of this building to firstly reduce its impact upon the wider area, but secondly to minimise overbearing impact upon the proposed neighbouring residential units (specifically plots 49 & 50).
- 10.69 These amendments saw a ridge height reduction from 13.07m to 10.805m. The apartment block contains 16 apartments over 3 floors and whilst it remains a sizable building, it is accepted due to the site constraints and the need to provide a mix of housing, that this scale of building is appropriate. It is considered that the scale of the apartment block is now of an acceptable size, which would not dominate the surrounding landscape, neighbouring properties or wider character of the area.

Houses

- 10.70 The proposed housing would all be 2-storeys in height, comprising a mix of terraced, semi-detached, link-detached and detached dwellinghouses.
- 10.71 This scale of development is considered to be reflective of the other residential developments throughout Datchet and thus from this perspective the proposal would not be out of keeping with the prevailing character of residential development within the surrounding area.
- 10.72 In terms of the exact height of the dwellings – they range from 7.963m to 9.659m maximum ridge heights. The dwellinghouses all maintain traditional pitched roofs as opposed to crown roofs and these heights are considered acceptable.

Design & External Appearance

- 10.73 With regard to style and design, it is noted that there are a variety of historical architectural styles and features in Datchet village; however, the predominant style is 'Arts & Crafts', which the proposed dwellings seek to reflect. They will adopt traditional pitched roof forms, with architectural detailing to give them a contemporary quality.
- 10.74 In terms of external appearance, the proposed buildings seek to complement the local vernacular, using similar and established materials, details, and features. The development will

use a unifying palette of materials, but variations in form, size and style will create distinctive character areas within the development.

10.75 The proposed materials palette consists of the following:

Walls

- Red coloured facing brick
- Tile hanging
- Cream coloured render
- White timber boarding

Roof

- Red-brown or grey slate effect roof tiles
- Chimneys to selected plots

Windows

- White windows throughout

Doors

- Coloured front doors and garage doors
- A range of porch types with timber detailing
- Garage/car-port doors to be up-and-over type

10.76 When viewed from the east, the fronting buildings (apartment block & terrace consisting of plots 78-80) are proposed to be red brick with anthracite roof tiles.

10.77 The properties in the east of the site, which face London Road (albeit behind a hedge) are to utilise a mixture of materials, with plots 72-73 having the upper storey as tile hanging; plots 74-75 being rendered in a cream colour; and plots 76-77 being face brickwork.

10.78 Throughout the rest of the site, the material palette is to be relatively mixed, although a distinctive pattern can be found, for instance the corner plots being more idiosyncratic than those in the middle of a road. i.e. plots 19, 24, 37 & 42 are each to have wrap around first floor tile hanging; whereas their internal (site) mirrors – plots 25, 28, 33 & 36 are to each be rendered with anthracite roof tiles, likewise with corner plots 3 & 10.

10.79 Overall, the proposed materials, design and style of the units are considered to be in character with the local vernacular and would not be detrimental to the character of the surrounding area. As such this is found to be acceptable.

10.80 On the basis of the assessment above the proposal is considered to satisfy the site-specific objectives 7, 8 and 9, and comply with the Datchet Design Guide SPD.

v. Landscaping & Open Space

10.81 Policy QP3 states that a development proposal will be considered high-quality design and acceptable where it provides high quality soft and hard landscaping.

Open Space

10.82 Policy IF4 states that new open space and play facilities for children and young people will be required on sites allocated for new housing as set out in the site allocation proformas in Appendix C. Policy DAT11 of the Neighbourhood Plan seeks the provision of community infrastructure, with (a) focusing specifically on AL39 (this site) requiring the scheme to provide play equipment for toddlers and young children, to support early years development and learning.

- 10.83 The proposed development seeks to propose a variety of public open space. The main open space is located in the eastern extents of the site and proposed to host a combined Local Area for Play (LAP) & Locally Equipped Area for Play (LEAP)¹, a community orchard and the Sustainable Urban Drainage System (SuDS). The path from the foraging route is to extend by way of a circular mown path looping around the SuDS with some seating provided.
- 10.84 The combined LAP and LEAP is to be specifically designed to provide a variety of play experiences for both younger children and toddlers, and junior age children who are starting to play independently. Each facility will contain equipment that has a more rural aesthetic, so that it is sympathetic to its surroundings, whilst also offering a variety of play opportunities. These will provide a suitable and safe environment for young children to develop in their early years.
- 10.85 Another public open space is proposed between plots 31 & 32 – in the middle of the housing estate. This is to be designed in a way which replicates open spaces already found within Datchet. It will include a seat and litter bin, along with ornamental tree planting – all contained by a traditional fence.
- 10.86 Additionally, incidental public realm areas are included beyond private front gardens through the development.

Food Production

- 10.87 Site-specific requirement 3 requires the scheme to deliver food production, which the scheme does through the provision of a community orchard and foraging route. Furthermore, the submitted Design & Access Statement discusses the opportunity to provide residents with facilities to grow their own fruit and vegetables within the communal gardens associated with the proposed apartment block and further suggests that residents could grow fruit and vegetables in their private gardens.
- 10.88 Policy DAT11 of the Neighbourhood Plan sets out that proposals which provide allotments/community gardens and space for growing food will be strongly supported. The supporting text explains that the residents of Datchet lack such facilities, as the closest allotments are located within Slough Borough and are therefore not available to the residents of Datchet. Whilst the scheme does not provide allotments, neither the allocation proforma or DAT11 specifically require allotments. The provision of a community orchard and foraging route fulfils such policy requirements and the scheme is considered acceptable in this regard.
- 10.89 As such, the proposal does not conflict with Policy DAT11 of the Neighbourhood Plan and makes provision for local food production in accordance with the requirement of the Borough Local Plan.

Landscaping

- 10.90 The proposal seeks to develop different landscape character areas, based on existing characteristics, constraints, and site opportunities. The Design & Access Statement notes four individual character areas, which it seeks to develop:
- Northern boundary with M4
 - Gently sloping topography down to eastern extents of site.
 - Landscape buffer areas along the western and south-eastern boundaries to protect the residential amenity of the existing properties and roads.
 - Residential development internal from the site boundaries including both private and public realm areas.
- 10.91 A soft landscaping scheme has been provided (secured by **condition 11**) with the application, which details how a hierarchy can be created with the main residential streets defined using tree planting and hedgerows and private driveways defined using ornamental planting beds with specimen shrubs to provide height and visual interest.

¹ As required by the Borough Local Plan (see Tables 31 & 32 – Open Space Standards)

- 10.92 Different planting palettes for each area are to be developed to help aid navigation through the site, with species selected for their floral colour, foliar texture and colour. Each character area will include different colour themes, planting styles and specimen planting. This provides distinct changes across the site through foliage forms and colours, fruiting species, flower colour and texture.
- 10.93 With regard to hard landscaping, a scheme has been submitted (also secured by **condition 11**), detailing materials to enhance areas throughout the site and provide key focal points which are reinforced with soft landscaping. A combination of bitmac and various colours of block paving and flag paving (including a proportion of permeable) will provide variety and clear changes between public and private areas.
- 10.94 Given the above, it is considered that the proposed satisfies site-specific requirement 3 and satisfies 9 with respect to the creation of a distinctive public realm of high-quality design; however, the access element is to be assessed later within this report. As such, the proposed development is considered to comply with BLP Policy QP3, and DAT11 (given the provision of Areas of Play, foraging route and path around the SuDS).

vi. Impact on heritage

- 10.95 Policy HE1 of the Borough Local Plan requires proposals 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. It further requires applications for works within archaeologically sensitive areas will be required to include a desk-top archaeological assessment.

Datchet Conservation Area

- 10.96 The application site is located less than 40m north-east of the Datchet Conservation Area. That said, given the separation by Riding Court Road and mature trees, the development will have no impact upon the Conservation Area. Site-specific requirement #8 notes that the development should consider long distance views into the site, "*especially from the Conservation Area*". Officers are satisfied that the proposed development will have no impact upon the Conservation Area.
- 10.97 The Datchet Neighbourhood Plan identifies an undesignated heritage asset known as "*WWI Crucifix, London Road*", which lies in relatively close proximity to the site (~35m south). This is protected by Datchet Neighbourhood Plan Policy DAT4; however, given the separation by London Road and mature trees, the development will have no impact upon this asset.
- 10.98 It has been confirmed by the Conservation Officer that the proposed development would have no impact of the surrounding (above ground) built heritage assets.
- 10.99 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 8.

Archaeology

- 10.100 As the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development it is therefore recommended that a condition is imposed in order to mitigate the impacts of development. (conditions 9 and 10).

vii. Highway considerations, sustainable transport and parking provision

10.101 The LPA has undertaken consultations with the Highways Officer for technically focused comments, as well as the internal Transport Infrastructure team for comments regarding the wider sustainable transport requirements. The submitted Transport Assessment (produced September 2022) relies upon data from a number of sources, namely:

- Traffic Flow Data collected during June 2022;
- Collision data from 2017-2022;
- Trip generation data from the industry standard TRICS database using sites within the south-east of England that have between 50 and 150 dwellings. The surveys for these sites were conducted between 2014-2022;
- Traffic distribution data from the 2011 Census (Travel to Work)
- Junction capacity data from an MCC survey undertaken in July 2022

Traffic Generation

10.102 The transport consultant has interrogated the TRICS database to predict the trip generation associated with the development.

10.103 The Transport Assessment reports that the development could potentially generate 38 and 36 vehicular trips during the AM and PM peak periods, respectively. The Transport Assessment includes an assessment on how the nearby junctions would operate in 2026 (opening year) with and without the development and concludes the trips arising from the development would not have a severe impact on the local highway network.

10.104 The Highway Authority is satisfied that the assessments are robust, and the trips generation would not lead to severe highway safety concerns or would materially impact on the free flow of pedestrian and vehicular movements on the highway network.

Access Provision

10.105 The development will be served by two vehicular accesses. The first uses the existing field gate access sited approximately 65m north of the Riding Court Road/ London Road junction. The access can achieve visibility splays of 2.4 x 120m, and the visibility splays will be maintained by cutting back of the boundary vegetation.

10.106 The second access is off London Road and can achieve visibility splays of 2.4 x 45m, which is acceptable having regard to the speed limit across this section of London Road.

10.107 Acorn Project Ltd. were commissioned to undertake a Stage 1 Road Safety Audit. The Highways Authority have reviewed the issues raised and are satisfied with the designer's response.

Internal Estate Access & Refuse

10.108 With regards to the internal layout of the site, the accompanying plans demonstrate that a refuse vehicle (10.96m) can manoeuvre within the estate and serve each dwelling in accordance with the guidance set out in Manual for Streets. It is noted that the internal road network is traffic calmed and the junctions and achieved visibility splays are acceptable.

10.109 The applicant has indicated that the estate would be kept private. The applicant is advised that the roads and footways must be designed to the Borough's minimum Highway Standards. An appropriate Private Management Plan should be in place and an Advance Payment Code (APC) is required by the Borough's Highway Authority.

Parking

- 10.110 The Council's Parking Strategy (2004) sets out the requirement for a maximum standard based on the accessible nature of a development; over 800m from a station providing a ½ hourly or better service, is considered to be in an area of 'poor accessibility' and less than 800m is considered to have good accessibility.
- 10.111 The boundary of this poor accessibility zone falls within the application site; however, the majority of the dwellinghouses do not and therefore have good accessibility.
- 10.112 Paragraph 14.6.3 of the Borough Local Plan states:
"The parking standards in the 2004 Parking Strategy will be used as a guide for determining the appropriate level of on-site parking provision. However, they will not be used to apply maximum standards and consideration will be given to the accessibility of the site..."
- 10.113 Paragraph 108 of the National Planning Policy Framework expects maximum standards should only be applied whether there is compelling justification that they are necessary for managing the local road network, or for optimising the density of development in specified areas.
- 10.114 Having regard to the schedule of accommodation, and the Borough's Parking Strategy the proposal would attract a demand for 100 car parking spaces were the whole site in an accessible location and 174 car parking spaces were the whole site within an inaccessible location.
- 10.115 The proposal seeks a total of 159 spaces with 150 allocated to dwellinghouses and 9 for visitors. A more detailed breakdown is displayed in the following table:

		Parking Spaces Provided						Overall Total
		1		2		3		
		No. of Units	Total Spaces	No. of Units	Total Spaces	No. of Units	Total Spaces	
Unit Type	1-bed	11	11	1	2	0	0	13
	2-bed	6	6	3	6	0	0	12
	3-bed	0	0	33	66	0	0	66
	4-bed	0	0	19	38	0	0	38
	5-bed	0	0	0	0	7	21	21
Total								150
Other	Visitors	9	9					9
Total								9
Overall Total								159

- 10.116 The standards set out within the 2004 Parking Strategy are a starting point and when read in conjunction with the sites location and guidance set out within the NPPF it is considered that this is an appropriate level of parking to achieve a balance between the needs of future of residents, highway safety, design, and sustainability.
- 10.117 Additionally, the applicant has agreed to provide additional EV parking spaces over and above the 20% required by building regulations to counteract the impact upon sustainability. The number of EV parking spaces to be provided is therefore: 61²
- 10.118 Cycle parking provision is provided in line with the 2004 parking standards and will be further secured by a suitably worded planning condition (**condition 16**).

² 123*0.2 = 24.6 (20% of the maximum spaces permitted by the 2004 parking standards)

159-123 = 36 (number of spaces provided in excess of those permitted by the 2004 parking standards)

25+36 = 61

Pedestrian and cycle access and connectivity

- 10.119 Site specific requirement 5 states that the development will be required to provide safe pedestrian and cycle links through the site including open spaces, and to create easy pedestrian and cycle mobility to the village centre. This is reflective of policy IF2 3a which states that development proposals should show how they have been designed to improve pedestrian and cyclist access to and through the Borough's centres, suburbs and rural hinterland.
- 10.120 This is further supported by policy DAT12 of the Neighbourhood Plan, which seeks the development of segregated cycle and pedestrian routes as well as ensuring development does not result in harm to highway safety or to the accessibility of Key Movement Routes.
- 10.121 Additionally, the Datchet Design Guide SPD 2021 notes that one of the negative features of the Historic Core is its "*lack of crossing points (e.g. zebra crossings)*", which makes it "*difficult for pedestrians to cross the road*".
- 10.122 The scheme proposes a number of non-vehicular links allowing interconnectivity within the site as well as two routes out of the site (in addition to the two vehicular accesses).
- 10.123 The applicant has agreed to enter into a Section 278 legal agreement securing various off-site highway improvements to help with the wider connectivity of the site in relation to Datchet. These improvements will include:
- The provision of two zebra crossings along London Road;
 - Revitalisation of the two existing bus stops on London Road; and
 - Relocation of the eastern-most bus stop to allow for the introduction of a zebra crossing in its (approximate) existing location.
- 10.124 Whilst the site (nor the proposed off-site highway improvements) will lie within the Historic Core character area, the proposed crossings will aid with overcoming the identified concern regarding the lack of crossings in the area and will aid with slowing traffic, which was an additional concern noted within the Datchet Design Guide SPD 2021.
- 10.125 A condition (17) is required to secure details of these off-site highway improvements with them to be implemented prior to occupation of the 16th dwelling (20% occupation).
- 10.126 With the above Section 278 and associated condition, the scheme will fully satisfy site specific requirement 5, allowing for safe interconnectivity to and from either-end of the site and further allowing safe passage for any persons seeking to utilise the proposed play area.
- 10.127 It should be noted that zebra crossings are sought instead of a cycle-friendly crossing (i.e. Tiger crossing) due to the lack of cycle infrastructure currently available within the surrounding area. The Council's Transport Infrastructure team note that proposed infrastructure should complement existing infrastructure and zebra crossings can easily be upgraded to cycle-friendly variations in the future once future plans to introduce cycle infrastructure within Datchet are implemented.

Public transport

- 10.128 Site specific requirement 6 states that the development must be 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. The existing bus stops along the London Road are served by the 305 (Staines – Colnbrook) and the P1 (Windsor Park & Ride). The P1 stops five times per day at the following times (10:57, 12:57, 14:37, 15:37, 16:13, 17:58) and the 305 stops three times per day at the following times (09:32, 12:23, 14:03).
- 10.129 As noted above (paragraph 10.122), the proposed Section 278 includes x2 bus stop improvements, which will allow residents of the site as well as existing Datchet residents to have good access to the village centre and Slough. As such, it is evident that the proposal seeks to provide alternatives to private car use, as required by site-specific requirement 6.

- 10.130 The relocation of the eastern-most bus stop is not a concern, as it will likely to be relocated less than 100 metres further east, in the interest of complying with highway safety requirements for the introduction of a zebra crossing in its current location.
- 10.131 On the basis of the assessment above the proposal is considered to satisfy the site-specific objectives 4, 5 and 6.

viii. Impact on neighbouring amenity

- 10.132 Policy QP3 (m) of the BLP seeks to protect the amenity of the occupiers of dwellings both surrounding application sites and application sites themselves. Section 8 of the Borough Wide Design Guide SPD covers this in detail.

Existing residents

- 10.133 The residents most likely to be impacted by the development are those situated on the northern side of London Road. The proposed dwellings would not directly abut the curtilage boundaries, instead the layout demonstrates sizable gaps of separation (plot 31 has a flank-rear gap of ~47.65m and plot 32 has a rear-rear gap of ~53.85m, which exceeds the minimum requirements (12m for flank-rear and 20m for rear-rear) set out in the Borough Wide Design Guide SPD) by ensuring that these existing rear gardens (facing north) are bordered by the south-facing gardens of newly proposed dwellings.
- 10.134 No overlooking, overshadowing or outlook concerns are considered to arise from the proposed development.

Residents of proposed dwellings

- 10.135 The proposed dwellings have been laid out to ensure their separation distances comply with the Borough Wide Design Guide (Table 8.1) and therefore no harm is considered to arise with regard to overlooking.
- 10.136 In terms of overshadowing and outlook, no concerns are considered to arise from the proposed development.

ix. Provision of suitable residential environment

- 10.137 A key consideration is looking to ensure that the proposed residential development will provide a suitable standard of residential accommodation for new occupiers both in terms of indoor and outdoor living space.
- 10.138 As stated in the Housing section of this report at paragraph 10.64, all the dwellings have been designed to meet the Nationally Described Space standards and thus would accord with policy HO2 and the Borough Wide Design Guide SPD in this respect.
- 10.139 Each dwellinghouse has been designed with a suitably sized garden area to meet the requirements of the Borough Wide Design Guide SPD and additionally several properties have been provided with smaller gardens which Officers consider would fulfil the provision of “*smaller private outdoor amenity space*” as per Policy DAT1 of the Datchet Neighbourhood Plan.
- 10.140 As for the apartment block, each first and second floor flat has a balcony, with the 1-bed units having smaller balconies than the 2-beds.

10.141 The private outdoor amenity spaces provided for each flat are noted within the following table:

		Bedrooms	Depth	Width	Area
Ground Floor	Unit 51	1	3.60 m	8.86 m	31.88 m ²
	Unit 52	2	2.93-3.60 m	18.58 m	56.19 m ²
	Unit 53	2	2.93-3.60 m	11.62 m	37.38 m ²
	Unit 54	1	3.01 m	9.45 m	28.45 m ²
	Unit 55	1	3.00 m	10.55 m	31.65 m ²
	Unit 56	1	2.93-3.59 m	9.49 m	29.75 m ²
First Floor	Unit 57	1	2.00 m	2.53 m	5.06 m ²
	Unit 58	2	2.00 m	3.98 m	7.96 m ²
	Unit 59	2	2.00 m	3.98 m	7.96 m ²
	Unit 60	1	2.00 m	3.00 m	6.00 m ²
	Unit 61	1	2.00 m	3.00 m	6.00 m ²
	Unit 62	1	2.00 m	2.52 m	5.04 m ²
Second Floor	Unit 63	1	2.00 m	2.53 m	5.06 m ²
	Unit 64	2	2.00 m	3.98 m	7.96 m ²
	Unit 65	2	2.00 m	3.98 m	7.96 m ²
	Unit 66	1	2.00 m	3.00 m	6.00 m ²
	Unit 67	1	2.00 m	3.00 m	6.00 m ²
	Unit 68	1	2.00 m	2.52 m	5.04 m ²

10.142 Principal 8.5 of the Borough Wide Design Guide requires ground floor flats to have private amenity space with a minimum depth of 3m and be as wide as the dwelling it serves. The proposal meets this principle.

10.143 Principal 8.5 of the Borough Wide Design Guide also requires flats above ground floor level to have balconies with a minimum depth of 2m and have a minimum floorspace of 5sqm for 1 & 2-bed dwellinghouses. The proposal meets this principle.

10.144 Considering the above, the proposal would meet Policy QP3(I) of the BLP, which seeks development to provide sufficient levels of high-quality private and public amenity space.

x. Environmental Considerations

Ecology

10.145 Paragraph 174 of the NPPF states new development should minimise impacts on and provide net gains for biodiversity. Similarly, Policy NR2 in the BLP outlines that development proposals are expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites. Policy DAT8 of the Neighbourhood Plan requires development proposals to deliver biodiversity net gains in addition to protecting existing habitats and species.

Designated Sites & Habitats

10.146 The ecology report and Local Plan HRA have assessed the potential impacts on statutory and non-statutory designated sites of the proposed development, which is an allocated site within the local plan. The report concludes that the development proposals are unlikely to have any effect on the nearby designated sites given the scale of development, the distance of the development to these sites and the lack of hydrological connections.

10.147 The majority of the habitats on site were of low ecological value, although there will be a small section of hedgerow that will be removed to facilitate the development, which is of higher ecological value. It is understood that this will be replaced by linear sections of scrub habitat and hedgerows and the enhancement of the existing hedgerows, which will be conditioned as part of the planning permission.

- 10.148 The landscape proposals have been updated with minor amendments to housing plots, which has allowed the scheme to increase the number of newly planted trees within the development subsequently ensuring a net gain in biodiversity on-site. Although the majority of these newly planted trees will likely reach 'Medium size' and achieve 'Moderate condition' as per the guidance, they have been calculated as 'Small' in 'Poor condition' as a conservative estimate.
- 10.149 With these amendments, the proposal is now able to demonstrate an on-site biodiversity net gain of 2.68%. A legal agreement will secure off-site biodiversity to ensure that the scheme meets a total net-gain of at least 10% as required by Monitoring Indicator 9 of the Borough Local Plan, in anticipation for the soon-to-be national requirement in November 2023.
- 10.150 A Section 106 legal agreement will secure the offsetting of this deficit on alternative land, which the developer intends to identify. The Council would like to ensure this land is located within the Borough and so wish for the S106 to require details of the biodiversity net gain strategy, which will identify alternatives, including off-site provision on land as close as possible within the Borough boundary. Should the land identified not fall within the Borough, Officers intend for the agreement to include a caveat, which would require the developer to purchase biodiversity credits from the Council at a rate of £40,000 per unit (1.0).
- 10.151 With this legal agreement, we can ensure the delivery of an acceptable level of biodiversity net gain within the Borough, which is looked upon favourably given national policy finds it acceptable to simply buy credits for delivery elsewhere in the country.
- 10.152 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 10.

Bats

- 10.153 Three trees were assessed as having low potential for roosting bats. It is understood that these trees are to be retained and buffered as part of the development and therefore no further surveys or mitigation is required.
- 10.154 The site was recorded as having potential to support foraging and commuting habitat for bats, particularly along the boundary features. These boundary habitats are mostly to be retained and protected during and following development and therefore it is concluded that the proposals will not have a significant impact on foraging and commuting bats. In addition, the enhancement and creation of new habitat is likely improve the site for bats. The habitat enhancements should be included within a Landscape Ecology Management Plan and conditioned if planning permission is granted.
- 10.155 During the site survey, some light sensitive bat species were recorded on site. The site is currently not lit and light spill from the proposed development has the potential to disturb bats as well as other mammals and invertebrates. It is therefore recommended that a sensitive lighting strategy is prepared and implemented across the development in order to minimise the negative impacts of lighting at the site. The strategy should detail how the negative impacts of lighting will be minimised including type of lighting to be used, timing of lights, avoidance of light spillage, creation of dark corridors and the use of directional lighting away from sensitive areas such as trees, hedgerows. This will be controlled by conditioned (**condition 24**).

Amphibians and Reptiles

- 10.156 There were no ponds on site and any ponds within 500m are separated by significant barriers such as M4. The development falls within the green impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderately suitable habitat and a low likelihood of great crested newt presence. Therefore, it is unlikely that the proposed development would cause an impact on great crested newts and/or their habitats.

10.157 A reptile survey was undertaken in 2021, as the site had the potential to support these protected species. No reptiles were recorded during surveys in 2021 and therefore no further survey or specific mitigation is required. Enhancements for reptiles have been recommended within the ecology report and should be conditioned as part of a Landscape and Ecological Management Plan (LEMP), should planning permission be granted (condition 25).

Other Protected Species

10.158 The site did not have any evidence of or the potential to support dormice, badger, otter or water vole. The site had limited potential for ground nesting birds. However, the vegetation does have the potential to support nesting birds and therefore the ecology report makes recommendations to ensure the protection of nesting birds should they be on site. If planning permission is granted, this should be secured by condition (condition 29).

Summary

10.159 With the satisfactory completion of a legal agreement securing at least 10% biodiversity net gain through both on-site and off-site measures, no ecological concerns are raised and therefore the proposal can be supported in this regard with appropriate conditions applied with regards to a Construction Environmental Management Plan (CEMP): Biodiversity, LEMP, external lighting and biodiversity net gain and enhancements.

10.160 As such the proposal is considered to comply with Policy NR2 of the Borough Local Plan, Policy ENV 1 of the Datchet Neighbourhood Plan and Objective 10 of the site-specific requirements.

Trees

10.161 In order to facilitate the proposed development a minimal loss of existing trees is required, which comprises the partial removals of two Category B (moderate-quality) trees and one Category C (low-quality) tree. These removals are required to create and improve the access to the site ensuring sufficient vision splays at both proposed entrances. The proposed tree planting, as shown within the Proposed Planting Schedule (identified within INL23855-11E Sheet 1 | received 10 Jul-23), will be sufficient to mitigate the loss of the trees identified for removal and should help to improve the overall quality of tree stock on the site. The number of trees proposed amounts to 1,170 and 1,073 others are to be planted and maintained as hedge. 3,514 shrubs are to be planted and 3,558 others are to be planted and maintained as hedge. Additionally, 47 climbers are to be planted as well as 874 herbaceous.

10.162 The visual impact of all tree losses will be minimal due to the existing site entrance from Riding Court Road only requiring clearance for vision splays. Removals of trees at the entrance from London Road will have a small visual impact but due to the height of the group, and hedgerow on the opposite side of the road the loss of trees, will be largely obscured from nearby houses.

10.163 The site layout has avoided the construction of the dwellings and roads within the Root Protection Areas (RPA) of any retained trees. Two sections of the footpath are shown as being within the RPA of retained groups and, as such, suitable tree protection and construction methodologies must be used in these locations. The primary section of the footpath within the RPA of retained trees is at the front of Plots 72-78. The other section is to the south of Plot 33.

10.164 The Tree Protection Plan shows sufficient layout of Tree Protection Fencing. It is noted that there are areas outside the protection fencing where construction activities are required. Robust methodologies for working in these areas must be included within the Arboricultural Method Statement to ensure suitable levels of protection are in place.

10.165 From an arboricultural perspective, there is no reason to object to this proposed development provided that a BS5837-compliant Arboricultural Method Statement is produced and submitted as

a planning condition. This should include details of tree numbers and species to be replanted and these should be appropriate to the site and location, favouring native species where possible, and of suitable provenance to adapt to climate change. Where work is to be carried out within the RPA of retained trees “no dig” methodologies, Arboricultural Monitoring and porous surfacing should be recommended within the Arboricultural Method Statement.

10.166 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 13.

Environmental Protection

Air Quality

10.167 Policy EP2 of the Borough Local Plan seeks proposals aim to contribute to conserving and enhancing the natural and local environment, by avoiding putting new or existing occupiers at risk of harm from unacceptable levels of air quality. Development proposals should demonstrate how air quality impacts have been considered and if significant air pollution increases are expected, appropriate mitigation measures are required.

10.168 Site-specific requirement 14 seeks the development to provide appropriate mitigation measures for addressing the impacts of air pollution from the M4 to protect residential amenity.

10.169 The Council’s Environmental Protection Officer has reviewed the submitted Technical Note supplementing the Air Quality Assessment and has found it to be satisfactory. The results of the assessment indicated that predicted annual mean nitrogen dioxide, PM10 and PM2.5 concentrations at the receptors points are below the respective air quality objectives. The findings and conclusion of the air quality assessment that the overall impact on air quality is negligible and therefore acceptable.

Noise

10.170 Policy EP4 of the Borough Local Plan seeks proposals in areas significantly affected by road noise to demonstrate via a noise impact assessment, effective mitigation measures in order for a scheme to be supported.

10.171 Site-specific requirement 14 seeks the development to provide appropriate mitigation measures for addressing the impacts of noise pollution from the M4 to protect residential amenity.

10.172 The applicant has submitted a Noise Assessment to consider existing noise levels at the proposed site. The development proposal will result in the introduction of new sensitive receptors adjacent to the M4 motorway and the submitted noise assessment sought to establish whether noise is a constraint to the proposed residential use.

10.173 The assessment has identified the necessary mitigation measures to reduce noise levels to meet relevant criteria. This noise assessment has been reviewed by the Council’s Environmental Protection Officer, who is satisfied with the details.

10.174 A noise condition requiring the full details of the mitigation measure to be adopted is recommended (condition 19).

10.175 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 14.

Contaminated Land

- 10.176 The applicant has submitted a Preliminary Risk Assessment and Geo-environmental Assessment carried out by WDE Consulting. The reports are satisfactory and indicate a low risk across the site with respect to contamination and groundwater contamination. No further risk assessment or remediation is required.
- 10.177 The Ground gas classification is CS:2 and so will need an upgrade to the dampproof membrane normally required. A remediation condition should be applied to the granted permission and an undiscovered contamination condition as recommended in the report.
- 10.178 If soils are to be retained and re-used on site then the developer should consider the CL:AIRE CoP Soil Management Plan or make sure that the correct waste disposal licences are in place or exemptions from the Environment Agency. This will be noted as an informative.

Construction Environmental Management Plan (CEMP)

- 10.179 The proposed development site is in close proximity to sensitive receptors and has the potential to affect local conditions in respect of noise, vibration and dust during groundworks and construction works. The CEMP outlined details of the proposed mitigation measures for noise and dust. Whilst these details are acceptable the applicant is expected to ensure that the noise impact from groundworks and piling work will be assessed and mitigated as defined in BS 5228-1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites. This is recommended to be enforced by way of condition (30).

xi. Other Material Considerations

Minerals

- 10.180 The outcome of the Minerals Resource Assessment (MRA) is agreeable in that prior extraction is unviable on this site, mainly because of the small awkward shaped nature of the site. The presence of a water table across the site at approximately 3 metres depth does limit the amount of mineral potential to between 1 and 2 metres. However, the Joint Central and Eastern Berkshire Minerals & Waste Plan does state that prior extraction is the first level of extraction to be considered. Where this is not considered suitable, the developer should be recommending that the principles of incidental extraction are utilised as part of the development. Where this has been alluded to in the MRA, there has been no real commitment to ensuring any mineral recovered as part of the construction phase of the development would be utilised. The Minerals Officer at Hampshire County Council recommended a condition securing that the principles of incidental extraction are considered and utilised across the site to maximise the amount of mineral that could be viably extracted as part of this development to minimise the level of sterilisation. Whilst this would have the added benefits of potentially reducing the amount of mineral that would need to be imported on site for the construction of the proposal. Policy M2 (safeguarding sand and gravel resources) of the Joint Minerals & Waste Plan states that “*sharp sand and gravel...are safeguarded against unnecessary sterilisation by non-minerals development*” and that, “*non-minerals development...may be permitted if...b) it can be demonstrated that the minerals will not be permanently sterilised*”. Given the lack of commitment from the developer within their MRA, Officers consider that the condition recommended by the Minerals Officer is justified (Condition 31).
- 10.181 On the basis of the assessment above the proposal is considered to satisfy the site-specific objective 15.

Legal Agreement Requirements – Section 106

- 10.182 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 10.183 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

Carbon Offset Contribution

- 10.184 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. The Interim Sustainability Position Statement requires a financial contribution be made in the form of a) Building Emissions, to make up any zero-carbon deficit; and b) Lifestyle, to account for carbon production as a result of the development use (e.g. vehicle movements).
- 10.185 The developer has agreed to enter into a Section 106 legal agreement, which would secure a carbon offset contribution totalling £143,063 (Building Emissions: £51,543 and Lifestyle: £91,520).
- 10.186 The figure (£143,063) arrived at and agreed is in line with the calculations imposed by the Interim Sustainability Position Statement.

Affordable Housing

- 10.187 Policy HO3 of the Borough Local Plan states, "*The Council will require all developments for up to 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*".
- 10.188 The developer has agreed to enter into a Section 106 legal agreement, which would secure the provision of 32 on-site affordable housing units, as set out within the table noted in paragraph 10.53. This proposed on-site affordable housing is compliant with Policy.

Biodiversity net gain

- 10.189 Policy NR2 of the Borough Local Plan requires development proposals to "*avoid the loss of biodiversity and...demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric*."
- 10.190 The provided metric identifies an on-site biodiversity net gain of 2.68%; however, in November 2023 a minimum of 10% will be a national requirement and therefore officers are seeking this 10% minimum biodiversity net gain now, to ensure good planning practice in line with the Governments requirements.
- 10.191 In situations where 10% cannot be met through an on-site provision, there are three options available to make-up this deficit by way of an off-site provision:
- 1) Purchase of biodiversity credits from the Council
 - 2) Offset the deficit on land either owned by the applicant or a third-party. If owned by a third-party, this would be subject to an agreement with the landowner.
 - 3) Purchase of biodiversity credits from a broker or Habitat Bank

- 10.192 The developer intends to offset the deficit on another plot of land (option 2). The developer has agreed to enter into a Section 106 legal agreement, which would secure their intention to offset the deficit on additional land within/as close to the Borough as possible.
- 10.193 Officers intend to caveat the legal agreement with a fallback position of option 1 (purchasing credits from the LPA at a rate of £40,000 per unit (1.0) if the land identified is not within the Royal Borough or within a 400m radius of the site.
- 10.194 For the purpose of this application - without this legal agreement, the scheme is compliant with Policy NR2 and current national planning policy; however, this is being secured to ensure compliance with fast approaching national planning legislation alterations and to aid with obtaining the best possible scheme on this allocated site.

LEAP

- 10.195 Policy IF4 of the Borough Local Plan states, *“New open space and play facilities for children and young people will be required on sites allocated for new housing...as set out in the site allocation proformas in Appendix C and in line with requirements contained in the most up to date Open Space Study”*.
- 10.196 The site allocation proforma does not specify any areas of play; however, Table 31 (Open Space Standards) of the Borough Local Plan requires developments of 11 to 200 dwellings to provide a Local Area of Play (LAP) and a Locally Equipped Area for Play (LEAP); however, it does not require a Neighbourhood Equipped Area for Play (NEAP).
- 10.197 The application proposes both a LEAP & a LAP and the developer has agreed to enter into a legal agreement, which would secure these as required by Policy.

Legal Agreement Requirements - Section 278

- 10.198 A section 278 agreement (or S278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council (in our capacity as the Highway Authority) to make permanent alterations or improvements to a public highway, as part of a planning approval.
- 10.199 The relevant site specific requirement of the site allocation proforma are:
4. Provide connectivity to village centre and take opportunity to connect Riding Court Lane [Road] and London Road.
 5. Provide safe pedestrian and cycle links through the site including open spaces, and to create easy pedestrian and cycle mobility to the village centre.
 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.
- 10.200 The off-site highway improvements sought by way of a Section 278 will include:
- The provision of two zebra crossings along London Road;
 - Revitalisation of the two existing bus stops on London Road; and
 - Relocation of the eastern-most bus stop to allow for the introduction of a zebra crossing in its (approximate) existing location.
- 10.201 These off-site highway improvements are required to ensure the application fully complies with the site allocation proforma and therefore the S278 is considered to meet the three tests.

Housing Land Supply

10.202 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

10.203 The Council currently cannot demonstrate a 5-year housing land supply but a 4.83-year supply. This is just below the 5-year requirement and whilst the shortfall is not considered to be significant, the tilted balance is engaged and the presumption in favour of sustainable development applies.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 This development is CIL liable.

11.2 CIL money is by law, required to be spent on the provision, improvement, replacement, operation, or maintenance of infrastructure needed to support development. This would include GP surgeries and schools.

11.3 The final CIL payment will be calculated and agreed on the commencement of development. Based on current calculations it is anticipated to be in the region of £2,740,324.55 (8,784.28sqm * £315.55³) which will contribute towards the delivery of identified infrastructure within the Borough.

12 PLANNING BALANCE AND CONCLUSION

12.1 The application site is allocated within the BLP for the development of 80 dwellinghouses. The delivery of houses is extremely important, especially when the Council currently cannot demonstrate a 5-year housing land supply (4.83-years) and therefore the presumption in favour of sustainable development applies. In addition to the delivery of 80 homes, the scheme seeks to provide 32 affordable dwellings (40% of the total development) of an appropriate tenure and mix. This provision of housing, including affordable housing, is considered to carry **significant** weight. To ensure this provision, a legal agreement is to be secured.

12.2 There are significant benefits surrounding the proposal which more than adequately demonstrate that the proposal is justified and planning permission should be forthcoming, subject to conditions and the Section 106 legal agreement to secure a contribution towards the Council's carbon offset fund, affordable housing, biodiversity net gain, play provision and the Section 278 legal agreement securing off-site highway improvements.

12.3 The application is considered to comply with the requirements of the Borough local Plan when considered as a whole as well as the National Planning Policy Framework. Paragraph 11c) of the NPPF states that Local Planning Authorities should approve development proposals that accord with an up-to-date development plan without delay. As such, in accordance with Section 38 (6) of the Planning Act, permission should be granted.

³ Indexation Rate 2023 @355 for Residential (C3) developments outside of Maidenhead

13. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first 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.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Borough Local Plan QP3.
- 3 Prior to the laying of any finishing materials to be used in any hard surfacing on the application site, samples and/or a specification of these finishing materials shall be submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme. Materials to be used for the parking courts (serving plots 69-80 and the apartments) shall be permeable, with the submitted details reflecting this.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough Local Plan QP3.
- 4 No development (excluding demolition) shall commence on the site until a surface water drainage scheme for the development, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
 2. Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems.
 3. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 5 Works shall be carried out in accordance with the approved Flood Risk Assessment & Drainage Strategy Executive Summary (received 15 Mar-23), the Flood Risk Assessment (received 22 Dec-22) and the associated figures A.1, A.2 and A.3 (received 15 Mar-23).
Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 6 Prior to any equipment, machinery or materials being brought onto the site in association with the construction of this permission, tree protection fencing in accordance with British Standard 5837 and the approved tree protection plan shall be erected 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 prior written consent of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).

- 7 Prior to any equipment, machinery or materials being brought onto the site, a detailed Arboricultural Impact Assessment (AIA) shall be submitted to and approved by the Local Planning Authority. This shall include details of the reduction level required to facilitate construction work, noted in paragraph 2.10 and Table EDP 2.1 of the submitted AIA as "affected".
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 8 Prior to any equipment, machinery or materials being brought onto the site, a BS5837-compliant Arboricultural Method Statement (AMA) shall be submitted to and approved by the Local Planning Authority. Arboricultural Monitoring and porous surfacing should be recommended within the Arboricultural Method Statement. Robust methodologies for the construction activities within sensitive areas falling outside of the tree protection fencing must be included within the AMA. Details of tree numbers and species to be replanted should also be included within the proposal. The development shall thereafter be constructed in accordance with the approved details.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 9 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 10 The Development shall take place in accordance with the WSI approved under condition (9). 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 WSI approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 11 Notwithstanding the requirements of Condition 3, works shall be carried out in accordance with the approved hard and soft landscaping scheme. The scheme shall be implemented within the first planting season following the substantial completion of the development in accordance with the approved details. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Borough Local Plan QP3, NR3.
- 12 No part of the development shall be occupied until the final accesses as shown on the approved plans, have been constructed in accordance with these approved drawings. The accesses shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Borough Local Plan QP3 and IF2.

- 13 Prior to the commencement of any works of demolition or construction, a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle access, parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority, with any access route solely implemented for construction traffic, sealed and the land restored to the same condition as previously existed or as otherwise agreed through the details of the approved landscaping scheme (secured by condition 11).
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Borough Local Plan QP3 and IF2.
- 14 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawings. The spaces shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.
- 15 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.
- 16 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies -Borough Local Plan QP3 and IF2.
- 17 Prior to the commencement of any works of demolition or construction, an updated travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the proposed off-site Transport Infrastructure provision for pedestrian/cycle and enhancement works, which is secured by way of the Section 278. These Transport Infrastructure provisions shall comprise:
 1. Provision of two zebra crossings along London Road;
 2. Revitalisation of the two existing bus stops on London Road; and
 3. Relocation of the eastern bus stop.The plan shall be implemented as approved prior to the occupation of the 16th dwelling (20% occupation).
Reason: In the interests of highway safety and the free flow of traffic.
- 18 Prior to occupation, 40% of the 159 parking spaces shall be provided with fast (<7 kW) electric vehicle (EV) charging points. These facilities shall thereafter be retained and kept available in association with the development at all times.
Reason: To ensure that the development is provided with adequate electric vehicle charging facilities and promotes sustainable transport. Relevant Policies - Borough Local Plan IF2.
- 19 Details of the measures to be taken to reduce the impact of noise from the M4 motorway and acoustically insulate all habitable rooms of the development hereby permitted against road traffic and aircraft noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences. The details shall demonstrate that the proposed measure will meet the noise criteria in accordance with British Standard BS 8233:2014.
Reason: To ensure a satisfactory level of amenity for all future residents of the development and to protect external amenity areas. Relevant Policies - Borough Local Plan QP3, EP1 and EP4.

- 20 In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority.
Following completion of measures 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.
Reason: To reduce the risk of contamination - Relevant Policy Local Plan EP5.
- 21 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include but not be limited to, integral bird and bat boxes, tiles or bricks on the new buildings, native and wildlife friendly landscaping to enhance and provide a net gain in ecologically valuable habitats, provision of gaps in any boundary fencing for wildlife to travel across the site, shall be submitted to and approved in writing by the council. A brief letter report confirming that the biodiversity enhancements have been installed, including a simple plan showing their location and photographs of the biodiversity enhancements, is to be submitted to and approved in writing by the Council.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF and BLP policy NR2.
- 22 No above ground development, including demolition, shall commence until a Biodiversity Net Gain Strategy, in accordance with the approved Ecological Appraisal has been submitted to and approved in writing by the Local Planning Authority. The content of the Strategy shall include the following:
a) measures equivalent to a 10% net gain in biodiversity;
b) timetable for implementation;
c) locations of proposed enhancement measures by appropriate maps and plans;
d) persons responsible for implementing the enhancement measures; and,
e) details of initial aftercare and long-term maintenance (where relevant).
The Strategy shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF and adopted policy NR2.
- 23 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, including precautionary measures in regard to the protection of bats, badgers, nesting birds, and hedgehogs.
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The 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.
h) 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.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF and adopted policy NR2.

- 24 No development above slab level shall take place until full details of a site wide lighting strategy have first been submitted to and approved in writing by the Local Planning Authority. The strategy should detail how the negative impacts of lighting will be minimised including type of lighting to be used, timing of lights, avoidance of light spillage, creation of dark corridors and the use of directional lighting away from sensitive areas such as trees, hedgerows. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of safeguarding light sensitive bat species, which have been recorded on site during the surveys. Relevant Policies NR2 of the BLP and DAT8 of the DNP.
- 25 Prior to the commencement of any works of demolition or construction, a Landscape Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include the enhancements for reptiles that have been recommended within the ecology report.
Reason: To ensure the protection and enhancement of the ecology and biodiversity on, and around a development site in accordance with Borough Local Plan Policy NR2.
- 26 Notwithstanding the requirements of condition 18 (EV Charging), the development must be carried out in accordance with the sustainability recommendations noted within the submitted and approved Design & Access Statement.
Reason: In the interests of promoting sustainable development in accordance with Borough Local Plan Policies QP1 and SP2.
- 27 No part of the development shall be occupied until details of Air Source Heat Pumps and PV panels have been to be 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.
Reason: In the interests of promoting sustainable development in accordance with Borough Local Plan Policies QP1 and SP2.
- 28 The development hereby approved, shall fully comply with the following accessibility standards: i) 30% of the dwellings (24) hereby approved shall meet the higher accessibility standards of Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010: Access to and use of buildings ii) 5% of the dwellings (4) hereby approved shall achieve Requirement M4(3) (Wheelchair user dwellings) of the Building Regulations 2010: Access to and use of buildings. No development above slab level shall take place until plans demonstrating these requirements shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: To make reasonable provision for most people to access the dwellings and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with limited mobility and some wheelchair users. Relevant Policy - Borough Local Plan HO2.
- 29 Works shall be carried out in accordance with the recommendations set out within the approved Ecology report (received 21 Dec-22).
Reason: To ensure the protection of nesting birds should they be on site in accordance with Policy NR2 of the BLP and Policy ENV 1 of the DNP.
- 30 The noise impact from groundworks and piling work (if piling is to be used on site) on the site shall be in accordance with BS 5228-1:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites.
Reason: To ensure a satisfactory level of amenity for all future residents of the development and to protect external amenity areas. Relevant Policies - Borough Local Plan QP3, EP1 and EP4.
- 31 Prior to the commencement of any works of demolition or construction, a strategy for incidental extraction shall be submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the approved strategy.
Reason: To maximise the amount of mineral that could be extracted from the development site and to minimise the level of sterilisation in accordance with policy M2 of the Joint Minerals and Waste Plan (2022).

- 32 All recommendations contained within the Sustainability & Energy Statement (doc ref. PA-ADDES-INH-LRD-22-05) by Abbey Consultants, dated August 2023 and received 17th August 2023 (or any updated Sustainability Statement submitted to and approved in writing by the Local Planning Authority) shall be carried out and adhered to for the lifetime of the development.
Reason: To ensure the development complies with Policies SP2 and QP3 of the Borough Local Plan 2022; the Council's Interim Sustainability Position Statement (ISPS) and paragraphs 7, 8 & Chapter 14 of the NPPF 2021.
- 33 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The applicant is advised that the roads and footways must be designed to the Borough's minimum Highway Standards. An appropriate Private Management Plan should be in place and an Advance Payment Code (APC) is required by the Borough's Highway Authority.
- 2 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works in Datchet.

