

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

**DEVELOPMENT CONTROL PANEL**

7 December 2023

**Item: 1**

<b>Application No.:</b>	23/01090/FULL
<b>Location:</b>	Grasmere Broadleys Hale And Winwood And Land At Sawyers Close Windsor
<b>Proposal:</b>	Redevelopment of the site including the demolition of existing buildings, erection of x 413 dwellings (Use Class C3), community space (Use Class F2), cycle hub (Use Class F2), formation of new access from Smiths Lane, comprehensive hard and soft landscaping, car parking; drainage and flooding mitigation works, and associated infrastructure.
<b>Applicant:</b>	Abri Group
<b>Agent:</b>	Mr Gregory Evans
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East
<b>If you have a question about this report, please contact:</b> James Overall on or at <a href="mailto:james.overall@rbwm.gov.uk">james.overall@rbwm.gov.uk</a>	

**SUMMARY**

- 1.1 The application site comprises an existing affordable housing estate of four apartment blocks, garaging and associated hardstanding for carparking, and green space.
- 1.2 The proposal seeks to redevelop the site to provide 413 dwellinghouses in the form of apartments and townhouses, spread across 9 apartment blocks and 7 rows of townhouses, with associated carparking and landscaping. In addition, the proposal seeks to provide community space and a cycle hub, as well as create a new access off Smiths Lane.
- 1.3 Of the 413 dwellings proposed, 30% would be affordable (124 units), of which 45% are to be social rent (56 units), 35% affordable rent (43 units), 20% shared ownership (25 units). Affordable housing would be secured by legal agreement. 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-site). Part of the site is currently owned by the Council, which is being transferred to the applicant through a land-transfer agreement. This land-transfer agreement contains a number of requirements for the applicant to abide by, giving the Council additional control. The applicant is Abri a Registered Housing Provider, and it is their intention that all residential units would be affordable in time.
- 1.4 Mitigation is proposed to address potential capacity impacts at the Smiths Lane/Maidenhead Road junction identified by the submitted Transport Assessment. The applicant has agreed appropriate mitigation. Taking account of the existing residential units that exist on site, the need for this mitigation would need to be provided after a net gain of 150 dwellings (342 residential units in total) are built out and occupied. A legal agreement would need to be secured to ensure an appropriate financial contribution is secured to fund off-site highways mitigation. Mitigation is also in the form of the scheme being designed to encourage alternative sustainable modes

of travel. With this mitigation secured, the scheme is considered to be acceptable on transport grounds.

- 1.5 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.
- 1.6 Section 11 d (ii) of the NPPF, requires for planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this instance, there are not considered to be any adverse impacts from the scheme that would **significantly** and **demonstrably** outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<b>It is recommended the Committee delegates authority to the Head of Planning:</b>	
<b>1.</b>	<p><b>To grant planning permission on the satisfactory completion of a S106 legal agreement to secure:</b></p> <ul style="list-style-type: none"> <li>• <b>30% on-site affordable housing (124 dwellings)</b> <ul style="list-style-type: none"> <li>o <b>56 Social Rent</b></li> <li>o <b>43 Affordable Rent</b></li> <li>o <b>25 Shared Ownership</b></li> </ul> </li> <li>• <b>A contribution to the Council's Carbon Offset Fund</b></li> <li>• <b>On-site play provision</b></li> <li>• <b>Open space</b></li> <li>• <b>On-site biodiversity net gain</b></li> <li>• <b>Travel Plan</b></li> <li>• <b>Highways contribution</b></li> <li>• <b>On-site Cycle Hub</b></li> </ul> <p><b>and a S278 legal agreement for four on-street (Smiths Lane) parking spaces and with the conditions listed in Section 14 of this report.</b></p>
<b>2.</b>	<p><b>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 and other associated infrastructure/contribution provision.</b></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 located in the north-west of Windsor, approximately 2 km north-west of the town centre. The total site area is 3.59 ha, which comprises land within Abri (applicant) ownership (2.16 ha) and land owned by RBWM (1.19 ha). The land currently within RBWM ownership is being transferred to the applicant through a land-transfer

agreement, which contains a number of requirements for the applicant to abide by, giving the Council additional control outside the remits of planning.

- 3.2 The site is bound to the north by Maidenhead Road (A308) and to the south by Thames Mead Road and Dedworth Manor. The eastern boundary is bordered by open space and the western boundary is formed by Smiths Lane. South of Maidenhead Road, the area surrounding the site is predominately residential, other than the First Steps Pre-School and Sandown Park Care Home to the southeast. North of Maidenhead Road there are two 3-storey office buildings with associated carparking and landscaping and a pub/restaurant to the north-east.
- 3.3 The existing buildings were built circa 1960 and are made up of four medium-rise 8-storey residential blocks of flats, named: Hale, Grasmere, Winwood and Broadleys. Each block contains 48 flats providing a total of 192 existing flats.
- 3.4 There are no ecological or heritage designations located on the site. The nearest ecological designation is the Sutherland Grange Local Nature Reserve (LNR) approximately 500 m west of the Site. Approximately 2 km south of the Site is the Windsor Forest and Great Park Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).
- 3.5 Approximately 2.5 km east of the Site is the Windsor Castle Scheduled Monument. The nearest listed building is located approximately 750 metres south-east of the Site, which is the Dedworth and Clewer War Memorial. There are a number of Conservation Areas in Windsor, with the nearest being Clewer Village Conservation Area approximately 900 m east.
- 3.6 The current access to the site comprises Sawyers Close, a public cul-de-sac road leading into the carparking areas and garaging associated with the existing apartment blocks. Sawyers Close branches off Smiths Lane.
- 3.7 Other than the existing apartment blocks and associated carparking, the site comprises garaging, pedestrian paths, grass 'landscaping', trees and a playground.

#### **4. KEY CONSTRAINTS**

- 4.1 The application site lies within the following constraints:
  - Flood Zone 2

#### **5. THE PROPOSAL**

- 5.1 The proposal seeks the erection of 413 dwellinghouses with an Area of Play, communal orchard and allotment, and a Sustainable Urban Drainage System (SuDS), which combines as a sunken nature garden. Additionally, the proposal seeks to provide community spaces and a cycle hub.
- 5.2 The residential element of the scheme will be provided across 9 apartment blocks, as well as 7 rows of townhouses. The apartment blocks will have heights ranging from 5 storeys to 8 storeys (although it is worth noting that an element of Block 'C3' will be 4-storeys).
- 5.3 The scheme seeks to provide a total of 654 secure cycle storage spaces and 365 vehicle parking spaces.

- 5.4 The community spaces are to be located in the north-east of the site, on the ground floors of Blocks 'A2' and 'A3' as well as an outdoor communal garden directly south of Block 'A3'. These internal spaces have the potential to host different users and a variety of community events. The outdoor community garden seeks to encourage outdoor community activities.
- 5.5 The community orchard gardens are to be located between Blocks 'B2' and 'C1' and one of the key pedestrian & cycle routes will flow directly through this element of the scheme, linking 'Dedworth Manor and Sawyer's Close Park' to Smiths Lane.
- 5.6 The proposed cycle hub will offer future residents and the surrounding local community access to cycling facilities including bike hire through a cycle library, cycle repair stations, electric charging points and cycle storage.
- 5.7 The proposal seeks to provide 30% on-site affordable housing, with a tenure split as follows:

	<b>Affordable units to be secured in S106</b>	
<b>Social Rent</b>	56	45%
<b>Affordable Rent</b>	43	35%
<b>Shared Ownership</b>	25	20%
	<b>124</b>	

- 5.8 The housing mix provides a high percentage of smaller units weighed as follows:

<b>1-bedroom</b>	126	30.5%
<b>2-bedroom</b>	248	60%
<b>3-bedroom</b>	32	7.5%
<b>4-bedroom</b>	7	2%
<b>Total</b>	<b>413</b>	<b>100%</b>

## 6. RELEVANT PLANNING HISTORY

### *Applications*

- 6.1 23/00650/EIASCRCR – Screening Opinion from the Council under Regulation 6 (6) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of [ redevelopment at Sawyers Close to demolish existing 4 x 8 storey buildings (192 dwellings) and to provide 417 new affordable dwellings in town houses and apartment buildings up to 8-storeys in height. The site is located in the northwest of Windsor, approximately 2 km north-west of the town centre. The site area for the emerging proposals is 3.59 ha, comprising land within Abri ownership (2.16 ha) and land owned by RBWM (1.19 ha). – No Objection 6 Oct-23

### *Stakeholder Masterplan*

- 6.2 The Sawyers Close Stakeholder Masterplan Document (SMD) provides information on the Sawyers Close redevelopment proposals and provides a masterplan that development at the site should generally accord with. As the site is not a housing allocation within the Borough Local Plan, yet the developer is proposing a significant net increase of new homes, the development passes the threshold in Borough Local Plan Policy QP1 (Sustainability and Placemaking) for the requirement to prepare a Stakeholder Masterplan Document.
- 6.3 On Thursday 30<sup>th</sup> March 2023, Cabinet unanimously approved the Sawyers Close Stakeholder Masterplan Document (SMD) as an important material consideration for Development Management purposes. The SMD therefore became an adopted document which the future redevelopment of the site shall seek to broadly accord with.

## **7. DEVELOPMENT PLAN**

- 7.1 The main relevant policies are:

### **Adopted Borough Local Plan (2013-2033)**

<b>Issue</b>	<b>Policy</b>
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
Tall Buildings	QP3a
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

### **Windsor Neighbourhood Plan (2022-2033)**

The site is located within the Windsor Neighbourhood Plan area, which was adopted as part of the RBWM development plan on 29th June 2021.

<b>Issue</b>	<b>Neighbourhood Plan Policy</b>
Flooding and Water Supply	WAT01
Green and Blue Infrastructure Network	BIO.01
Green Routes	BIO.02
Design	DES.01
Parking	PAR.01
Residential Amenity	RE01

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- 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

### **Supplementary Planning Documents**

- Borough Wide Design Guide – Adopted
- Emerging Building Height And Tall Buildings (2022)

### **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
- Sawyers Close Stakeholder Masterplan

## **9. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

267 occupiers were notified directly of the application.

The planning officer posted two notices advertising the application at the site on 19<sup>th</sup> May-23 and the application was advertised in the Local Press on 18<sup>th</sup> May-23.

6 letters were received objecting to the application. These letters came from 6 individuals at unique addresses. The comments raised concerns with regard to:

Comment		Where in the report this is considered
1.	<b>Density</b>	Section 10
a.	Concerns relating to the significant increase in the number of dwellings leading to over saturation of housing. A middle ground of 320 units was suggested.	
2.	<b>Relocation of existing residents</b>	Section 10
a.	Requests of residents were not being considered	
3.	<b>Loss of open green space</b>	Section 10
a.	Other open green spaces should be considered for development	
b.	Development proximity to Smiths Lane will result in the loss of open green space	
4.	<b>Building heights</b>	Section 10
a.	Townhouses are to be 3-storeys, whilst the existing houses in the area are 2-storeys	
5.	<b>Flooding</b>	Section 10
a.	Additional buildings will contribute to water displacement during rainfall	
6.	<b>Parking</b>	Section 10
a.	Insufficient consideration given to parking for residents, potentially leading to parking congestion on Smiths Lane	
7.	<b>Trees</b>	Section 10
a.	Questions regarding the fate of existing trees along Smiths Lane in the context of architectural designs showing 'full-grown' trees	
b.	Inquiry about whether these existing trees will be preserved or replaced with full-grown trees if removed	
8.	<b>Traffic</b>	Section 10
a.	Concerns about Smiths Lane's capacity to handle the increased traffic from over 200 new homes	
b.	Objections to having only one parking space per property	
c.	Concerns about visitor and delivery parking	
d.	Reference to past congestion issues caused by redevelopment in the area	
9.	<b>Ecology</b>	Section 10
a.	Concerns about the loss of bat habitat and harm to the ongoing conservation efforts for injured bats	
b.	Request for an ecological assessment by a qualified consultant to protect the pipistrelle bat population	

Additionally, 3 letters were received supporting the application. These letters came from 3 individuals at unique addresses. The comments raised the following points of praise:

Comment		Where in the report this is considered
1.	<b>High-quality homes</b>	Section 10
a.	This development will reduce the number of families living in over-crowded conditions, which currently do not meet the health and wellbeing needs. This development will allow so many families within the Royal Borough to be housing in properties which meet their needs	
b.	Existing flats have an array of issues including damp, silver fish as a result of damp, no hot water, no heating, and no ventilation system. This development and relocation will be very much welcomed	
2.	<b>Provision of housing</b>	Section 10
a.	Will go towards meeting the Boroughs housing needs	
3.	<b>Parking</b>	Section 10
a.	One of the letters of support also reiterated some of the objections in relation to the under provision of parking	

Furthermore, 1 letter was received, which provided general comments on the submission, neither objecting nor supporting the application. This letter understood the need for additional housing, but wanted to raise the following points:

Comment		Where in the report this is considered
1.	<b>Inadequate Travel Plans</b>	Section 10
a.	Concerns that the travel plan does not adequately address the increased number of residents and their vehicles	
b.	Disagreement that there will be a reduction in car usage	
2.	<b>Unrealistic Travel Considerations</b>	Section 10
a.	Disagreement with the idea that all residents' needs can be met locally without the use of cars	
b.	Belief that not everyone works locally, has local friends and family, or avoids holidays and online shopping, making car use necessary	
c.	Emphasis on the feasibility of walking, public transport and cycling, which may not be suitable for everyone due to varying fitness levels	
3.	<b>Parking and Traffic Flow</b>	Section 10
a.	Suggestion that the number of parking spaces needs to be increased, both for residents and visitors	
b.	Advocates for changes to the junction with Maidenhead Road to improve traffic flow and ensure the well-being of future residents and the surrounding neighbourhood	
4.	<b>Public Transport</b>	Section 10



a.	Highlights the necessity of reliable and affordable public transport options to connect residents to surrounding towns	
5.	<b>Healthcare and Education Provision</b>	Section 10
a.	Assumption that research and planning have considered the impact of the increased population with regard to community services	

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Active Travel England	No comment to make as ATE's statutory consultee remit applies only to qualifying consultations that were made valid by the Local Planning Authority (LPA) on or after 1st June 2023.	Noted.
LLFA	<p>The surface water discharge rate from the site will be limited to the greenfield QBAR equivalent. Moreover, the runoff coefficients used within the modelling are conservative values.</p> <p>The approach taken within the MicroDrainage calculations issued on 5th October represents a conservative approach with regards to the modelling of blue roof flow control systems. Moreover, it has been established that there is capacity to increase the volume stored within the bluroofs should that be required.</p> <p>Schematic diagrams have been provided to clarify the arrangements of the cascade models, noting that podium drainage discharges to the below ground drainage.</p> <p>The proposals will provide sufficient surface water treatment.</p> <p>Ground flood levels are proposed to be raised above predicted surface water flood depths.</p> <p>The proposals to offset any impact on surface water flow rates across the site, and surface water volumes retained have been fully considered within the information contained within Appendix F of the FRA.</p>	Section 10
Environment Agency	Comment that they do not wish to comment on the application, and it is for the LPA to ensure flood risk is taken into account in making a decision.	Section 10
Public Health	<p>Design encourages walking and cycling through a pedestrian focused landscape.</p> <p>Design seeks to conceal the car as much as possible. The use of podiums, the retention of trees and the hard landscaping palette focuses on a shared-surface strategy where pedestrians are prioritised to support a healthy community.</p>	Section 10

## Consultee responses

Consultee	Comment	Where in the report this is considered
Environmental Health	<p>The contaminated land assessment including Preliminary Assessment and Generic Quantitative Assessment (GAC) are satisfactory. The mitigation measures proposed in sections 4.9 and 5.4 of the GAC should be carried out. To manage this it is recommended that the standard full contaminated land condition is applied.</p> <p>The noise assessment carried out by Sandy Brown has been carried out in accordance with industry best practice and relevant British Standard. Mitigation measures are proposed for both environmental noise sources and that of roof plant noise. These are reasonable and acceptable. If the dynamics of the development change then this risk assessment and its outcomes will require updating.</p> <p>The air quality report authored by XC02 is satisfactory and it is agreed that no general mitigation measures are required as predicted levels of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5s</sub> are well below action levels. There is a potential problem with the potential for dust and noise creation during the construction phase which can be managed via the production of a CEMP which can be conditioned.</p>	Section 10
NatureSpace	<p>If this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.</p> <p>The findings of the ecological report are agreed in that this site does not offer suitable habitat for great crested newts primarily due to the pre-existing buildings, hardstanding, and amenity grassland. The site is bordered to the north by the A308 which acts as a barrier to the dispersal of great crested newts. Similarly, the proposed site is surrounded by residential houses on the south and west side which also acts as a barrier for great crested newts terrestrially dispersing. These barriers combined with the nearest waterbody being over 500m away makes this development very low risk in its impacts to great crested newts and/or their habitats.</p>	Section 10
Highways	Raises no objection, subject to off-site highways mitigation and a Travel plan being secured.	Section 10.
Ecology	The proposals are unlikely to affect priority habitats or protected species and the ecological impact of the proposals during construction will be minimal if a Construction Environmental Management Plan for Biodiversity is implemented.	Section 10.

	<p>The proposals are likely to result in a net gain for biodiversity as is required by NR2 and additional ecological enhancements can be provided within the scheme.</p> <p>Subject to conditions, there are no objections on ecology grounds.</p>	
Conservation	<p>This site is considered to be a potentially sensitive in heritage terms. Dedworth was originally a small Saxon village and the area was developed much later in the 1930s and 1940s when a number of suburban residential estates were constructed. Dedworth Manor house, built in the late Victorian period, lies to the south of the site, off Thames Mead. It is an attractive building and is integral to the history of the development of the area and could be considered a non-designated heritage asset. The Sawyers Close estate was developed on land that belonged to the manor house and it is likely that a number of the trees on the site are remnants from the gardens around the house. The manor originally had a long carriage drive to Maidenhead Road and a lodge on the frontage, part of which appears to remain. The site is likely, therefore, to be sensitive in archaeological terms and it is suggested that Berkshire Archaeology are consulted for advice.</p>	Section 10.
Archaeology	<p>There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The DBA submitted by the applicant and compiled by Wessex Archaeology, highlights a large number of sites of importance within the vicinity of the development. North of the Thames there is a concentration of prehistoric sites and the same level of activity is expected on the south side of the river which has been a focus of settlement activity throughout history. There is evidence for Bronze Age activity to the west of the site and emerging evidence for Roman exploitation of this area of the Thames Valley.</p> <p>As shown, 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 pre-commencement condition is applied to secure a programme of archaeological work including a Written Scheme of Investigation (WSI); should permission be granted. This is in order to mitigate the impacts of development and would be in accordance with Paragraph 205 of the NPPF (2023) which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the</p>	Section 10.

	impact, and to make this evidence (and any archive generated) publicly accessible’.	
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### Amenity Groups & Other

Consultee	Comment	Where in the report this is considered
Windsor & Eton Society	<p><b>Poor Layout</b></p> <ul style="list-style-type: none"> <li>Concerns that the proposed layout with tall blocks in close proximity makes the development oppressive.</li> <li>Mention of podiums raising the development, limiting views at ground level, and disrupting the site's current character</li> </ul>	Section 10.
	<p><b>Development Proximity to Maidenhead Road</b></p> <ul style="list-style-type: none"> <li>Opposition to the proposed development's close proximity to Maidenhead Road, which contrasts with the current setback of existing blocks.</li> <li>Belief that this will create a formidable block along the arrival route, negatively impacting the area's character.</li> </ul>	Section 10.
	<p><b>Excessive Height</b></p> <ul style="list-style-type: none"> <li>Belief that the number and height of proposed blocks, especially the three tall ones close to Maidenhead Road, are excessive and oppressive.</li> </ul>	Section 10.
	<p><b>Design Aesthetics</b></p> <ul style="list-style-type: none"> <li>Critique of the overall design as bland, emphasizing the massive scale of the buildings due to the uniform use of bricks.</li> <li>Suggestion to introduce render to provide relief from the extensive use of brickwork.</li> </ul>	Section 10.
	<p><b>Overlooking and Privacy Concerns</b></p> <ul style="list-style-type: none"> <li>Concerns about unacceptable overlooking between flats in Podium C and houses in Podiums B and D.</li> </ul>	Section 10.
	<p><b>Daylight, Sunlight and Overshadowing</b></p> <ul style="list-style-type: none"> <li>Worries about poor levels of daylight and sunlight for many proposed flats at some point in the year.</li> <li>Concerns that the height and position of the blocks will cast shadows over communal garden areas, making them uninviting.</li> </ul>	Section 10.
	<p><b>Loss of Trees</b></p> <ul style="list-style-type: none"> <li>Strong objections to the removal of healthy trees, particularly horse chestnuts, which are part of the recognized "Green Route" in the Windsor Neighbourhood Plan.</li> <li>Suggestion to protect these trees with Tree Preservation Orders (TPOs) and accommodate them within a revised scheme.</li> </ul>	Section 10.

	<ul style="list-style-type: none"> <li>Concerns about the slow maturation of replacement trees and the lasting impact of tree loss.</li> </ul>	
	<p><b>Inadequate Parking</b></p> <ul style="list-style-type: none"> <li>Belief that the parking provision is inadequate and may result in informal parking on the estate and surrounding roads.</li> <li>Doubts about residents using alternative modes of transport and uncertainty about improvements in bus services.</li> <li>Concerns that vans will park in the most convenient locations, potentially leading to height restrictions and parking in the surrounding roads.</li> </ul>	Section 10.
	<p><b>Community Benefits</b></p> <ul style="list-style-type: none"> <li>Query about the use of community space and a desire for clarity on "<i>wider benefits to the local community through final contributions</i>" expected via a S106 agreement.</li> </ul>	Section 10.
Windsor Neighbourhood Delivery Group	<p><b>Layout and Density</b></p> <ul style="list-style-type: none"> <li>Concerns that the proposed layout with tall blocks and podiums creates an oppressive development.</li> <li>Suggestion to consider sinking parking below ground to address podium limitations.</li> <li>Belief that the high density is out of character for the area and should blend sensitively with the surroundings.</li> </ul>	Section 10.
	<p><b>Height and Proximity to Maidenhead Road</b></p> <ul style="list-style-type: none"> <li>Opposition to the proposed blocks' close proximity to Maidenhead Road, which contrasts with the current setbacks of existing blocks.</li> <li>Concerns that the development will harm the character of the area and should be set further back from Maidenhead Road.</li> <li>Emphasis on maintaining open space surrounding Dedworth Manor at the rear.</li> </ul>	Section 10.
	<p><b>Design Aesthetics</b></p> <ul style="list-style-type: none"> <li>Suggestion to incorporate local materials into the design to better reflect the area.</li> <li>Critique of the extensive use of the same brickwork on Block A, emphasizing its size, and recommendation to introduce some render for variety.</li> </ul>	Section 10.
	<p><b>Preservation of Trees and Open Space</b></p> <ul style="list-style-type: none"> <li>Strong objections to the removal of healthy mature horse chestnut trees along Maidenhead Road, which contribute to the streetscape and are part of the recognized "Green Route" in the Windsor Neighbourhood Plan.</li> <li>Recommendation to accommodate these trees within a revised scheme and maintain the Green Route.</li> <li>Concerns about the removal of healthy trees along Smiths Lane without clear justification.</li> </ul>	Section 10.
	<p><b>Vehicle Parking and Cycling Provision</b></p>	Section 10.

	<ul style="list-style-type: none"> <li>• Doubts about the conclusion that residents will use alternative modes of transport due to the remote location of Windsor train stations and intermittent bus services.</li> <li>• Concerns that the parking provision will be inadequate and may lead to informal parking on the estate and surrounding roads.</li> <li>• Mention of the need for vans used for work and the potential for parking issues.</li> <li>• Emphasis on the importance of secure, accessible, and well-designed cycle parking and the need for wide internal roads to accommodate designated cycle lanes.</li> </ul>	
	<p><b>Community Benefits</b></p> <ul style="list-style-type: none"> <li>• Lack of clarity about the intended use of the community space and the broader benefits expected for the local community through a S106 agreement.</li> </ul>	Section 10.

## 10. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

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

### i. Principle of Development

- 10.1 Policy SP1 of the Borough Local Plan (BLP) confirms that in Windsor, development is permitted where it seeks to enhance the quality of the built environment and does not compromise its character and appearance.
- 10.2 Table 7 (Housing Supply) within the BLP identifies that 1,934 new homes are to contribute to RBWM's housing land supply over the Local Plan period at 'windfall sites', these being non-allocated housing sites in the Borough. The application site is not an allocated housing site within the Borough Local Plan and therefore is classified as a windfall site.
- 10.3 Paragraph 7.7.1 of the BLP states that the Borough is one of the most prosperous areas in the country with very high house prices and lack of supply, particularly with regard to affordable housing. Paragraph 7.7.5 confirms that the Council has a corporate policy to encourage affordable housing. Paragraph 7.7.11 of the BLP notes that the results of the SHMA (Strategic Housing Market Assessment) and the Housing and Economic Land Availability Assessment (HELAA), make clear that the Council is not able to deliver sufficient affordable housing to meet the level of identified need. Therefore, the BLP states that the Council will explore opportunities to deliver affordable housing from other sources of sites and to be determined on a site-by-site basis.
- 10.4 Chapter 11 of the National Planning Policy Framework (NPPF) seeks for development to make the most effective use of land, making as much use as possible of previously-developed or 'brownfield' land. Sawyers Close is a brownfield site, and the proposed re-development would provide an uplift of 221 dwellings, to give a total of 413.

ii. **Flood Risk and Sustainable Drainage**

- 10.5 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.
- 10.6 In this instance, the application site lies within Flood Zone 2 (medium risk flooding).
- 10.7 In terms of the vulnerability classification of the development, the proposal is deemed 'more vulnerable' as it comprises development for dwellinghouses.
- 10.8 Areas within 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).
- 10.9 Residential development within Flood Zone 2 requires an appropriate flood risk assessment (FRA) to be carried out, and also requires the application of the Flood Risk Sequential Test to show that there are no reasonably available sites at a lower risk of flooding that could accommodate the development.
- 10.10 Policy NR1 of the Adopted Borough Local Plan 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

10.11 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

10.12 Paragraph 167 of the NPPF sets out development should only be allowed within areas at risk of flooding where it can be demonstrated 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.



### Sequential Test

- 10.13 It is first necessary to assess whether the flood risk Sequential Test is passed, which is demonstrating that there are no other alternative sites at a lower risk of flooding that could accommodate the development. The applicant submitted a flood risk sequential test which sets out that this project is for the estate regeneration as such there are no other sites that could accommodate the development, as the regeneration has to take place at this site. It is agreed that the flood risk sequential test is passed for this reason.

### Risk from Surface Water Flooding

- 10.14 Flooding from surface water remains a residual risk due to the potential for rainfall to exceed the design standard of the proposed drainage system and the effects of climate change on the frequency and severity of rainfall events. However, the proposal has been designed with appropriate mitigation measures and therefore the risk of surface water flooding is therefore considered to be generally low.
- 10.15 It is proposed to raise the ground level across the site in the form of podiums to ensure the ground floor accommodation is not at risk of flooding, a compensation basin will be required to mitigate the offset surface water. An assessment has been undertaken to estimate the displaced volume and provide mitigation in the form of a basin. This assessment has estimated a displaced volume of 1,699m<sup>3</sup>, and it has been demonstrated that this displaced volume can be stored within the site by the proposed compensation basin located within the south-east corner of the site.
- 10.16 Additionally, dwellings have been placed away from primary flow routes and a swale system is proposed to cut-off and prevent excess surface water from entering the site from the west.

### Risk from Groundwater Flooding

- 10.17 Flooding from groundwater remains a residual risk due to the uncertainty of how climate change impacts groundwater flooding. With milder wetter winters, the scale and frequency of flooding may increase; however, warmer drier summers may counteract this effect by drawing down groundwater levels to a greater extent during summer months.
- 10.18 The risk of groundwater flooding in this location is considered to be low and appropriate mitigation measures are noted within the submitted Flood Risk Assessment.

### Risk from Fluvial/Tidal Sources

- 10.19 Whilst the site falls within Flood Zone 2; it is noted that Flood Zone 3 lies approximately 90m north of the site, along the River Thames tributary, which receives the surface water runoff from the site. Flood Zone 3 is classified as land which has a 1 in 100 (1%) or greater annual probability of fluvial flooding.
- 10.20 Data from the Environment Agency shows that the site is not at risk of fluvial flooding for the 1 in 30 and 1 in 100-year events (including climate change); however, for the 1 in 1000-year event, the majority of the site to the north is flooded by up to 150mm. The south of the site would reach flood depths between 150-900mm with the south-east of the site reaching over 900mm in flood depths.
- 10.21 Mitigation proposed includes raising the proposed development podiums with a minimum of 300mm freeboard above the 900m flood depth level. Additionally, the floor

levels of all units are to be raised above the surrounding area (as per the building regulations standards) and appropriate maintenance of downstream riparian watercourses, culverts and main rivers are to be carried out by the respective riparian owners and the Environment Agency.

#### Risk from Artificial Water bodies

- 10.22 The nearest water body to the site is Bourne Ditch Reservoir, located approximately 2km southeast of the site. As a result of this proximity, the site is identified by the Environment Agency as an area to be at risk from flooding during a reservoir breach event.
- 10.23 Flooding from this source is however considered a residual risk as the above reservoirs are currently owned and operated by Thames Water Ltd and are therefore subject to regular inspection and maintenance.

#### Risk from Public Sewers

- 10.24 Sewer flooding could occur from blockage of private site and building drainage as well as the Thames Water network. This type of flooding from is a residual risk managed by the design of the site drainage and regular inspection and maintenance of the public and private sewer network.
- 10.25 The risk of sewer flooding is considered to be low; however, risk associated with this source may also increase over time due to the effects of climate change. Appropriate mitigation measures are set out within the submitted Flood Risk Assessment, which include:
- Maintaining an appropriate 6.0 m easement around the existing sewers and potable water main
  - crossing the site and allow appropriate easement within detailed design for future connections.
  - Any connections to the existing sewer, will ensure the required upgrades are carried out prior to
  - the occupation of the relevant development areas, to ensure suitable capacity is available.
  - Routine inspection and maintenance of both the on-site and offsite drainage systems to be
  - carried out by the Site management and Thames Water.

#### Risk from Water Mains

- 10.26 Flooding from water mains is a residual risk with existing mains within the immediate area, identified by Thames Water asset plans. The main threat will be from demolition and reconstruction of new builds as it will include groundworks near existing pipelines; however, appropriate mitigation measures are set out within the submitted Flood Risk Assessment.

#### Access/Egress

- 10.27 The submitted flood evacuation route plan has been based on surface water depths (1 in 1,000-year event) from Environment Agency DEFRA download service product, which was accessed in November 2023. This shows that the majority of the site is dry,

with the largest concentration of water being in the south-east of the site, where the SuDS is to be delivered.

- 10.28 From the perspective of the 1 in 100-year flood event, the proposed flood mitigation measures (amending levels at the site and the creation of attenuation ponds), allow for the site to remain fully dry.
- 10.29 A low hazard escape route from the site will be available from the existing access onto Smiths Lane (which is being retained) and heading to south along Smiths Lane in 1 in 100-year flood event.
- 10.30 A pre-commencement condition (excluding demolition) is recommended (see condition 5), which requires the submission of full details relating to the proposed surface water drainage system and its maintenance arrangements. This condition is 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. The Sustainable drainage systems and surface water attenuation will ensure the risk of flooding to the surrounding area is minimised with no flooding of properties to occur during the 1 in 100-year surface water flood plus 40% climate change event.
- 10.31 As such, the proposal is considered to comply with Policy NR1 of the BLP and Policy WAT01 of the Neighbourhood Plan.

### iii. **Climate Change and Sustainability**

- 10.32 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.
- 10.33 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.
- 10.34 Paragraph 5.1.1 of the Windsor Neighbourhood Plan supports policy SP2 as it recognises the importance of conserving natural environment as part of the special character of Windsor's public realm, as it is essential to environmental sustainability, including climate change.
- 10.35 The proposed development of 413 dwellings incorporates the following sustainability measures in accordance with the Interim Sustainability Position Statement:
- Fabric First: The development aims to achieve high levels of insulation and low infiltration rates

- for the building fabric.
- Heating Plant: Dedicated Air Source Heat Pumps (ASHP) to generate a low temperature hot water throughout the buildings (Plot B, C & D) and via ambient loop system for Plot A.
- Residential space heating provided by underfloor heating system in each apartment connected to Heat Interface Units (HIU), served via central ASHPs for Plot B, C & D.
- Residential space heating and cooling in each apartment in Plot A provided by fan convectors, served via Water-to-Water Heat pumps connected to ambient loop served via ASHPs.
- Ventilation: Individual Whole house Mechanical Ventilation and Heat Recovery units within each dwelling. MVHR units shall be located within a utility cupboard.
- Domestic Hot Water service to each apartment in Plot B, C & D provided via HIU, served via ASHPs.
- Domestic Hot Water service to each apartment in Plot A via Water-to-Water Heat pumps system, served via ASHPs.
- Photovoltaic panels provided at roof level to comply with Building Regulations.

10.36 Additionally, the applicant has agreed to provide EV charging points for all of the podium undercroft spaces (223). This equates to 63% of the on-site parking, which surpasses the 20% requirement.

10.37 Across the whole scheme, it is anticipated that the proposal will result in a combined saving of carbon reduction by 73% (60% - Be Green: Savings from renewable energy; 13% Be Lean: Savings from energy demand reduction). This total saving of 73% equates to a site-wide carbon emissions reduction of 272.1 tonnes of CO<sub>2</sub> per year.

10.38 Conditions will be attached to the permission to ensure that the developer is bound by the sustainability recommendations within the Sustainability Statement (condition 19) as well as requiring Air Source Heat Pumps (ASHP) and PV details to be submitted (condition 20). 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
- 104.6 CO<sub>2</sub> tonnes per year \* £2,070 =
- £216,522
- Lifestyle Contribution
- £1,144 (per dwelling) \* 413 =
- £472,472
- Total:
- £688,994

#### iv. **Affordable Housing**

10.39 Policy HO3 of the Adopted Local Plan requires the proposal to provide 30% affordable housing, and also 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.

- 10.40 The scheme seeks to provide a total of 124 affordable dwellinghouses, which equates to 30% of the development ( $413 \times 0.3 = 123.9$ ). This is to be broken down as follows:

	<b>Affordable units to be secured in S106</b>	
<b>Social Rent</b>	56	45%
<b>Affordable Rent</b>	43	35%
<b>Shared Ownership</b>	25	20%
	<b>124</b>	

- 10.41 The proposed tenure split being secured through legal agreement aligns with suggested tenure split set out in Policy HO3 of the BLP and therefore the proposal will contribute to a recognised need for affordable homes within the Borough. As such it is considered that the proposed scheme complies with Policy HO3 of the Borough Local Plan. The affordable homes are to be secured by way of a legal agreement.
- 10.42 The applicant is seeking to provide a Policy compliant amount of affordable housing under this planning application and additional affordable units are to be secured via alternative methods – the transfer of land agreement – which are outside the remit of planning. It is emphasised that that the affordable housing proposed under this application is policy compliant.

v. **Housing Provision and Quality**

- 10.43 Policy HO2 of the Borough Local Plan 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. It also states that where evidence of local circumstances/market conditions demonstrates an alternative housing mix would be more appropriate, this will be taken into account.

- 10.44 The Housing Size Mix by tenure set out in the 2016 SHMA for Eastern Berks and South Bucks HMA is as follows:

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

10.45 The proposed housing mix is set out below:

<b>1-bedroom</b>	126	30.5%
<b>2-bedroom</b>	248	60%
<b>3-bedroom</b>	32	7.5%
<b>4-bedroom</b>	7	2%
<b>Total</b>	<b>413</b>	<b>100%</b>

10.46 The proposed mix has a focus on delivering smaller 1 and 2-bedroom units; however, this overprovision reflects the need to deliver development at density across the site in line with other objectives of development.

10.47 Furthermore, Policy HO2 of the BLP states that proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3). These accessibility standards are important from an equalities point of view and ensure that future residents are not discriminated against.

10.48 All of the proposed dwellings would comply with the nationally described space standards and 95% of units will meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings). This goes significantly above that required by Policy HO2 and ensures compliance with the accessibility requirements of the BLP, which is looked upon favourably. These measures will be secured in perpetuity by **condition 21**. Amenity space provision is considered appropriate and is further discussed within section x.

10.49 The range of housing types, whilst predominately 1 and 2-bedroom apartments (90.55%) is considered appropriate, given the Council's need for affordable housing. In addition, taking into account the context of the site which already has predominantly 1 and 2-bedroom apartments, and as it is a brownfield site within the settlement where effective use of land is encouraged, it is considered the mix which includes smaller units is appropriate in this case.

vi. **Character, Appearance & Layout**

10.50 As noted within the Section 6 (Planning History), Cabinet unanimously approved the Sawyers Close Stakeholder Masterplan Document (SMD) on Thursday 30th March 2023, which was then subsequently adopted.

10.51 During the course of preparing the Stakeholder Masterplan/application, there was community engagement, and the scheme was presented to an independent Design Review Panel (DRP) which comprised of architects, landscapers, planners and sustainability consultants. Overall, these processes have helped to shape a high quality regeneration proposal for the site, further details of the process and design iterations can be found in the Consultation & Project Evolution section of the submitted Design and Access Statement.

10.52 Policy QP3 of the Borough Local Plan 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 DES.01 of the Neighbourhood Plan states that "*Proposals for*

*development should demonstrate how they have taken account of design guidance, including the Windsor NP Design Guide”.*

- 10.53 The Windsor Neighbourhood Plan Design Guide sets out a number of design principles, which new developments should seek to achieve. These are:
- Aim to blend in and be compatible with, surrounding properties,
  - Where a greater intensity of development is appropriate, to achieve this skilfully using staggering,
  - articulation, spaces between buildings, setbacks etc. to reduce the perceived bulk of buildings,
  - Pay attention to details, creating attractive entrances, using windows and doors to create depth in
  - the building and echoing important details from surrounding buildings without being over fussy,
  - Consider proportion, so that spaces around buildings, storey heights, windows, roof features etc.
  - are appropriate to the area,
  - Use good quality materials chosen from the local palette.
- 10.54 Policy QP3a of the BLP emphasises maintaining existing context heights in established settlements while allowing for increased height in larger developments that establish their own sense of place, with a cautious approach to not exceeding one additional storey. The Tall Buildings SPD further highlights the relevance of the site, Sawyers Close, in Windsor, identifying it as an area featuring four towers, each approximately 8-storeys in height. These towers are considered exceptional within a broader context where typical heights are generally limited to 2 storeys.
- 10.55 The Tall Buildings SPD notes that tall buildings are considered exceptional forms of development and are generally limited to areas with high public transport accessibility and an existing or emerging urban character. The development must adhere to detailed design requirements, ensuring scale, mass, volume, and other factors align with the character of the area and mitigate adverse effects on landscapes and heritage assets. Sustainability, innovative design and biodiversity considerations, each play a key role in assessing the acceptability of the proposal.

Design Principle – Aim to blend in and be compatible with, surrounding properties

- 10.56 All of the existing buildings are 8-storeys in height and are therefore regarded as tall buildings in the context of the area. This is a consideration of significant weight when considering the scale of the proposed buildings. The proposed development comprises a much greater number of buildings, these are laid out within four separate groups (identified as Plots A-D due to the proposed phased construction). However, within the proposed scheme, there is much greater variation in height of the buildings, with a number of the blocks not exceeding 5-storeys in height, and so whilst the scale of many of the proposed blocks, although defined as a taller building according to policy, are of a more appropriate height and scale in the context of the area compared to the existing development. Blocks B1, B4, D1 and D5 which face Smiths Lane which have 2-storey houses would all be three storeys in height (the lowest of the proposed buildings), which pay regard to the smaller scale buildings in this established residential area.
- 10.57 Development has sought to minimise inactive frontages by limiting the 'blind' elevations and providing both private and communal residential entrances. Apartment building entrances are located on the corners of the buildings, creating an interest and activation to both elevations. Where possible on the ground floor the homes have been

placed on the urban plot perimeter, creating domestic, well overlooked streets and spaces in between. The non-residential elements of the development are placed facing the Maidenhead Road.

Design Principle – Where a greater intensity of development is appropriate, to achieve this skilfully using staggering, articulation, spaces between buildings, setbacks etc. to reduce the perceived bulk of buildings

- 10.58 During the preparation of the Stakeholder Masterplan, a significant amount of design evolution occurred, with the scheme becoming less rigid with softer edges, thereby allowing desire lines to open up and encourage movement through the site.
- 10.59 With regard to consideration for the greater intensity of development, building heights and volume arrangement play a key role in the character assessment. On the west and south sides of the site, a 3-storey 'neighbourhood' is proposed, which will aid with 'stepping down' the site to be more in line with the existing context around Smiths Lane and Thames Mead. To the east of the site lies Dedworth Manor and Sawyers Close Park, where it is proposed that 5-storey apartment blocks will face onto this open space. The taller buildings (maximum 8-storeys) are located within the middle and northern parts of the site, with block A2 (middle block of the three along Maidenhead Road) being marked either side by 7-storey buildings. The positioning of buildings of a greater scale closer to the open space to the east and A308 Windsor Maidenhead Road, ensuring smaller scale buildings are located closer to the existing residential area to the west is considered the most appropriate design strategy.
- 10.60 A key element of this application is its ability to ensure fluid movement through the site as well as also allowing views to penetrate through. The existing pedestrian path into the site from the east (through Dedworth Manor and Sawyers Close Park) is proposed to enter into a wide avenue between Plots A and C, continuing west between Plots A and B, as well as continuing south between Plots B & C. Ensuring the provision of these avenues pressurises the layout of any potential scheme and in this case prevents the buildings along Maidenhead Road from being setback further. It is noted that some third-party comments have commented on the prominence of these buildings along Maidenhead Road Whilst it is accepted the proposed buildings will be sited closer to the Maidenhead Road, the proposed buildings are to be constructed of high-quality materials (as discussed in following few paragraphs) and use design features/details to aid with breaking up the façades. Additionally, trees and vegetation are being planted along this frontage to aid with softening its impact.
- 10.61 With regard to materials, brick patterning is used on the façade with a variety of stretcher bond and soldier coursing to create texture while referencing local precedent. Variations in mortar colour applied to the same brick add further interest and are used to articulate window surrounds. Light coloured stone bands and expressed horizontal brick courses are utilised to add detailing and architectural articulation.
- 10.62 The proposed buildings will be finished in brick, and will be varied. The Design and Access Statement sets out five different types of brick, which are to be used; namely:
- Light warm buff multistock brick;
  - Red multi-stock brick;
  - Dark red multi-stock brick;



- Warm brown multi-stock brick;
  - Dark warm brown multistock brick
- 10.63 Similarly, a number of different materials will be used within the façade details palette; namely:
- Warm grey multistock brick;
  - Black / warm dark grey multi-stock brick;
  - White stone effect;
  - White brick or similar
- 10.64 The range of materials selected allow for different combinations to be used across the scheme, creating distinct character areas within a cohesive whole, contributing to the overall place making of the site.
- 10.65 Gable roofs of houses would be clad in tile, while the larger areas of apartment roofs provide opportunity for green / brown roof planting.
- 10.66 The buildings facing Maidenhead Road create a regular frontage along the road and the east-west route within the site, echoing the rhythm of terrace houses to the east.
- 10.67 Activation is encouraged along Maidenhead Road, through the proposed cycle hub (north-west), community centre (north-east) and community use spaces.
- 10.68 On the basis of the assessment above the proposal is considered to satisfy Policy QP3 of the Borough Local Plan and Policy DES.01 of the Windsor Neighbourhood Plan.

vii. **Open Space**

Open Space

- 10.69 Policy IF4 of the Adopted Local Plan sets out that where appropriate open space in the Borough will be protected. Development involving the loss of open space will be permitted where the existing facility would be replaced by equivalent or improved provision in terms of quality and quantity in a suitable location within walking distance of the existing facility. Policy OS.02 of the WNP states that where additional development is proposed which could result in the loss of on-site open space, proposals should be supported by an open space assessment to demonstrate that the open space is no longer needed, and the provision of an equivalent or better alternative provision to be made nearby, since open space must be located close to the residential area it serves.
- 10.70 The scheme seeks to re-provide the existing 9,790 m<sup>2</sup> of open space and equipped play. A total of 17,840 m<sup>2</sup> of open space will be re-provided within the scheme through the inclusion of;
- Amenity green space
  - Natural and semi natural space
  - Play space
  - Community Gardens
  - Allotment
- 10.71 12,236 m<sup>2</sup> of the proposed open space (68.6%) is to be provided at ground level, whilst the remainder (5,608 m<sup>2</sup>) will be provided at podium level. A full breakdown of this can be viewed in the following table:

	Area Provided (m <sup>2</sup> )
<b>Ground Floor (Surface Level) Open Space Typology</b>	
Amenity Soft Landscape	1,241 m <sup>2</sup>
Amenity Green Space	3,162 m <sup>2</sup>
Natural & Semi Natural	4,773 m <sup>2</sup>
Play Space – Children (equipped)	1,478 m <sup>2</sup> (includes 4 x 100 m <sup>2</sup> LAPs + additional open space)
Play Space – Youth (equipped)	400 m <sup>2</sup> LEAP
Community Garden	225 m <sup>2</sup>
Private Amenity Landscaped Space	957 m <sup>2</sup>
<b>TOTAL</b>	<b>12,236 m<sup>2</sup></b>
<b>Podium Level Open Space</b>	
Podium Communal Amenity Space	3,546 m <sup>2</sup>
Podium Private Landscaped Space	2,058 m <sup>2</sup>
<b>TOTAL</b>	<b>5,604 m<sup>2</sup></b>
<b>TOTAL Open Space</b>	<b>17,840 m<sup>2</sup></b>

10.72 The proposed play space comprises:

- 4 x Local Areas of Play (LAP's)
- Locally Equipped Area of Play (LEAP)

10.73 The proposed LAPs will offer informal naturalistic 'sensory' play for younger children and are located to distribute play evenly throughout the application site and are designed in keeping with the naturalistic setting of their location.

10.74 The proposed LEAP will comprise a high-quality play space designed predominantly for youth aged 6 years+ and is to replace the existing equipped play space.

10.75 Table 31 of the Borough Local Plan (Open Space Standards) states that developments of 201-500 dwellings should provide a Neighbourhood Equipped Area for Play (NEAP).

10.76 A Neighbourhood Equipped Area for Play is expected to be positioned within 15 minutes of walking distance on a well-used pedestrian route. The equipment used for a NEAP play area is targeted mainly at older children but should contain an area for younger users, stimulating challenging play opportunities with a minimum of 8 play experiences. This includes at least 5 individual items with varied difficulties. With a minimum space of 1000 m<sup>2</sup> divided into two sections, one for playground equipment and an area of 465 m<sup>2</sup> of hard surface which is a minimum area for 5-a-side football. The play area should leave space for active play within the boundaries. A minimum 30m buffer should be provided between the activity zone and boundary of nearest dwelling. The area must include fencing if it is placed near roads, however, it can use landscaping to define the boundaries in a public open space. The space also requires seating area with bins for the parents and carers, as well as secure bicycles parking outside of the play space and signage.

10.77 Whilst a NEAP has not been provided alongside this proposal, given their requirements as set out above, it is considered that the provision of one would have a detrimental impact upon the feasibility of the proposal. As specified within the equalities section of

this report (section xiii), the layout has been influenced by the need to ensure that residents benefit from new, purpose built, up-to-date homes at the same location where they currently live and no one will need to move away. This is a conflict with development plan policy. This harm is considered in the planning balance (section 12).

- 10.78 The scheme proposes an orchard at the centre of the application site, between Plots B and C, sitting within the existing area of lower ground. Together with an allotment these will serve the residents of the scheme and immediate surrounding area with on-site food production, which is looked upon favourably.
- 10.79 A sunken garden is proposed in the part of the site closest to Dedworth Manor, which will provide amenity space for residents and visitors while also doubling-up as a mitigation strategy for surface water flooding.
- 10.80 The proposal would provide more open space than existing, and it will be of a higher quality. This provision, management and long term maintenance of the various types of open space will be secured by legal agreement.

#### Landscaping

- 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.
- 10.82 Policy NR3 of the Adopted Local Plan seeks for all developments to protect and retain trees and hedgerows where possible and provide new landscaping as part of the layout.
- 10.83 Policy BIO.02 of the Windsor Neighbourhood Plan identifies Maidenhead Road as a 'Green Route', where it is expected for the proposed development to include the provision of green boundary treatments with trees, vegetation and soft landscaping. Through this provision, the policy seeks to sustain and improve air quality and visual amenity, and the safeguarding, provision and/or enhancement of habitats to facilitate the movement of wildlife.
- 10.84 A soft landscaping scheme has been provided (secured by **condition 12**) 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. This is detailed within section xii. of this report.  
*Trees and Soft Landscaping*
- 10.85 The development is supported by a landscape masterplan and accompanying management plan which propose new tree planting along key vehicular and pedestrian roads. The application is also supported by an arboricultural impact assessment, which provide an assessment of the quality of the surveyed trees, as well as a Tree Protection and Removal Plan to detail the proposed protective measures to be taken in respect of the trees during development of the site.
- 10.86 A survey of the site was undertaken in June 2020. A total of 100 individual trees were recorded during the survey. Of these, 4 were category U, 3 category C, 35 category B and 25 category A.
- 10.87 There were 8 groups recorded during the survey, 1 was considered to be of A category, 4 are B

category and 3 C category.

- 10.88 The arboricultural impact assessment found that, although some work is required within the root protection areas (RPA) of 21 trees, the majority of the proposed development will all take place outside the RPA of most trees to be retained.
- 10.89 In order to assess the potential impact these works will have on any retained trees, the amount of RPA incursion has been approximately calculated and compared to the total RPA to give a incursion percentage. BS5837 guidance states: "7.4.2.3 *New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA*".
- 10.90 Only three trees (T41, T99 & T103) will have incursions of more than 20%; however, these incursions are all in areas of existing hardstanding where the sub-base can be reused and should therefore not negatively affect the trees health.
- 10.91 Additional mitigation measures are proposed, which include hand excavation, 'no-dig' design principles and the restoration of existing hard-standing to soft-landscape. The specific trees to which these individual mitigation measures apply can be viewed in the Arboricultural Impact Assessment.
- 10.92 A total of 37 trees will need to be removed, the majority of which are low quality category C trees. A full breakdown of the trees to be removed is displayed in the following table:

<b>Category</b>	<b>Total Number</b>	<b>% of Total Removals</b>
A	3	8.1%
B	7	18.9%
C	25	67.6%
U	2	5.4%

- 10.93 The three category A trees comprise x2 Horse Chestnut and x1 Crimean Lime; whereas the seven category B trees comprise x2 Leyland Cypress, x2 Scots Pine, x1 Norway Maple, x1 Horse Chestnut and x1 Wild Cherry.
- 10.94 The majority (13) of the category C trees comprise Scots Pine (7), Field Maple (3), and Silver Birch (3). Planting schemes have been submitted for both ground level and podium level.
- 10.95 At ground level, four types of trees are to be planted site wide, which comprise Field Maple (x18), Silver Birch (x8), Scots Pine (x10) and Cherry Tree (x9).
- 10.96 Additionally at ground level, two types of trees are to be planted as 'features' along the key pedestrian/cycle route. These trees comprise English Oak (x2) and Small-leaved lime 'Greenspire' (x2).
- 10.97 Along the northern boundary of the site, facing the Maidenhead Road (at ground level), four types of trees are to be planted, which comprise Silver Birch (x2), Hawthorn (x1), Scots Pine (x4) and Bird Cherry (x3). Additionally hedging and shrubbery in combination with these trees will help soften the development in compliance with the Neighbourhood Plan policy BI.O2.

- 10.98 Along the western boundary (Swale) and within the Sunken Garden, seven types of trees are to be planted, which comprise Field Maple (x5), Common Alder (x5), Downy Birch (x8), Bird Cherry (x7), Common Pear (x2), Crack Willow (x10) and Elm 'New Horizon' (x6).
- 10.99 As well as the above tree planting, the ground level will also see the planting of shrubs (seven species across 1,962 m<sup>2</sup>), hedging (two species across 229 linear metres), wildflowers (5,408 m<sup>2</sup>) and amenity grass (1,667 m<sup>2</sup>).
- 10.100 Podium level planting is to consist of 19 trees (Snowy Mespilus Tree (x7), Himalayan Birch (x9) and Broad-Leaved Cockspur Thorn (x3)), 211 linear metres of hedge contained in raised planters and 1,115 m<sup>2</sup> of shrubs contained in perennial planters.
- 10.101 Whilst 35 trees are to be removed, the planting schedule seeks to introduce 102 trees at ground level and relocate 19 orchard trees, as well as proposed 19 trees at podium level.
- 10.102 The proposed trees at ground level are all to be semi-mature and advanced nursery stock. The trees at podium level are to be between 350-400cm in height.
- 10.103 It is considered that the minor loss of some A and B category trees is overcome through appropriate replanting which would provide a significant number of additional trees. Given the aforementioned, the proposed development is considered to comply with Policies NR3 and QP2 of the Borough Local Plan.

#### *Hard Landscaping*

- 10.104 With regard to hard landscaping, a scheme has been submitted (also secured by **conditions 4 & 12**), 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.
- 10.105 Given the above, it is considered that the proposed would create a distinctive public realm of high-quality design; and would comply with BLP Policy QP3 of the Borough Local Plan, and Policy BIO.02 of the Windsor Neighbourhood Plan.

#### viii. **Impact on heritage**

- 10.106 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.

#### Dedworth Manor (Non-designated Heritage Asset)

- 10.107 Dedworth Manor house, built in the late Victorian period, lies to the south of the site, off Thames Mead. It is an attractive building and is integral to the history of the development of the area and could be considered a non-designated heritage asset. The Sawyers Close estate was developed on land that belonged to the manor house and it is likely that a number of the trees on the site are remnants from the gardens around the house. The manor originally had a long carriage drive to Maidenhead Road and a lodge on the frontage, part of which appears to remain.

10.108 The proposal has been sensitively designed with Dedworth Manor in mind, ensuring that buildings are set away from it. A sunken garden is proposed in the part of the site closest to Dedworth Manor, the resulting development will see an improved relationship with Dedworth Manor as none of the proposed buildings are as close as Winwood (an existing 8-storey apartment block, with a large parapet), and those that are closest are a maximum of 3-storeys.

10.109 In this respect, the proposed development is not considered to cause harm to the setting of Dedworth Manor as non-designated heritage Asset.

There are no Listed Buildings or Conservation Areas (designated heritage assets) in close proximity of the site which would be adversely affected by the proposed development. In terms of the relationship with Windsor Castle which is a Scheduled Ancient Monument, the site is some 2.34 km away and this not considered to adversely impact on the setting or views to or from Windsor Castle.

#### Archaeology

10.110 There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology's Historic Environment Record. The Desk Based Assessment (DBA) submitted by the applicant and compiled by Wessex Archaeology, highlights a large number of sites of importance within the vicinity of the development. North of the Thames there is a concentration of prehistoric sites and the same level of activity is expected on the south side of the river which has been a focus of settlement activity throughout history. There is evidence for Bronze Age activity to the west of the site and emerging evidence for Roman exploitation of this area of the Thames Valley.

10.111 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 applied, should permission be granted, in order to mitigate the impacts of development (conditions 10 & 11). This is in accordance with Paragraph 205 of the NPPF (2023) which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

#### ix. **Highway considerations, sustainable transport and parking provision**

##### Traffic Generation

10.112 The proposal will result in a net gain of 221 residential units, which will undoubtedly increase the level of traffic activity to/from the site. Modelling assessments from the submitted Transport Assessment indicate that the local highway network and specifically the Smiths Lane/Maidenhead Road junction would be over capacity as a result of the development. Part of the proposed mitigation is in the form of promoting sustainable modes of transport and designing the scheme to allow residents to have choices to travel by modes of transport other than private car by providing a significant amount of secure cycle storage, a cycle hub, and a car club. Whilst a Travel Plan will help reduce the number of car journeys, it is not considered sufficient alone to result in a sufficient reduction in car trips to overcome the junction capacity issues predicted as a result of the development.

10.113 As such, off-site highway mitigation is also considered necessary to mitigate the impacts of the development, specifically on the Smith's Lane/Maidenhead Road junction. The mitigation that has been agreed by the Council and applicant is in the form of a signalised junction on the Maidenhead Road/Smiths Lane junction. The applicant has agreed to make a financial contribution to fund the installation of a signalised junction. Based on the results of the Transport Assessment, it is considered this signalised junction would need to be in place by the time 342 of the new residential units are built and occupied (when a net gain of 150 residential units have been provided). As such, the financial contribution will need to be made to the Council before this point, and an appropriate trigger point for this payment is considered to be when 193 residential units are built and occupied.

#### Access Provision

10.114 The site currently benefits from an existing access off Smiths Lane and the proposal seeks to utilise this.

10.115 In addition to utilising the existing access, it is proposed that a new vehicular access will be created off Smiths Lane (adjacent 149 & 151 Smiths Lane).

10.116 The existing access (north) is expected to predominantly provide access to Blocks A, B and C given their undercroft podium accesses are located along this internal road. The new access (south) is expected to predominantly provide access to Block D; however, the external parking spaces will also allow Blocks B & C to utilise the southern access road.

#### Internal Estate Access & Refuse

10.117 With regards to the internal layout of the site, the roads and footways have been designed to the Borough's minimum Highway Standards. The proposed scheme would be suitable for the manoeuvring of refuse vehicles within the estate, capable of serving each refuse bay and dwelling in accordance with the guidance set out in Manual for Streets.

#### Vehicle Parking

10.118 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.

10.119 The application site falls within an area of poor accessibility, which sets out the following maximums:

<b>Unit Type</b>	<b>Maximum Parking Standards</b>
1-bedroom units	1 space per unit
2-3 bedroom units	2 spaces per unit
4 or more bedroom units	3 spaces per unit
Flats with communal spaces	1 space per bedroom

10.120 Comparing these maximum parking standards with the proposed units, the following table indicates the maximum number of spaces the development could provide:

Home Type		Maximum Parking Standard	Units	Maximum No. of Spaces
1B2P	Apartment	1	114	114
1B2P WCH	M4(3) Apartment		12	12
2B3P	Apartment	2	1	2
2B3P WCH	M4(3) Apartment		7	14
2B4P	Apartment		238	476
2B4P WCH	M4(3) Apartment		2	4
3B6P	Townhouse	2	32	64
4B6P	Townhouse	3	7	21
<b>Total</b>			<b>413</b>	<b>707</b>

10.121 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...”*

10.122 Paragraph 108 of the National Planning Policy Framework expects maximum standards should only be applied where there is compelling justification that they are necessary for managing the local road network, or for optimising the density of development in specified areas.

10.123 The 2021 census data reveals the following parking information specifically relating to Sawyers Close:

- 43.7% of residents do not have a car or van
- 39.3% have one car or van
- 17% have two cars or vans
- 0% have three or more cars or vans

10.124 However; more recent data is available as the March 2022 Future Homes Survey conducted by Abri (results can be found within the Statement of Community Involvement), reveals the following about the existing residents of Sawyers Close:

- 39% of residents do not have a car
  - 47% have one car
  - 14% have two cars
  - Of the residents that did have a car, only 5 (5.5%) had a garage
- It should however be noted that only 47% of the residents responded to the Survey.

10.125 There is a discrepancy with the number of spaces noted within the Design and Access Statement (357) and the Planning Statement (365); however, the Officer has reviewed the submitted “Proposed Site Wide Plans - Level 00” in comparison with the space identification map provided on page 160 of the Design and Access Statement, confirming the total number of spaces to be as follows:

- 223 residential spaces within the podiums (21 of these are disability spaces)
- Block A (west podium) – 32 bays (2 of these are disability spaces)
- Block A (east podium) – 44 bays (2 of these are disability spaces)
- Block B – 53 bays (2 of these are disability spaces)
- Block C – 45 bays (13 of these are disability spaces)



- Block D – 49 bays (2 of these are disability spaces)
  - 109 residential spaces
  - 105 bays within the site
  - 4 bays outside of the site along Smiths Lane (adjacent Block C townhouses)
  - 18 visitor spaces
  - 4 delivery/servicing bays
  - 3 car club bays
- This is a total of 357 parking spaces across the site.

10.126 The 4 bays to be provided outside of the application site, will be secured through a Section 278 Legal agreement.

10.127 Additionally, secure designated motorcycle parking will be provided in line with the Borough's motorcycle parking standard which is currently set at a ratio of 1 to every 20 car park spaces and will comply the IHE Motorcycling guidelines.

10.128 The 18 visitor spaces are provided in the north-east of the site in close proximity to the internal community spaces/centre.

10.129 The delivery/servicing bays and car club bays are scattered evenly across the site.

10.130 The 3 car club spaces are to be provided on site to allow a cheaper alternative to owning a car and are also suitable for those who do not drive very often, but who still need access to a car for some journeys. Future residents will have access to this facility which will play an important role in creating a modal shift away from owning a private car in support of greener transport options. This car club would be secured as part of the legal agreement.

10.131 Applying the car ownership for affordable housing as evidenced by census data and the survey undertaken by Public Health, it would be a reasonable assumption that 61% of the proposed affordable units in this scheme (124 units) would have a car. This 61% is derived from data indicating that 39% of residents do not have a car, and the figure of one car is being used for the remainder in the interest of sustainable transport. Assuming 61% of the affordable residential units would have access to a vehicle, this would result in 76 car parking spaces (1 space per unit) being required for these units. Based on the remaining 281 spaces for the 'market' housing this would work out as approximately 1 car parking space per residential unit of the market housing – more if the 18 motorcycle spaces are taken into consideration. While not a requirement of this planning application, it is understood that the intention of ABRI is to deliver more affordable units on site. In this situation there would be excess parking capacity based on the available data.

10.132 Manual for Streets provides guidance on parking provision for new developments and at paragraph 8.3.10 confirm "*not all parking spaces need to be allocated to individual properties. Unallocated parking provides a common resource for a neighbourhood or a specific development*". The proposal seeks that all on-site parking will be unallocated to provide the most efficient layout without encouraging excessive car dependence; however, the podium undercrofts comprise unallocated parking specific to the buildings to which they relate.

10.133 It is noted that some concerns have been raised in relation to parking – noting that too few spaces are being provided; however, in accordance with the Council's sustainability strategy alternative methods of transport are being promoted – for instance, the scheme proposes to provide a dedicated on-site Cycle Hub (including

high quality cycling facilities), Car Club spaces and a large number of secure cycle spaces.

10.134 The submitted Framework Travel Plan outlines proposals for the proposed development which aims to:

- Reduce the number of car journeys to and from the site
  - Increase the use of public transport, walking and cycling
  - Improve road safety and security, particularly for pedestrians and cyclists
- The Travel Plan is to be secured as part of the legal agreement, ensuring that its recommendations are met.

10.135 The public health team have reviewed the scheme. During a verbal discussion with the Officer, they commented on how the proposed design encourages walking and cycling through a pedestrian focused landscape.

10.136 It was also noted that the proposal seeks to conceal cars as much as possible; and the use of podiums, the retention of trees as well as the hard landscaping palette, all aid the scheme to focus on a shared-surface strategy where pedestrians are prioritised to support a healthy community.

10.137 The parking spaces within the podium undercrofts are to be controlled by a barrier ensuring that only residents of the site are able to utilise them, and that the proposed scheme does not serve as a public carpark for the wider residents of Windsor, which the existing site struggles to control.

10.138 The standards set out within the 2004 Parking Strategy are a starting point, and when read in conjunction with the location of the site, evidence of car ownership levels, 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.

#### Pedestrian and cycle access and connectivity

10.139 Policy IF2 'Sustainable Travel' of the Borough Local Plan seeks to encourage sustainable travel. A dedicated on-site Cycle Hub is proposed within the north-west of the development. This location has been strategically positioned to ensure visibility and accessibility from Maidenhead Road for the purpose of serving the wider community. The new Hub will offer future residents and the surrounding local community access to excellent cycling facilities including bike hire through a cycle library, cycle repair stations, electric charging points and cycle storage.

10.140 The scheme proposes to maintain existing desire lines, which run through the site east to west and additionally proposes to add cycle routes to traverse the development. The historic route is reinterpreted and connects the existing desire lines, offering residents and neighbours multiple ways to traverse the site. These proposals will aid with promoting cycling as a viable alternate to the private car.

10.141 Cycle stores for the townhouses are located within the podiums; however, are accessed externally. The cycle storages for the apartment buildings are located at the base of the buildings and they are either accessed externally or from the car park podiums.

10.142 The number of cycle spaces required by the 2004 parking standards is set at a residential standard of one cycle parking place per dwelling, which in this case required

a minimum of 413. The number cycle spaces required by the Council's emerging guidance is 594 as indicated by the following table:

<b>Cycle Parking Requirements</b>			
<b>Home Type</b>	<b>Proposed Homes</b>	<b>Emerging Guidance</b>	<b>Minimum Required</b>
1B2P	126	1	126
2B2P	248	1.5	372
3B6P	32	2	64
4B6P	7	3	21
Visitor		1 per 40 dwellings	10.3
<b>Total</b>	<b>413</b>		<b>594</b>

10.143 The total number of cycle parking spaces the scheme seeks to provide is 654, which is significantly greater than the requirement of the 2004 parking standards and also greater than the requirement of emerging guidance. The high provision of secure cycle storage is a benefit for the scheme, and supports measures in the travel plan to shift the modal behaviour of residents from private car to other sustainable modes of travel. A condition to ensure the provision of this cycle storage is recommended.

#### Public transport

10.144 The closest public bus stops are located along Smiths Lane and are attended by buses along the following routes: 2 & W1. Route 2 links the site to Slough Town Centre with buses once an hour throughout the day. Route W1 links the site to Windsor Town Centre stopping along Smiths Lane five times per day at the following times 10:05am, 11:55am, 1:55pm, 4:55pm & 6:55pm.

10.145 With the bus-link, residents can utilise trains for a wider public transport link to London Waterloo (Windsor & Eton Riverside) as well as London Paddington and Reading (Slough). The Framework Travel Plan identifies a number of interventions shift dependency on private car to travel and put more focus on sustainable modes of transport.

#### Highways summary

10.146 With the appropriate mitigation in place, which includes securing the measures of the Travel Plan to reduce reliance on private car, and off-site mitigation in the form of a signalised junction, it is considered the proposed development would have an acceptable impact on the highway network and upon highway safety. It is therefore considered that the proposed development accords with paragraph 111 of the NPPF, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

x. **Impact on residential amenity**

10.147 Policy QP3 (m) of the Adopted BLP seeks to protect the amenity of the occupiers of dwellings both surrounding application site and future occupiers of the proposed development. Section 8 of the Borough Wide Design Guide SPD covers this in detail.

*Existing residents*

10.148 The proposal seeks the provision of tall buildings, which have the potential to cause a wider impact than low-scale schemes. The scheme has been designed in accordance with the Borough Wide Design Guide SPD and exceeds the separation distance requirements to existing neighbouring dwellings set out within this document.

10.149 In an urban setting some level of overlooking is expected; however, in this instance no detrimental overlooking is considered to arise from the proposed development.

10.150 With regard to overshadowing, a daylight, sunlight and overshadowing assessment has been submitted with regard to the schemes impact upon neighbouring properties. The approach is based on the British Research Establishment's (BRE's) "Site Layout Planning for daylight and sunlight, a Guide to good practice" PJ Littlefair et al. (2022).

10.151 Daylighting levels for potentially affected windows of surrounding developments by the proposed development at Sawyer's Close were found to be acceptable, when assessed against BRE guidelines.

10.152 As for the impact from a sunlight perspective, the impact of the development was found to be acceptable when assessed against BRE guidelines. However, 2 windows, one belonging to 141-143 Smiths Lane and the other belonging to 149-151 Smiths Lane, satisfied the BRE criteria for annual probably sunlight hours APSH only. These windows are limited in their available sunlight hours due to their eastern orientation, making it difficult for them to meet the full winter recommendation; however, they are still expected to receive good levels of sunlight throughout the year. Overall, the proposed development at Sawyer's Close is not considered to have any notable impact on sunlight access to windows of surrounding properties.

10.153 The proposed development is not considered to have any significant impact on the residential amenity of amenity of neighbouring residential amenity.

xi. **Provision of suitable residential environment**

10.154 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.

10.155 As stated in the Housing section of this report at paragraph 10.49, 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.

10.156 The redevelopment proposals will re-provide a range of high-quality different amenity spaces, including the provision of new play spaces for different age groups in accessible locations across the site; new landscaped squares, biodiverse planting, podium gardens and private balconies and terraces for each flat.

10.157 Each apartment unit has been designed with a suitably sized balcony and the townhouses have gardens. These amenity spaces meet the requirements of the Borough Wide Design Guide SPD.

- 10.158 Having regard to section 8 of the Borough Wide Design Guide SPD which sets out separation distances for new residential development, whilst most of the proposed blocks accord with the guidance, there would be a separation distance of 9-12 metres between the apartment blocks proposed within Block C at levels 1-4, when the recommended distance is 15 metres. That said, Table 8.1 of the Borough Wide Design Guide only provides "*Rule of thumb separation distances for residential development*", which are to be used as a guide and are not set in stone.
- 10.159 The Borough Wide Design Guide SPD notes that in more compact contexts it may not be appropriate to provide the conventional separation distances and that alternative design solutions to maintain privacy will be needed in such instances. These design solutions to mitigate privacy concerns include utilising oblique angles; window design; obscure glazing; screening; gardens and careful room layout planning.
- 10.160 Whilst there are some instances of slightly reduced separation distance, this impacts a minor number of the units within the scheme, as the staggered window design mitigates some of the overlooking harm between residential units.
- 10.161 Additionally, some of the gardens for the proposed townhouses are likely to experience some levels of overlooking; however, in an urban setting some level of overlooking is expected and the level of overlooking which may occur is not considered to be detrimental to warrant refusal on this ground.
- 10.162 A daylight, sunlight and overshadowing assessment has been submitted with regard to the schemes impact upon properties within the proposed development. The approach is based on the BRE's "*Site Layout Planning for daylight and sunlight, a Guide to good practice*" PJ Littlefair et al. (2022),
- 10.163 While not all of the rooms meet best practice in terms of sunlight/daylight - there would be significant improvements in the overall standard of accommodation and level of amenity provided within the regeneration scheme when compared to those provided by the existing estates. Overall, it's considered the scheme would result in a high level of amenity for existing (relocated) and new residents.
- 10.164 As for the impact from a sunlight perspective, guidance states at least one habitable room is required to meet the criteria per dwelling. The study identified a total of 209 living spaces located across the first three floors of the development, considered to be the worst-case in terms of sunlight access. Of these worst-case units, 73.2% of the living areas were found to meet the BRE recommendations.
- 10.165 15.8% of the rooms were subject to high levels of obstruction due to the density optimisation design of this scheme, and to mitigate this, they have been provided with a generous amount of external private amenity via 2.0m deep balconies and therefore are still considered to receive a good level of sunlight throughout the year. The remaining 11% fell short of the BRE recommendations by 30min or had limitations due to be north facing.
- 10.166 Overall, it can be concluded that the design offers optimum accessibility to sunlight for all living spaces within the proposed development.

- 10.167 Regarding overshadowing, for an amenity space to “appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March”. A review of the site plan showed that there are five amenity or open spaces which are part of the proposed development. A Solar Access Analysis was undertaken on these amenity areas for the full 24 hours on 21 March as set out by the BRE.
- 10.168 The results showed that 4 of the 5 assessed spaces achieve at least 2 hours of sunlight across at least 50% of their areas on 21 March, hence meeting the BRE recommendation.
- 10.169 The remaining space, the podium of Block C (A4), was found to achieve at least 2 hours of sunlight over 24% of the space on 21 March. Whilst this is below the recommended level, it should be considered that this external amenity space is expected to be used most frequently in summer, and during these months the angle sun is higher and therefore a greater area of the space is expected to achieve 2 hours of sunlight. An assessment on 21 June found that 73% of the space received at least 2 hours of sunlight, well above the 50% recommended benchmark.
- 10.170 Overall, the scheme as a whole is expected to receive good levels of sunlight across the external shared amenity spaces.
- 10.171 Whilst some of the properties do not fully meet the BRE recommendations, most of the proposed units accord with the recommendations. In the context of this large-scale development, this is considered to be a minor harm of the development which is discussed in the planning balance.

## xii. **Environmental Considerations**

### Ecology

- 10.172 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 BIO.01 of the Neighbourhood Plan requires development proposals to deliver biodiversity net gains in addition to protecting existing habitats and species.

### *Designated Sites & Habitats*

- 10.173 The Preliminary Ecological Appraisal conducted by the RPS group in April 2023 concludes that habitats on the site, primarily comprising hardstanding, buildings, and amenity grassland, are not priority habitats according to the NPPF. The report suggests that these habitats should not be a constraint to development.

### *Windsor Forest and Great Park SAC*

- 10.174 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. Windsor Forest and Great Park comprises 95% woodland, 4.5% dry grassland/steppes and 0.5% inland water bodies.

- 10.175 Windsor represents old acidophilous oak woods in the south-eastern part of its UK range. It has the largest number of veteran oaks *Quercus* spp. in Britain (and probably in Europe), a consequence of its management as wood-pasture.
- 10.176 Violet click beetle *Limoniscus violaceus* was first recorded at Windsor Forest in 1937. The site is thought to support the largest of the known populations of this species in the UK.
- 10.177 The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives.
- 10.178 Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 10.179 In this case the proposed development, is not considered to have a significant effect on Windsor Forest and Great Park, due to the nature of the development and distance of the proposal from the SAC.

#### *Bats*

- 10.180 The bat survey reports from the RPS Group (April 2023 and updated October 2023) confirm that no bat roosts were found in buildings and trees on the site. Recommendations from the report include a sensitive lighting scheme to prevent adverse effects on roosting bats. The revised development plans indicate retention of important habitat areas identified during 2021 bat survey transects. An external lighting scheme will be conditioned (see condition 18).

#### *Other Protected Species*

- 10.181 The ecological report concludes that the site is not suitable for badgers or other protected species; however, the areas of scrub optimal for hedgehogs are retained in the layout plans. Precautions to protect nesting birds during construction are recommended and can be incorporated into a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). See recommended condition 17.
- 10.182 NatureSpace Partnership have reviewed the submitted ecological report and are in agreement with its findings, in that this site does not offer suitable habitat for great crested newts primarily due to the pre-existing buildings, hardstanding, and amenity grassland. The site is bordered to the north by the A308 which acts as a barrier to the dispersal of great crested newts. Similarly, the proposed site is surrounded by residential houses on the south and west side which also acts as a barrier for great crested newts terrestrially dispersing. These barriers combined with the nearest waterbody being over 500m away makes this development very low risk in its impacts to great crested newts and/or their habitats.
- 10.183 If this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

### *Biodiversity Net Gain*

10.184 A biodiversity net gain calculation undertaken by RPS group in August 2023 indicates an 11.56% net gain in area habitat and a 7800% increase in linear habitats. The proposed measures, include new street trees, green roofs, relocated communal gardens, and native hedge planting. The report suggests that a more detailed Biodiversity Net Gain Plan should be submitted and approved before the commencement of development works. A condition is recommended to secure a detailed biodiversity net gain plan (see condition 16).

### *Biodiversity Enhancements*

10.185 The consultation response recommends integrating bird and bat boxes, as well as native and wildlife-friendly landscaping, to fulfil the requirements outlined in Paragraphs 174 and 180 of the NPPF. It is recommended that this is secured by an appropriately worded condition.

### *Summary*

10.186 The proposals are unlikely to impact priority habitats or protected species, and the ecological impact during construction will be minimal with the implementation of a Construction Environmental Management Plan for Biodiversity. The proposals are expected to result in a net gain for biodiversity, as required by Policy NR2, and additional ecological enhancements can be accommodated within the scheme.

10.187 Subject to the recommended conditions, the proposal is considered to comply with Policy NR2 of the Borough Local Plan and Policy BIO.01 of the Windsor Neighbourhood Plan.

## Environmental Protection

### *Air Quality*

10.188 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.

10.189 The Council's Environmental Protection Officer has reviewed the air quality report and found it to be satisfactory. Officers agree that no general mitigation measures are required as predicted levels of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5s</sub> are well below action levels. There is a potential problem with the potential for dust and noise creation during the construction phase.

10.190 With that said, dust and noise creation during the construction phase of development is covered by legislation outside the remits of planning and therefore it is considered that a planning condition for this would be unreasonable.



### *Noise*

- 10.191 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.
- 10.192 The applicant has submitted a Noise Assessment, which has been reviewed by the Councils Environmental Health department.
- 10.193 The facade sound insulation requirement varies across the site, ranging from  $R_w + C_{tr}$  38 dB at the north of the site, to  $R_w + C_{tr}$  26 dB at the south of the site. High performance glazing will be required in the noisiest areas. Mechanical ventilation will be provided across the site. The assessment of noise levels during overheating indicates the maximum allowable open areas for windows around the site. These open areas, in conjunction with other mitigation measures demonstrate that the noise requirements can be met during overheating.
- 10.194 Officers are satisfied that this has been carried out in accordance with industry best practice and relevant British Standard. Mitigation measures are proposed for both environmental noise sources and that of roof plant noise. With the provision of the attenuation measures noted in the Noise Report (April 2023), this is expected to be capable of meeting the relevant plant noise limits. These are reasonable and acceptable. The Noise Report will be conditioned – see condition 24.

### *Contaminated Land*

- 10.195 Policy EP5 of the Borough Local Plan seeks to ensure that no harm will arise from contamination to the health of future users & occupiers of sites and neighbouring land.
- 10.196 Potential contaminants of concern are:
- Heavy metals and metalloids
  - PAHs (Poly-cyclic Aromatic Hydrocarbons)
  - TPH (Total Petroleum Hydrocarbons).
  - Asbestos containing materials (ACMs)
- 10.197 Review of the BGS Estimated Background Soil Chemistry for the area, which is presented in the Groundsure report, suggests that natural concentrations of the analysed heavy metals are unlikely to exceed health-based criteria for residential use.
- 10.198 The contaminated land assessment including Preliminary Assessment and Generic Quantitative Assessment (GAC) have been reviewed by the Councils Environmental Health department and are considered satisfactory. The mitigation measures proposed in sections 4.9 and 5.4 of the GAC should be carried out. To secure this, it is recommended that the standard full contaminated land condition is applied.

### *Fire Safety*

- 10.199 For tall buildings, the Council have a duty to consider fire safety. The application is accompanied by a Fire Statement, dated April 2023. This Fire Statement outlines the minimum fire safety provisions required for the proposed development, which is to be compliant with the functional requirements of the Building Regulations 2010, Approved

Document B (AD B)-Volume 1 and 2: 2019 edition (incl. amendments May 2020 and December 2022).

10.200 Some of the provisions being made to ensure the scheme is safe from a fire hazard perspective are:

- In blocks over 9m, automatic fire suppression will be provided, which will include the installation
  - of sprinkler systems
- In blocks over 18m (all bar the apartments within Plot C), a protected corridor will connect two
  - sets of stairs within each apartment block, at all levels (except ground), with a set of fire doors
  - creating a separation
- Each staircase will be constructed as a firefighting stair/shaft, which will be accessible directly
  - from outside and in the instance of single stair apartment buildings – access will be via connecting corridor direct from outside, without connection to ancillary accommodation
- Building elements will be constructed from steel frame and concrete slab
- Stair enclosures are protected by ventilated lobbies/corridors, through the provision of natural ventilation via internal smoke shafts
- All components of the proposed façade will be reviewed, and the external wall system will be
  - designed to ensure that it is compliant with the latest requirements and will achieve class A2-s1,
    - d0 or better
- Internal flat layouts are traditional design, incorporating a protected entrance hall and a fire
  - detection and alarm system
- The town houses will be provided with a protected stair enclosure serving each floor
- Roadways will be constructed to meet the width and weight carrying requirements for pumping
  - appliances
- Hose laying distances are limited to no more than 45m from a dry main outlet (for buildings
  - without rising mains) and within 18m (for buildings with rising mains)

10.201 The subsequent design Fire Strategy reports under the RIBA Plan of Work (2020) are recommended to be secured via condition – see condition 22.

### xiii. **Other Material Considerations**

#### Equalities Act

10.202 The Equalities Act 2010 plays a vital role in planning applications by prohibiting discrimination based on protected characteristics such as age, disability, gender, and race. It mandates that developments must be accessible to people with disabilities, both in design and consultation processes. Public consultations must be inclusive, providing information in accessible formats and physically accessible venues. Developers and planning authorities may need to conduct Equality Impact Assessments to evaluate potential adverse effects on different groups within the community, promoting fairness and equity. Additionally, the Act requires the fair

allocation of affordable housing and the making of reasonable adjustments to accommodate the needs of individuals with disabilities. Overall, the Equalities Act ensures that planning and development processes are conducted fairly, inclusively, and without discrimination.

10.203 The public consultations for this planning application were conducted in an accessible manner, ensuring that relevant persons had a physical letter posted to them, in addition to two physical site notices being displayed at either end of the site (western vehicle entrance and eastern pedestrian entrance). Furthermore, the application was advertised in the press and the Councils website.

10.204 As noted within paragraphs 10.49, the scheme will ensure that 95% of the 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).

10.205 Residents will benefit from new, purpose built, up-to-date homes at the same location where they currently live. No one will need to move away.

#### *Moving Strategy*

10.206 It is important to note that in order to facilitate the redevelopment proposals for Sawyers Close to bring this scheme forward, a moving strategy is required to ensure that all existing residents will only need to move home once, during the development of the site. This requirement has influenced the layout and design of the scheme.

10.207 The first phase of re-development will be constructed in the southwest corner of the site allowing residents from Winwood block and Hale block to move into the new residential units. Following this Hale block would be dismantled. The second phase of development will take place and once completed, the remaining residents from Winwood will move into the new dwellings in phase 2. Winwood block would then be deconstructed and a phased approach to development will continue at the site which will see new homes erected for existing residents to move into. Therefore, no resident would need to move away from the site during construction which would minimise disturbance to them.

10.208 The phasing strategy is recommended as a condition to ensure that existing blocks are only demolished once a sufficient number of units have been constructed to ensure those residents in the blocks to be demolished have a home to move to. This would be required to ensure compliance with Policy HO3. See condition 2.

10.209 The assessment of this application has taken into consideration the Equalities Act and is considered to be compliant with this legislation.

#### Legal Agreement Requirements – Section 106

10.210 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.

10.211 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*

10.212 The energy performance and sustainability credentials of are discussed in section iii of the report. The scheme cannot be net carbon zero, there is a requirement for the scheme to make a contribution to the Council's carbon off-set fund. The developer has agreed to enter into a Section 106 legal agreement, which would secure a carbon offset contribution totalling £688,994 (Building Emissions: £216,522 and Lifestyle: £472,472).

10.213 The figure (£688,994) arrived at and agreed is in line with the calculations imposed by the Interim Sustainability Position Statement.

#### *Affordable Housing*

10.214 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: b) On all other sites<sup>1</sup>, (including those over 500 dwellings) – 30% of the total number of units*".

10.215 The developer has agreed to enter into a Section 106 legal agreement, which would secure the provision of 124 on-site affordable housing units, as set out within the table noted in paragraph 10.41 This proposed on-site affordable housing is compliant with Policy.

#### *Highways Contribution*

10.216 A highways contribution (the figure is yet to be agreed) is to be secured for the purpose of funding the installation of Signals at the junction between Smiths Lane and Maidenhead Road. The contribution will be paid at the trigger point of a net increase of 150 dwellings on-site, i.e. occupations of 342 dwellings (192 existing occupations plus 150 additional dwellings), as this is the figure that modelling demonstrates an over capacity of the junction.

#### *Biodiversity net gain*

10.217 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*."

10.218 The provided metric identifies an on-site biodiversity net gain of 11.56% for area habitats and a 7800% net gain in linear habitats.

10.219 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 which will seek major development to provide 10% biodiversity net gain.

#### *LEAP and LAPs*

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<sup>1</sup> a) states, "*On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;*" – therefore given this site is not greenfield, b) applies.

10.220 The application proposes both a LEAP & four LAPs and the developer has agreed to enter into a legal agreement, which would secure these areas, their management, and to ensure they are open to the public.

#### *Car Club*

10.221 The application proposes to provide a car club, which will consist of 3 on-site car club spaces to allow a cheaper alternative to owning a car and are also suitable for those who do not drive very often, but who still need access to a car for some journeys.

#### Legal Agreement Requirements - Section 278

10.222 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.

10.223 The off-site highway improvements sought by way of a Section 278 will include the provision of four parking spaces on Smiths Lane, adjacent Plot C.

10.224 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.

## **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 £10,842,645.11 ( $34,361.1^2 \text{ m}^2 * £315.55^3$ ) which will contribute towards the delivery of identified infrastructure within the Borough.

11.4 With that said, certain forms of development are exempt from CIL – affordable housing being one of those. As such, it is not foreseen that this development will be liable for any CIL payments.

## **12. PLANNING BALANCE AND CONCLUSION**

12.1 The proposed development complies with many of the adopted development plan policies, however, there is conflict with some of the policies – IF4 (open space) and QP3(m) (Character and design of new development – Amenities).

12.2 The Council currently cannot demonstrate a 5-year housing land supply, with the assessed level of supply currently being calculated at 4.88 years. As such in accordance with paragraph 11 of the National Planning Policy Framework (NPPF), the

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<sup>2</sup> Net additional gross internal floor area (residential only)

<sup>3</sup> Indexation Rate 2023 @355 for Residential (C3) developments outside of Maidenhead

presumption in favour of sustainable development applies. The NPPF explains that this means:

*“(d)....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.”*

- 12.3 Whilst a shortfall of 0.12 years is not particularly large, the presumption in favour of sustainable development applies nonetheless.
- 12.4 The scheme would result in minor harm with regard to the daylight, sunlight and overshadowing for some of the proposed dwellings (predominantly those at the lower levels of block A1, A2 & A3 (those facing inside towards the podiums); Block B2 (first floor – north, east and south-facing); Block B2 (second floor – north-facing); Block C3 (north-west corner); and the ground floor of townhouse Blocks B1, B3 & B4. Paragraph 124 c of the NPPF sets out that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 12.5 It is noted that a Neighbourhood Area of Play NEAP has not been provided as required by policy IF4 of the Adopted Local Plan, although given the space and separation distance requirements these need for such a space, it is considered that this has the potential to impact the feasibility of the proposal. There is conflict with this policy.
- 12.6 The planning application is providing 30% of units to be affordable housing, with a large proportion of these being social rent, which is the tenure most needed within the Borough to meet affordable housing needs. Although not proposed in the application, the applicant is a registered provider and the intention is to make all of the dwellinghouses affordable over time.
- 12.7 The scheme would deliver 221 net additional dwellinghouses, making a significant contribution to the 5-year housing land supply, and this is afforded significant weight as a benefit. The existing site does not make efficient use of land. This scheme would provide housing on a brownfield site within the settlement and would make efficient use of land. Paragraph 129 of the NPPF sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 12.8 Additionally, the proposed scheme seeks to provide high quality accommodation, which would be a significant improvement in comparison to the existing units. All of the proposed units would meet the nationally described space standards and would have access to private amenity space as well as communal open space. The proposed buildings are of a good quality design, and would improve the appearance of the existing site.

- 12.9 The scheme includes internal community facilities, which would provide benefits to the local community, with the visitor bays located adjacent these facilities so that the wider community can take advantage of these provisions.
- 12.10 The scheme has been designed in a manner of encouraging sustainable transport, with a significant amount of cycle parking available to all residential units; all podium undercroft parking being provided with EV charging points; and a car club.
- 12.11 The scheme would provide an on-site biodiversity net gain of 11.56% for area habitats and a 7800% net gain in linear habitats, which exceeds what is required by the Policy NR2 of the adopted local plan. The open spaces within the scheme would be of an improved quality than the existing open space. The scheme promotes sustainable travel over reliance on car, which is supported by planning policy.
- 12.12 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 off-set fund, affordable housing, biodiversity net gain, play provision and the Section 278 legal agreement securing off-site highway improvements.
- 12.13 Overall, applying Section 11 d (ii) of the NPPF, there are not considered to be any *adverse impacts from the scheme that would **significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***"

### **13. APPENDICES TO THIS REPORT**

- Appendix A – Site location plan and site layout
- Appendix B – Plans

### **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 a phasing plan setting out the timetable and sequence of demolition and construction, is 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 interest of ensuring all existing residents are appropriately accommodated in accordance with the Equalities Act.
- 3 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.
- 4 No development above slab level shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough

Local Plan QP3.

- 5 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.
- 6 Works shall be carried out in accordance with the approved Drainage Strategy Report (dated April 2023; received 3 May-23), the Flood Risk Assessment (dated April 2023; received 3 May-23), the associated Appendices of each document; and the Flood Evacuation Route (received 16 Nov-23).

Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 7 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 (ref JSL4090\_710 - Appendix B of the Tree Survey & Arboricultural Impact Assessment; dated April 2023, received 3 May-23) 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).
- 8 The development shall be carried out in accordance with the Arboricultural Impact Assessment (dated April 2023; received 3 May-23).

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 tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).
- 10 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

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.

- 11 The Development shall take place in accordance with the Written Scheme of Investigation (WSI) approved under condition (10).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 (10) 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.

- 12 Works shall be carried out in accordance with the approved hard and soft landscaping schemes and associated planting plans (ref 1470-HED-DR-L-300 & 1470-HED-DR-L-301). 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.

- 13 Prior to occupation of each plot, 100% of the related podium undercroft 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.

- 14 Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a) to d) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part d) has been complied with in relation to that contamination.

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to

assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination.
- as assessment of the potential risks to:
  - o human health
  - o property (existing or proposed) including buildings, crops, livestock, adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of part a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b), 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 in accordance with part c).

Reason: To reduce the risk of contamination - Relevant Policy Local Plan EP5.

15 Prior to the commencement of the development above slab level, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including integrated bat and bird boxes and holes at ground level in boundary walls and fences for hedgehogs to pass through, and wildlife friendly landscaping (to accord with any approved or pending landscaping plans), shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved.

- Reason: To incorporate biodiversity in and around developments in accordance with paragraph 180 of the NPPF.
- 16 No development above slab level, shall commence until a Biodiversity Net Gain Plan [based on the net gain information] that details how the habitats on the site will be created, established, managed, and monitored (including details of the frequency of monitoring periods), in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan shall demonstrate that there will be a minimum of a 10% uplift in biodiversity units using the DEFRA Metric. The Biodiversity Net Gain Plan shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
- Reason: This condition will ensure that the development results in a Biodiversity Net Gain Of at least 10% above baseline levels, in accordance with paragraphs 174 and 180 of the NPPF and Policy NR2 of the Borough Local Plan.
- 17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - 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 minimise impacts on biodiversity in accordance with paragraph 179 and 180 of the NPPF and adopted policy NR2.
- 18 Prior to the installation of external lighting, a report detailing the external lighting scheme and how this will not adversely impact upon wildlife; shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
  - A schedule of equipment
  - Measures to avoid glare
  - An isolux contour map showing light spillage to 1 lux
- The lighting scheme shall be implemented in accordance with the approved details and shall not be altered without written permission from the Local Planning Authority.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF and Policy QP3 of the Borough Local Plan.
- 19 The development must be carried out in accordance with the sustainability recommendations noted within the submitted and approved Sustainability Statement (dated April 2023; received 3 May-23) and Energy Statement (dated April 2023; received 3 May-23).
- Reason: In the interests of promoting sustainable development in accordance with Borough Local Plan Policies QP1 and SP2.
- 20 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.
- 21 95% of units must meet the higher accessibility standards of Building Regulations Requirement M4(2) (Accessible and adaptable dwellings) with 5% achieving Requirement M4(3) (Wheelchair user dwellings).
- 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.
- 22 Prior to occupation of each plot, the subsequent design Fire Strategy reports under the RIBA Plan of Work (2020), referred to within the submitted Fire Statement (dated April 2023; received 18 May-23) shall be submitted to and approved in writing by the LPA. The fire safety measures shall be implemented in accordance with the approved details and shall not be altered without written permission from the Local Planning Authority.
- Reason: In the interest of fire safety in accordance with planning gateway one.
- 23 Works shall be carried out in accordance with the recommendations set out within the approved Ecology reports:
- Bat Survey Report (dated April 2023; received 3 May-23)
  - Preliminary Ecological Appraisal (dated April 2023; received 3 May-23)
- 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.
- 24 Works shall be carried out in accordance with the recommendations set out within the approved noise report (dated April 2023; received 3 May 2023), 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.
- 25 No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
- Reason: : In the interests of highway safety and the free flow of traffic. Relevant Policies: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 26 No building hereby permitted shall be occupied until that part of the access road which provides access to and around the building, including all the marked out parking spaces has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of highway and pedestrian safety and to facilitate vehicles entering and leaving the site safely, in a forward gear. Relevant Policies: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 27 Prior to the occupation of each block hereby approved, vehicle parking spaces shall have been provided for each block in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The spaces approved 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: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.
- 28 Prior to the occupation of each block, covered and secure cycle parking facilities shall have been provided for each block 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: Policies IF2 and QP3 of the Borough Local Plan 2013-2033.

29 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 and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: Revised version January 2007 The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.
- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 3 It is noted that the existing buildings may contain asbestos. The applicant is recommended to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 1987 (as amended) and should contact the Health and safety Executive at Priesley House, Priestley Road, Basingstoke, Hants, RG24 9NW for further information and advice.
- 4 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 \*\*\*\*