

# ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

## PANEL UPDATE

<b>Application No.:</b>	23/00582/REM
<b>Location:</b>	Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor
<b>Proposal:</b>	Reserved matters (Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission 22/00934/OUT for the erection of up to 135 new dwellings, areas of public open space including play spaces and pocket allotments, together with associated landscaping, car parking, footpath/ cycle connections and vehicular access onto Maidenhead Road.
<b>Applicant:</b>	Mr Merchant
<b>Agent:</b>	Mr Philip Allin
<b>Parish/Ward:</b>	Bray Parish/Clewer And Dedworth West

**If you have a question about this report, please contact:** Jeffrey Ng on or at [jeffrey.ng@rbwm.gov.uk](mailto:jeffrey.ng@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 Following the publication of the main Committee report, the Council has received three letters of representation objecting to the application.
- 1.2 The Council has also received an enquiry from the applicant about the wording of two recommended conditions, namely (3) Badger sett survey and (4) Boundary Wall Management Plan. Updated conditions are recommended below.
- 1.3 Two additional conditions are recommended relating to the accessibility and management of the allotment area (Conditions 12 and 13).
- 1.4 There are some minor changes to the wording of the main report due to the recent update from the HM Government about the revised timetable of the implementation of the national mandatory 10% biodiversity net gain requirement.
- 1.5 There is no change to the officers' recommendation.

## 2. COMMENTS FROM INTERESTED PARTIES

- 2.1 3 letters were received after the publication of the main Committee report, objecting to this application, summarised as:

Comments	Where in the report this is considered
Concerns over the over-development of the site	The number of units to be proposed in this reserved matters application has been agreed and approved at the outline stage.  See section 10.i and 10.v of main report.
Concerns over the increased traffic congestion and pollution in the surrounding area due to the other new development schemes in the wider local area and the validity of the submitted highways information.	Access was a matter considered and approved under the outline application. Impact on the external highway network therefore doesn't fall to be considered under this reserved matters application. The current reserved matters application has been supported by the Council's Highways Authority who are the technical experts of highways matters.  See section 10.viii of the main Committee Report.
Concerns over the access to the proposed public open spaces	Section 10.v of the main Committee Report and Section 5 of this Update Report.
Concerns over the impacts to the non-designated boundary wall along the eastern boundary of the site	Section 10.vi of the main Committee Report
Concerns whether the proposed one-metre boundary wall buffer is adequate	Section 10.vi of the main Committee Report
Concerns whether the Exception Test has been carried out related to Flood Risk	The exceptions test is not relevant to this application.  Section 10.xi of the main Committee Report
Concerns over the air quality impacts of the proposed development to the surrounding area	Air quality impact was assessed under the outline application.  Section 10.xii of the main Committee Report
Concerns over the net gain in biodiversity of the proposed development	Section 10.ix of the main Committee Report and Section 6 of this Update Report.

## 3. RECOMMENDED CONDITION 3 – UPDATED BADGER SETT SURVEY

- 3.1 A copy of a biodiversity enhancement management plan has been received and the report has identified that the B1 badger sett which was found in the applicant's Updated Ecology Report and

Construction Environmental Management Plan: Biodiversity (ref: 7743.CEMP.vf) dated February 2023 is a fox den instead of a badger sett. Therefore, the applicant has proposed a change to the recommended condition 3 in this regard.

- 3.2 The Council's Ecology Officer has been consulted on the proposed change to the condition wording and has raised no objection to this in principle. The revised condition 3 still requires the applicant to carry out an updated badger sett survey but only if works commence within the 20 metres buffer zone. The updated survey has to be carried out within 28 days of the start of works on site and a brief letter report detailing the results of the survey is to be submitted to the Local Planning Authority. The revised wording can be found in the table below under Section 2 of this Update Report.

Condition Number	Original text	Revised Text
3	Prior to the commencement of the <del>development hereby permitted including any vegetation clearance</del> , an updated badger sett survey of the development site and immediately adjacent areas shall be carried out including the previously identified sett. The survey shall be undertaken within 28 days of the start of works on site and a brief letter report detailing the results of the surveys is to be submitted to and approved in writing by the Local Planning Authority. If the survey confirms that a licence to disturb a badger sett is required, a copy of a valid licence is to be submitted to the planning authority prior to the commencement of works.	Prior to the commencement of <u>any development hereby permitted, including any vegetation clearance, within the identified 20 metres buffer zone as set out in the approved Updated Ecology Report and Construction Environmental Management Plan: Biodiversity (ref: 7743.CEMP.vf) dated February 2023</u> , an updated badger sett survey shall be carried out within 28 days of the start of works on site and a brief letter report detailing the results of the surveys shall be submitted to and approved in writing by the Local Planning Authority. If the survey confirms that a licence to disturb a badger sett is required, a copy of a valid licence is to be submitted to the Local Planning Authority prior to the commencement of works.

#### 4. RECOMMENDED CONDITION 4 – BOUNDARY WALL MANAGEMENT PLAN

- 4.1 The applicant has raised concern with the trigger point of the submission of the boundary wall management plan in condition 4. Given that the proposed development is not seeking to alter the boundary wall and the applicant is required to maintain the one-metre buffer between any new development and the boundary wall, the Council considers that the proposed amendment is acceptable. The revised wording can be found in the table below under Section 2 of this Update Report.

Condition Number	Original text	Revised Text
4	Prior to the commencement of the <del>development hereby permitted</del> , a boundary wall management plan shall be submitted to and approved in writing by the Local Planning Authority, <del>including details of the management company to be appointed to manage the boundary wall one metre buffer and details of the maintenance and</del>	Prior to the commencement of the development hereby permitted <u>above slab level</u> , a boundary wall management plan shall be submitted to and approved in writing by the Local Planning Authority, <u>including details of the one metre buffer and details of the maintenance and monitoring works of the boundary wall</u> . The one metre buffer

	<p>monitoring works of the boundary wall. The one metre buffer and the boundary wall shall thereafter be retained and maintained in accordance with the management plan.</p>	<p>and the boundary wall shall thereafter be retained and maintained in accordance with the management plan.</p>
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**5. OPEN SPACE**

- 5.1 Concerns have been raised over the accessibility of the open spaces of the proposed development after the publication of the main Committee Report.
- 5.2 All proposed open spaces are easily accessible by both future and existing residents. It is noted that an automated gate at the access to the allotment area has been proposed to control the vehicular movements within the site but **not** the pedestrian movements. Notwithstanding, details of the operation of the automated gate should be provided by condition to ensure pedestrian permeability.
- 5.3 In addition, details of the management of the allotment area including the community orchard area are necessary to make sure these areas are managed for the lifetime of the development. The submission of the management plan for the allotment area and the community orchard area can be secured by a planning condition.
- 5.4 The following table summarises the additional recommended conditions 12 and 13:

<b>Condition Number</b>	<b>Context</b>
12	<p>Prior to the first occupation of the development hereby permitted, details of how the automated vehicular gate, which is located at the access to the allotment areas, shall be submitted to and approved in writing by the Local Planning Authority. The automated vehicular gate shall thereafter be operated in accordance with the approved details.</p> <p>Reason: To ensure appropriate pedestrian permeability across the site and convenient access to open space and facilities in accordance with Point 3 of the AL21 site allocation proforma requirement.</p>
13	<p>Prior to the first occupation of the development hereby permitted, a management plan for the allotment area and the orchard garden shall be submitted to and approved in writing by the Local Planning Authority. Both the allotment area and the community orchard area shall be managed for the lifetime of the development in accordance with the approved details.</p> <p>Reason: To ensure the allotment area and community orchard areas are well managed in accordance with Points 8 and 19 of the AL21 site allocation proforma requirement.</p>

## 6. BIODIVERSITY NET GAIN

- 6.1 The HM Government has announced that under the updated timetable developers in England will be required to deliver 10% “Biodiversity Net Gain” from January 2024 onwards<sup>1</sup>. Therefore, the following paragraph must be revised to reflect the change. The following table summarises the changes:

Paragraph Number	Original text	Revised Text
Footnote 3 under para. 10.118	A minimum 10% mandatory biodiversity net gain required calculated using the Biodiversity Metric <del>from November 2023 is required after the 2-year implementation period from 9 November 2021 when the Environmental Bill received Royal Assent and became the Act.</del>	A minimum 10% mandatory biodiversity net gain required calculated using the Biodiversity Metric from January 2024 is required.

**There is no change to the recommendation in the main report.**

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<sup>1</sup> <https://www.gov.uk/government/news/biodiversity-net-gain-moves-step-closer-with-timetable-set-out>

