

20 December 2023

Item: 1.

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| <b>Application No.:</b>  | 22/01791/OUT  |
| <b>Location:</b>   | Land South of Bray Lake Windsor Road Maidenhead   |
| <b>Proposal:</b>   | Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of x99 dwellings with associated vehicular and pedestrian access, car parking, drainage works and open space. |
| <b>Applicant:</b>  | Shanly Homes And Summerleaze  |
| <b>Agent:</b>  | Mr Luke Veillet   |
| <b>Parish/Ward:</b>  | Bray Parish/Bray  |
| <b>If you have a question about this report, please contact:</b> Nick Westlake on or at <a href="mailto:nick.westlake@rbwm.gov.uk">nick.westlake@rbwm.gov.uk</a> |   |

## 1. SUMMARY

- 1.1 The application site comprises an allocated site (AL26) for housing under the adopted Borough Local Plan (BLP). Since the adoption of the BLP, the Green Belt boundaries of the site have been redrawn and the site no longer falls within the Green Belt designation.
- 1.2 The BLP sets out that Site Allocation AL26 has been allocated for approximately 100 residential units and sets out 18 proforma requirements for the site.
- 1.3 The proposal is an outline planning application, for access, layout, appearance and scale to be considered at this stage, with landscaping to be reserved, for 99 dwellings with associated vehicular and pedestrian access, car parking, drainage works and open space. The report sets out the relevant local and national planning policies, together with the proforma requirements for the site, have been adhered to, subject to planning conditions and a signed legal agreement.
- 1.4 The layout is considered appropriate with regards to the height, form, scale and appearance of the buildings. While the impact on living conditions of future occupants and existing residential properties in the surrounding area has been found to be acceptable. Of the 99 new dwellings proposed, 40% would be affordable. The legal agreement would secure this provision, together with an appropriate tenure mix and securing a Registered Provider for the affordable housing.
- 1.5 The applicant has committed to the provision of a new offsite zebra crossing, on the A308, close to the entrance of the site, which will need to be secured by the legal agreement as detailed in the report. With such a crossing included, it has been demonstrated that the proposed vehicular access point from the A308 is acceptable and the development as a whole would not result in material harm to highway safety in the surrounding area.
- 1.6 It has also been demonstrated that the outline proposals would not result in material harm to ecology, air quality, trees, landscaping or flood risk and has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of appropriate conditions and/or securing this through the legal agreement.

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| <b>It is recommended the Committee authorises the Head of Planning:</b> |  |
| <b>1.</b>   | <p><b>To grant planning permission on the satisfactory completion of an undertaking to secure the following:</b></p> <ul style="list-style-type: none"> <li>• <b>On-site policy compliant affordable housing;</b> <ul style="list-style-type: none"> <li>• <b>40% on-site affordable housing (40 dwellings)</b> <ul style="list-style-type: none"> <li>• <b>42% Social Rent</b></li> <li>• <b>38% Affordable Rent</b></li> <li>• <b>20% Shared Ownership</b></li> </ul> </li> <li>• <b>Delivery and maintenance of site open space provision (LEAP)</b></li> <li>• <b>Landscape, footpath and non-adopted roads and pavement provision and maintenance</b></li> <li>• <b>Carbon off-set contributions £236.371.00</b></li> <li>• <b>Travel plan and associated monitoring fee.</b></li> <li>• <b>Bus shelter improvements (up to £10,000 pounds for the two bus stops outside the host site)</b></li> </ul> </li> </ul> <p><b>Highway works through a S278 Agreement</b></p> <ul style="list-style-type: none"> <li>• <b>The provision of a Zebra crossing near to the proposed entrance or in the event that the road remains at a 40 mph speed limit, a signalised crossing such as a Pelican or Puffin Crossing (to be agreed by the Highway Authority) Pedestrian footpath improvements near the entrance of the site.</b></li> </ul> <p><b>and with the conditions listed in Section 15 of this report.</b></p> |
| <b>2.</b>   | <p><b>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not be accompanied by affordable housing, required highway infrastructure, and associated infrastructure/contribution provision.</b></p>  |

## **2. REASON FOR COMMITTEE DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application is for major development.

## **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site comprises a rectangular shaped field, located immediately to the south west of Bray Lake, on the north east side of Windsor Road (A308). In addition, there are two small areas of land along the frontage, adjacent to the Thames Hospice

site and a section to the north west, adjacent to the lake. To the west of the site, there are predominantly two storey detached residential dwellings in Court Close. Similar housing is found to the south of Windsor Road, opposite the site. To the east is Thames Hospice, that began operating in 2019.

- 3.2 The site has a total area of 4.13 ha, which is largely within Flood Zone 1, with areas to the north and north east within Flood Zones 2 and 3. Bray Lake itself is found to the north and north east of the site. There is a circular walking route around this feature, access via a permissive footpath which runs down the north western edge of the site and connect with Windsor Road.
- 3.3 The application site forms the AL26 Land between Windsor Road and Bray Lake, south of Maidenhead Site Allocation within the Adopted Borough Local Plan (BLP). The site has been taken outside of the Green Belt following the site allocation. The site slopes from south-west to north-east, the fall across the site is approximately 1 in 40, but slopes more readily down to the lake. There are no protected trees on the site and there are no heritage assets nearby. The site is given over to wild grass land, a row of trees and vegetation enclose the site to the site from the Windsor Road (A308).

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

- 4.1 The key site designations and constraints are listed below:
- BLP Site Allocation AL261 Land between Windsor Road and Bray Lake, south of Maidenhead
  - North and north east corner of the site located within Flood Zones 2 and 3

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

- 5.1 The application seeks outline planning permission for access, appearance, layout and scale to be considered at this stage, with landscaping to be a reserved matter for future consideration. The proposed development includes:
- construction of 99 dwellings in the form of houses and flats (40.4% affordable)
  - associated vehicular and pedestrian access from Windsor Road (A308)
  - car parking
  - surface water drainage works and attenuation basin
  - landscaping and open space, including a Locally Equipped Area of Play (LEAP)
- 5.2 During the course of the planning application, amended plans were received which revised the layout of the scheme. The revisions related to the orientation of the proposed dwellings to the north of the site so that they now front the lake and the increase in size of the public open in the centre of the site. The latest amended plans includes a Local Equipped Area of Play (LEAP) to the centre of the site.
- 5.3 The proposed market housing would take the form of 36 x 3 beds, 11 x 4 beds and 12 x 5 beds, comprising a mix of detached and semi-detached buildings. The affordable housing to the south east and north west of the site, would take the form of 6 x 1 bed flats, 12 x 2 bed flats, 10 x 2 bed houses, 11 x 3 bed houses and 1 x 4 bed house. They contain a mix of semi-detached and terraced buildings. Two apartment blocks would be located in the southeastern parcel of the site set back from the Windsor Road. The apartment blocks have been redesigned to incorporate, Juliette balconies serving the living rooms, bricked up windows on the southern elevations to provide visual

interest, a ground-floor private communal garden space for each block. Aside from the apartment buildings which would be three storeys, all buildings would 2 storeys high other than 12 detached dwellings that are 2.5 storeys high.

- 5.4 To the centre of the site an area of public open space of circa 770 sqm would be provided including the provision of a LEAP. To the north of the site, adjacent to the Bray Lake is an additional area of open space. This area includes a large attenuation basin. Overall this feature is 1m deep, the FRA author has confirmed this shall have a standard 1:3 slope, (1m vertical, 3m horizontal) and shall be laid to grass. It is expected this area can be used during such times that feature is not draining water, ie after heavy rain. Within the site layout are three tree lined streets. Subsequent reserved matters application/s would determine the landscaping within the site. The permissive footpath along the western boundary of the site would be retained as part of the development. A new pedestrian connection to the north linking up with pedestrian access around Bray Lake has also been proposed.
- 5.5 The proposed vehicular access would be located to the south west corner of the site, opposite Bray Cemetery and would take the form of a simple priority junction, with a 6.0m wide access. A pedestrian access to Windsor Road is also proposed to the south east, with pedestrian links to the permissive footpath serving Bray Lake. The development would provide 229 car parking spaces, of which 218 would be allocated, with 11 visitor spaces, alongside cycle parking proposed for each dwelling. The flats provide for 23 bicycles spaces (although 30 can be achieved via two tiered parking) for the 18 flats, collectively the flats contain a total of 39 bedrooms.

## 6. RELEVANT PLANNING HISTORY

- 6.1 There is no relevant planning history for the site.

## 7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

### Borough Local Plan (BLP)

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

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

7.2 As noted above the site falls within the AL26 Site Allocation and as such additional reference is made to Policy HO1 and the associated AL26 Site Proforma in section 10.4.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy
- RBWM Interim Sustainability Position Statement

- RBWM Corporate Strategy
- RBWM Environment and Climate Strategy
- Affordable Housing Guidance

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties:

- 65 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21<sup>st</sup> July 2022 and 23<sup>rd</sup> August 2023 the application was advertised in the Local Press on 14<sup>th</sup> July 2022 and the 20<sup>th</sup> October 2023

- 1 letter was received supporting the application, summarised as:

| Comment |  | Where in the report this is considered |
|---------|--|--|
| 1.      | The 40% affordable housing is important to the hospice and the local economy | 12.1 to 12.5                           |
| 2.      | Workers at the hospice could reside next door                                | Noted.                                 |
| 3.      | There are opportunities to improve the bus frequencies                       | Noted.                                 |

- 86 Letters were received objecting to the application, summarised as:

| Comment |  | Comments or where in the report this is considered  |
|---------|--|---|
| 1.      | Already had recent building of the Hospice which adds additional traffic to an already busy and dangerous A308.  | The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development. See 10.29 to 10.38   |
| 2.      | Additional traffic from development and others in the area, causing congestion, noise, disturbance and increased risk of collision. The traffic assessment submitted is flawed and based on unrealistic assumptions. | The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development or the methodology/findings of the submitted reports. See 10.29 to 10.38. |
| 3.      | Additional pollution and reduced air quality in an already poor area.  | The application has been reviewed by RBWM Environmental Health who have raised no objection to the methodology/findings of the submitted report. See 10.20 to 10.21                           |
| 4.      | Removal of another area of much needed countryside.  | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.  |
| 5.      | Whilst smaller than some other proposals, still represents intense, high density development in a suburban area, with minimal green space.   | See 10.10 to 10.16  |

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| 6.  | Inappropriate three storey building. Development would not been in keeping with the character of the area.                            | See 10.10 to 10.16  |
| 7.  | Development would separate Windsor Road houses completely from the lake, changing the character.                                      | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.                                  |
| 8.  | Proposals are contrary to NPPF and the required 'sustainable planning' given its location, loss of open space and lack of facilities. | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.                                  |
| 9.  | Thames Hospice Green Belt development was a special case. Is this now another special case?   | The site does not fall within the Green Belt. It is allocated for residential development within the Borough Local Plan.  |
| 10. | Buildings should have the highest standards of insulation and air sourced heating in line with green values.                          | See section 10.7 to 10.09   |
| 11. | Number of houses lead to a very cramped and poor quality environment.   | See 10.10 to 10.16  |
| 12. | Loss of open space for local habitat.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements. See 10.49 to 10.56  |
| 13. | More green spaces needed. Land better used for growing crops.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10.                                  |
| 14. | Local infrastructure is already oversubscribed.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP. There is also as sizeable Cil contribution for local infrastructure, schools, surgery, roads ect. |
| 15. | Risks to health and wellbeing of local residents.   | See 10.17 to 10.23  |
| 16. | Support for Holyport Residents Association objections.  | Noted.  |
| 17. | Loss of Green Belt.   | The site does not fall within the Green Belt. It is allocated for residential development within the Borough Local Plan.  |

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| 18. | Loss of peace and tranquillity for residents in the newly built hospice and the cemetery.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10. |
| 19. | Access is inadequate and dangerous.   | The application has been reviewed by RBWM Highways who have raised no objection to the proposed access. See 10.29 to 10.38   |
| 20. | Lack of parking.  | The application has been reviewed by RBWM Highways who have raised no objection. See 10.29 to 10.38  |
| 21. | Increased flood risk by concreting over the field.  | There is no objection from the LLFA or EA, see 10.39 to 10.48  |
| 22. | Ruin the open aspect and view for residents of Bray Lake.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10. |
| 23. | A308 Corridor Report was not considered when the BLP was finalised.   | Noted.   |
| 24. | Housing need is questionable and overstated.  | The National housing figures are calculated via a set methodology that has not been contested by the Local Authority   |
| 25. | Bray Lake was previously a gravel pit and the site comes with dangers and problems.   | Noted. However, the development will not impact on the lake. The condition of the soil has been assessed in this report, see 10.17 to 10.23 and 10.61 and 10.62                              |
| 26. | Existing utilities unable to cope with the existing properties in the area, let alone additional.                                 | The development would be accompanied by a CIL payment. See section 11.   |
| 27. | Proposed drainage works will not protect and enhance water course but lead to water contamination and reduction in water quality. | See 10.39 to 10.48   |
| 28. | Conservation area adjacent to the site and the proposals would fail to protect this.  | There is no Conservation Area adjacent to the site.  |
| 29. | Developments such as this should be nearer to town centres.   | The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP subject to site specific requirements as addressed in Section 10. |
| 30. | Query as to sustainability measures for the proposed properties.  | See 10.7 to 10.9   |
| 31. | Light pollution from additional residential units.  | See section 10.22  |



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| 32. | Disruption to business and functioning of Bray Lake as a watersports centre.                 | The development would not preclude the continued use of Bray Lake.   |
| 33. | Affordable housing is not affordable and the provision should provide little or no strength. | The provision of appropriate and policy compliant affordable housing would be secured as part of the required legal agreement. |
| 34. | Dangerous precedent for other developments.  | Each application is considered on its merits at the time of submission, in accordance with relevant development plan policies. |
| 35. | Poor arrangements for bin collection, including some roads which trucks cannot access.       | See 10.29 to 10.38   |
| 36. | RBWM Highways comments are flawed.   | Noted.   |

Comments received after the second round of public consultation.

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| 37. | Persons wishing to walk along Holyport Road to Stroud Farm Road shops have to cross the very busy A308 without any protection.   | There is zebra crossing included in the scheme, see 10.29 to 10.38  |
| 38. | Air pollution is already very bad and will be exacerbated by this undertaking.   | See 10.17 to 10.23  |
| 39. | The amendments make very little difference to the comments already made in objection to this scheme  | Noted   |
| 40. | Increase in vehicles, air, noise, light pollution. Traffic calming measures needed   | There is zebra crossing included in the scheme and the road will become 30mph. See 10.29 to 10.38                                   |
| 41. | Lack of social infrastructure within walking range, will result in heavy car dependency for the proposed residents. Increasing risk of overspill parking on Windsor Road | Noted, there is no objection to parking provision from RBWM Highways  |
| 42. | Future residents will not use car clubs or bus services. Instead use their own vehicles.   | Noted, the bus stop improvements and zebra crossing together with the Travel plan should help mitigate this.                        |
| 43. | Living so close to the lake would lead to unauthorised swimming and risk of drowning.  | Noted, this is however an allocated housing site within the BLP.  |
| 44. | Pedestrian footpaths are narrow, who will maintain the vegetation and pavement widths.   | RBWM Highways Dept have not objected to the dimensions of the roads or paths. The applicant shall maintain the non adopted highway. |
| 45. | The M4 road widening will lead to road closures and additional vehicle movements along the A308.   | Noted, however this does not change the land use designation for the host site.   |

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| 46. | The house prices are unaffordable. They will be purchased by the wealthy and rented out. Leading to social instability. | Noted, there are 40% affordable dwellings on site. Including 18 apartments.  |
| 47. | The density of the development shall harm the environment.  | This is in accordance with the BLP, see 10.10 to 10.16   |
| 48. | There is no consideration given to the lake watersport business.  | Noted, there does not appear to be an interference between the two developments, this would be a civil matter between both parties |
| 49. | The hospice created 2 years of noise and dust locally during the construction in particular                             | Noted, however construction noise and dust are adequately covered by other legislation.  |
| 51. | During the hospice development, the rats were displaced from the fields to the sewer network, this will happened again  | Noted, this is a civil matter.   |
| 52. | The surface water drainage will be reduced and lead to flooding locally.  | There is no objection from either the LLFA or the EA. See 10.39 to 10.48   |
| 53. | There is an oversupply of dwellings in the BLP, this site is not needed.  | Not agreed, this is part of the wider delivery of housing within the new BLP to get well above the National minimum 5 year supply. |
| 54. | The site is not a sustainable development site in accordance with the NPPF and therefore should refused.                | Not agreed, the evidence suggested otherwise, see Section 10   |
| 55. | The access is not safe and requires a right hand turn.  | Not deemed necessary given the proposed 30mph road speeds and proposed zebra crossing see 10.29 to 10.38                           |
| 56. | One access is not enough, what would happen in emergencies if this access was blocked.                                  | Not raised as an objection from RBWM Highways, see 10.29 to 10.38  |
| 57. | The A308 should be 30 mph.  | This has been agreed at full cabinet, the process is expected to be in place before any dwellings are occupied.                    |

### Statutory consultees

| Consultee                         | Comment   | Where in the report this is considered |
|-----------------------------------|---|--|
| Local Lead Flood Authority (LLFA) | No objection, subject to recommended condition for a more detailed Surface Water Drainage strategy.                                 | 10.39 to 10.48                         |
| Environment Agency                | No objection, subject to recommended conditions on following the FRA and providing a buffer zone to the areas of greater flood risk | 10.39 to 10.48                         |

### Consultees

| <b>Consultee</b>         | <b>Comment</b>   | <b>Where in the report this is considered</b> |
|--------------------------|--|---|
| Highways                 | No objection, and recommend conditions and a legal agreement.  | 10.29 to 10.38                                |
| Ecology                  | No objection, subject to recommended conditions relating to a CEMP, Lighting strategy and Biodiversity net gain. | 10.49 to 10.56                                |
| Environmental Protection | No objection, subject recommended conditions.  | 10.17 to 10.23 and 10.61 and 10.62            |
| Housing                  | No objection, subject to securing appropriate provision, delivery and tenure mix as part of a legal agreement.   | 10.24 to 10.28                                |
| Thames Water             | No objection, subject to recommended foul water drainage condition.  | 10.47   |
| Nature Space Partnership | No Objection   | Noted.  |
| Natural England          | No Response  | Noted.  |
| Public Rights of Way     | No objection, request for permissive footpath to become a formal public right of way.                            | 10.29 to 10.38                                |
| Natural England          | No objection, no conditions recommended  | Noted   |

**Others (e.g. Parish and Amenity Groups)**

| <b>Group</b>              | <b>Comment</b>  | <b>Where in the report this is considered</b> |
|---------------------------|---|---|
| Bray Parish Council (BPC) | <p>Concerns raised around traffic exiting and entering the site. Can they not share an access with the hospice?</p> <p>Density of housing excess for the area. Internal roads have insufficient width to be adopted.</p> <p>BPC cannot support additional developments identified under the BLP on the Windsor Road A308 until the A308 consultation has been completed on how to mitigate the traffic</p> <p>BPC also needs a clear understanding from RBWM on how the Braywick roundabout can support the developments identified in the BLP.</p> <p>Air Quality Control, at the present time the only focus from RBWM is on the Bray AQMA area and the high values observed therein. However, air quality should be a broader concern in the Parish</p> <p>General lack of infrastructure attached to this application and cannot support additional developments identified under the BLP</p> <p>BPC shares the stated concerns of the flood project office, who are not satisfied with the plans</p> | See Section 10                                |

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| <p>Holyport Residents Association (HRA)</p> | <p>Object to the original allocation.</p> <p>The site does not have transport infrastructure capable of sustaining the development.</p> <p>Bray Lake has periods of high water levels. This will lead to flooding problems.</p> <p>This development would generate more road traffic and more air pollution in and around the AQMA. Other nearby developments including AL21 and the new supermarket will add to this traffic / junction capacity concern.</p> <p>Proposal is out of character, too dense in number; Land is currently a wildlife haven, Proposal does not create any infrastructure, schools, shops ect</p> <p>Proposed access is wrong. A ghost island is needed with the applicants giving up land to widen the road, but this would result in an unacceptable loss of trees. Residents are unable to cross the traffic when exiting roads/driveways, there is insufficient parking.</p> <p>The RBWM Highway comments lack rigger and detail.</p> <p>Open water areas pose a danger.</p> | <p>See Section 10</p> |
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## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Principle of Development
- ii. Climate Change and Sustainability
- iii. Layout, scale and appearance
- iv. Neighbourhood amenity
- v. Affordable Housing
- vi. Housing Mix
- vii. Highway Safety
- viii. Flooding and Sustainable Urban Drainage
- ix. Ecology and Biodiversity
- x. Impact on existing Trees
- xi. Landscape and Open Space
- xii. Contaminated Land
- xiii. Minerals Safeguarding Area
- xiv. Archaeology
- xv. S106 and Other Infrastructure requirements

### i. Principle of redevelopment

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.
- 10.3 The application site comprises of Site Allocation AL26, Land between Windsor Road and Bray Lake, south of Maidenhead which is allocated for '*approximately 100 residential units*'. The Green Belt boundaries have been re-drawn under the current BLP and the application site is no longer within the Green Belt.
- 10.4 Policy HO1 identifies the site as appropriate for residential use subject to site specific requirements. This list of requirements is set out within the BLP and their adherence should be demonstrated by any proposed development at the site. The requirements are:
1. Provide a strong green infrastructure network across the site that is highly connected to the Lake edge and capable of supporting enhanced biodiversity, recreation, food production and leisure functions
  2. Provide a clear and defensible Green Belt boundary
  3. Create a high quality public open space along the Lake Edge that is fronted by housing to the south and integrated with the adjoining Hospice site
  4. Retain valuable trees and hedgerows, particularly at site boundaries
  5. Reinforce and enhance the planting along the Windsor Road frontage to reduce the visibility of the site in the wider landscape
  6. Ensure that the development is well-served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including to nearby GP surgeries, leisure facilities and railway stations
  7. Be of very high quality design which responds positively and sensitively to the character (including height) of the surrounding residential areas
  8. Provide a series of high quality character areas across the site each with its own identity
  9. Designed sensitively to consider the impact on long distance views from across the Lake
  10. Provide family housing with gardens
  11. Provide 40% affordable housing
  12. Provide 5% of market housing units as custom and self-build plots (fully serviced)
  13. Achieve flood risk betterment on site by incorporating appropriate flood risk reduction measures
  14. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zone 2 and 3 and larger than one hectare. This will need to demonstrate that the exception test can be passed and that a safe evacuation route can be provided
  15. Demonstrate the sustainable management of surface water runoff through the use of Sustainable Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge must be limited to greenfield runoff rates
  16. Provide appropriate mitigation measures to address the impacts of noise and air quality from the Windsor Road so to protect residential amenity
  17. Link to the permitted path around the lake
  18. Undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area.

- 10.5 The application comprises a residential development of 99 new residential units, of which 40% would be affordable. Given the net number of units proposed is below but close to 100, the quantum of dwellings proposed is deemed acceptable. In line with footnote 12 of policy HO2, as there are under 100 dwellings proposed, there is no requirement for the provision of custom and self-build plots on the site. All 99 dwellings have been designed with due consideration to the national internal space standards and would benefit from adequate levels of natural light and ventilation, according to the Borough Wide Design SPD. All houses have access to adequate private gardens, with communal amenity space provided for the two apartment blocks. This, together with the areas of open space to be provided as part of the development, would ensure that the proposals represent an acceptable standard of residential accommodation / amenity, in accordance with policies QP1 and QP3 of the BLP.
- 10.6 Therefore, the principle of development is acceptable subject to the proposal satisfactorily achieving compliance with the above site-specific requirements of Policy HO1 as set out in the BLP, also the wider development management BLP policies, as covered in the sections below.

**ii. Climate change and sustainability**

- 10.7 Policy QP 3 of the Borough Local Plan states (inter alia):

*'New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:*

*a. Is climate change resilient and incorporates sustainable design and construction which:*

- minimises energy demand and water use*
- maximises energy efficiency; and*
- minimises waste.*

Policy SP 2 Climate Change states (inter alia):

- 1. All developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.*

The Council's Interim Sustainability Position Statement (ISPS) sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions. If new dwellings cannot achieve carbon zero, carbon offset contributions are required and these contributions would need to be secured by way of a S106 Legal Agreement. In order to calculate the amount of contributions, the applicant would need to submit detailed calculations (SAP) which quantify the carbon emissions. Other requirements in the ISPS include the provision of electric vehicle charging points, provision of high speed internet connection, 3-phase power supply and measures to minimise water consumption.

- 10.8 An Energy and Sustainability (ES) Statement (by Blue Sky - Feb 2023) has been submitted as part of the planning application. This sets out the energy efficiency, low

carbon and renewable energy measures which would be incorporated. The Statement indicates that the fabric insulation standards and the construction specification of the apartments and houses will exceed the minimum required by the Building Regulations through energy efficiency measures alone. The ES Statement also highlights the use of passive design measures. Air source heat pumps shall be installed on all new houses, the flats shall have air source heat pump hot water cylinders. There are a total of 240 x 400W photovoltaic panels to be installed across the site. These shall be installed on southwest or southeast orientations only, ie not on all buildings. The construction shall also contain energy efficient, low-carbon, renewable technologies and water efficiency measures throughout. SAP calculations have been prepared for representative units based on the construction specifications. Overall, based on these assumptions, the report predicts the potential for a 63.62% carbon reduction over current building regulations requirements.

- 10.9 The proposed development would also be designed to minimise pollution, be adaptable to climate change, while providing consideration to health and wellbeing through sustainable design techniques. Each house will have an electric vehicle charging point and a fast internet connection. Also, each house will achieve a water use of less than 110 litres per person per day. The measures as set out in the Energy and Sustainability Statement shall be secured via planning condition. This would provide further details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. Notwithstanding this, as the development is not proposed to be net-zero carbon. The legal agreement would secure an appropriate carbon off-set contribution that requires a carbon offset payment of £236,371.00. This would ensure compliance with the requirements of policies QP3 and SP2 of the BLP and the Council's Interim Sustainability Statement.

**iii. Layout, scale and appearance**

- 10.10 Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area. This includes the urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing and proportions of the area. Also, matters relating to trees, biodiversity, water features, enclosures and materials are to be assessed amongst other related criteria. Policy QP3 is consistent with the objectives of Section 12 of the NPPF which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development. The AL26 Site Allocation proforma sets out a number of design related criteria against which application proposals are to be assessed, (see section 10.4 above). In particular, the proforma requires the development to

2. *Provide a strong green infrastructure network across the site that is highly connected to the Lake edge and capable of supporting enhanced biodiversity, recreation, food production and leisure functions*
3. *Provide a clear and defensible Green Belt boundary*
4. *Reinforce and enhance the planting along the Windsor Road frontage to reduce the visibility of the site in the wider landscape*

- 10.11 The proposed development would predominantly take the form of a mix of detached, semi-detached and detached houses of 2 storeys in height, with twelve dwellings at 2.5 storeys. In addition, there are to two apartment blocks in the south west of the site which would be 3 storeys, in height. Overall, the building heights are contextual to the surrounding area. The siting of the apartments is such that they assimilate into the development, well set back from Windsor Road and the existing Thames Hospice building to the east. Importantly, the development would not compromise long distance views from across the lake, in conformity with proforma 9. Within the updated plans, the dwellings adjacent to the lake have a front elevation facing the lake, providing a visually more appealing arrangement, with the gardens, fencing, outbuildings etc, to the rear.
- 10.12 In terms of providing character areas across the site, as mentioned in proforma 8; the buildings have been designed within six character areas comprising:
- Gateway houses at the entrance, defining this area;
  - Windsor Road frontage;
  - Mews character houses arranged in a courtyard;
  - Village Green where homes are arranged around the central area of public space;
  - Houses arranged to face the street running along the north eastern part of the site; and,
  - Detached lake frontage houses.
- 10.13 The buildings have been designed with a palette of red brick, timber boarding and buff brick detailing, clay and slate roof tiles, white eaves and fascias. Officers note the different shades of red brick used on each of the dwelling types on pages 27 to 30 of the updated Design and Access Statement (Revision A - March 2023). Therefore, one shade of red brick for all the dwellings would not be appropriate for this development. Different brick types shall be expected on the dwelling types, as highlighted in the Design and Access Statement. The materials planning condition, shall ensure further precise detail of the materials to be used prior to development above slab level. Subject to planning condition, each area has a differing building style, detailing and use of material. This ensures that there is a range of building styles and forms across the site. The spaciousness between the dwellings is considered acceptable and is discussed further in the residential amenity section below. The density of housing is in line with the BLP expectations, and the internal road / pavement network has been confirmed as acceptable in width terms.
- 10.14 There is a single main vehicle access to the site from Windsor Road, (the highway safety implications are discussed in Highways section below). The location of the vehicle access, opposite the Bray Parish Cemetery, does not include residential dwellings opposite, thus minimising loss of residential amenity from car headlights exiting the site. Within the host site, adjacent to the southern frontage, a shared pedestrian / cycle route runs parallel to the A308. This links up to the western permissive path that connects with the National Cycle Link 4. There is a separate pedestrian / cycle access into the site from the south eastern corner.
- 10.15 The layout has been designed with a central Local Equipped Area of Play (LEAP) which provides a focus within the site. The main road through the site also provides for three main tree lined street and a positive desire line to the lake edge. There is a pedestrian path both to the west linking to the permissive right of way and also a link to the north, to the circular path around Bray Lake. Although landscaping is not included within this submission and shall be subject to a further Reserved Matters



application. The layout contains suitable and sufficient space for tree planting, landscaping and soft verges within the site.

- 10.16 The northern most section of the site, adjacent to the lake is given over to public open space, biodiversity and an attenuation pond. The western boundary retains space for the public footpath and includes areas for additional landscaping / boundary screening. The southern portion of the site retains the tree line and the residential buildings lines are set back from the tree line accordingly (the Tree Section below discusses the impact further). Most of the existing trees are to be maintained in the build out (minus those lost for the new entrance). The eastern boundary edge shall include the rear garden fencing only, there is no residential development in close proximity to the eastern boundary. This helps soften and stagger the appearance of the development from wider views. Overall, the layout responds positively to the proforma brief and no objection is raised.

**iv. Neighbouring Amenity**

- 10.17 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight". This echoes the objectives of paragraph 130(f) of the NPPF (2023) that developments should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".
- 10.18 Existing vegetation screening around the south and western boundaries in particular will be mostly retained. Also, there is scope within the layout for additional landscaping screening to the western boundary. Even without the landscaping, all the separation distances are equal to or in excess of the standards for separation distances between 2 storey and 2.5 storey dwellings as set out in the Residential Design Guide. Collectively, Officers are satisfied acceptable residential amenity levels shall be achieved for both existing and future residents. The offsets to the residential dwellings and hospice to the south and east respectively, ensures no significant impact on existing residential amenities. All the new dwellings, have private amenity space in the form of rear gardens. An area of communal amenity space is provided for the two apartment blocks. Collectively, Officers consider that an acceptable level of private amenity space has been provided across the development, with many of the gardens in excess of the standards set out in the Borough Wide Design Guide SPD. Officers would also highlight the fact that the host site benefits from a significant area of public open space around the lake itself and a generous LEAP area in the centre of the site for future residents to enjoy.
- 10.19 The layout of the proposal has been designed to ensure that suitable separation distances are achieved between proposed dwellings within the site. In line with the Borough Wide Design Guide SPD, the scheme achieves the required separation distances for two storey homes of 10m front-to-front across streets, 20m rear to rear of dwellings and 12m flank wall to rear of home distances in most cases. Where there is a slight reduction in the aforementioned guidelines, the dwellings are often set at more oblique angles to account for any reduction. Finally, Officers consider all windows openings above ground floor level on the side / flank elevations of the new residential houses, should be obscure glazed with a top opening, to maintain privacy, again detailed as a planning condition.

- 10.20 Policy EP1 of the BLP, requires developments to have an acceptable impact on environmental quality and landscape, *both* during the construction and when completed. Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. The host site is located adjacent to Bray/M4 Air Quality Management Area and the development proposal has the potential to affect local air quality during both the construction and the operational phase. As such, the application has been submitted alongside an Air Quality Assessment - AQA (Redmore Environmental 21st April 2022) in order to address the impact of the proposed works on local air quality during these times.
- 10.21 The AQA accepts that air quality could be lowered during the construction phase however, suggests a series of development good practice control measures to mitigate this, see Table 19 (Fugitive Dust Emission Mitigation Measures) of the AQA. The development will be conditioned to ensure the construction works shall be undertaken in accordance with the measures set out in the AQA. Post the construction phase, the AQA includes a dispersion model study of the local air quality conditions and the potential impact from additional vehicle exhaust emissions resulting from the new residential units. The report concludes that the predicted annual mean nitrogen dioxide concentrations at the receptor points would be below relevant air quality objectives. This conclusion has been accepted by the Council's Environmental Health Officer. Part of the mitigation measures following completion of the development shall include the implementation of a Travel Plan (to encourage less use of the motor vehicle and promote the use of sustainable transport hence lower emissions locally). The Travel Plan shall be secured and monitored via the Section 106 agreement. Further mitigation measures include external offsite improvements including the update of the nearby bus shelters and the provision of a zebra crossing via S106 agreement, and secured, covered cycle parking for all dwellings. Collectively, these shall encourage sustainable modes of transport, thus reducing car fumes. Overall, subject to the aforementioned planning conditions, the proposed development both during construction and operational phase, would have an acceptable impact on air quality in the surrounding area.
- 10.22 Policy EP3 seeks to control and avoid light pollution, where this could have a negative effect on neighbouring resident amenity, the rural character or biodiversity. No lighting scheme has been submitted however Officers consider this could be controlled suitably via a lighting planning condition, including a light spillage plan. The neighbouring hospice's lighting is not considered to significantly affect future residents as based on the approved lighting strategy/landscaping for the hospice, the light spill does not cross the boundary planting and is on a timer.
- 10.23 Policy EP4 of the Local Plan seeks to avoid and mitigate against noise pollution for existing and proposed dwellings. During the construction phase, noise would be an issue for the neighbouring dwellings. However, this would only be in the short term. During the operational phase of the development, the Environmental Health Officer (EHO) notes the use of Air Source Heat Pumps (ASHP) that are to be used on all the dwellings. The EHO cautions that they can have a dB rating of greater than 68dB, and that details of the ASHP should be submitted which include any mitigation required to prevent the loss of amenity, especially for the existing dwellings on the western side of the site. Across the development, Officers consider a condition to ensure the ASHP's generate less than 68dB of noise to prevent the loss of amenity is necessary. Also, the details of the position and possible noise mitigation requirements shall be sought for those dwellings on the western boundary next to the public footpath, for residential amenity and visual amenity reasons. The 'Noise Assessment' Rev B by M.E.C Acoustic

Air (March 2023), confirms the new dwellings would require noise mitigation measures from both Windsor Road and the nearby M4. To achieve this, both a 2m high acoustic fencing is required for the garden with boundaries adjacent to the Windsor Road and also appropriate glazing and ventilation to all the new dwellings. The development shall be required to be built in accordance with the mitigation measures detailed within the Noise Assessment Report.

**v. Affordable Housing**

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

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

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

10.25 The proposed development would provide 40.4% affordable housing with 40 dwellings offered up for this purpose. This level of provision complies with the proforma requirements and BLP policy HO3. The mix of units sizes, in this case includes:

- 6 x one bedroom apartments
- 12 x two bedroom apartments
- 10 x two bedroom houses
- 11 x three bedroom houses
- 1 x four bedroom home

|                     | <b>1 Bed Apart</b> | <b>2 Bed Apart</b> | <b>2 Bed House</b> | <b>3 Bed House</b> | <b>4 Bed House</b> | <b>Total</b>     |
|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|------------------|
| Social Rent         | 3                  | 6                  | 4                  | 4                  | -                  | 17 (42%)         |
| Afford Rent         | 3                  | 6                  | 2                  | 3                  | 1                  | 15 (38%)         |
| Intermediate Tenure | -                  | -                  | 4                  | 4                  | -                  | 8 (20%)          |
| <b>Total</b>        | <b>6 (15%)</b>     | <b>12 (30%)</b>    | <b>10 (25%)</b>    | <b>11 (28%)</b>    | <b>1 (2%)</b>      | <b>40 (100%)</b> |

The Council's Housing Enabling Officer accepts this mix and also the tenure mix of social rent (42%), affordable rent (38%) and shared ownership (20%). This would be secured as part of the required legal agreement. The legal agreement would also secure a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable units. The proposal therefore complies with the proforma requirements and BLP policy HO3, with the proposed affordable housing provision.

## Housing Mix

10.26 Policy HO2 of the Borough Local Plan states that provision of new homes should contribute to meeting the needs of current and projected households and provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence set out in the Berkshire Strategic Housing Market Assessment (SHMA). The market provision accounts for 59 dwellings. These are either:

- 36 x 3 bedroomed houses (61%)
- 11x 4 bedroom dwellings (18%)
- 12x 5 bedroomed houses (12%)

| Tenure       | Type      | Bedrooms | No. | Sub-Total  |
|--------------|-----------|----------|-----|------------|
| Market       | House     | 3        | 36  | 59 (59.6%) |
|              | House     | 4        | 11  |            |
|              | House     | 5        | 12  |            |
| Affordable   | Apartment | 1        | 6   | 40 (40.4%) |
|              | Apartment | 2        | 12  |            |
|              | House     | 2        | 10  |            |
|              | House     | 3        | 11  |            |
|              | House     | 4        | 1   |            |
| <b>Total</b> |           |          | 99  | 99 (100%)  |

10.27 There are no 1 or 2 bedroom market flats or houses provided. However, as noted in the BLP proforma, there is a requirement to provide family homes with gardens. This aligns with the Council's latest evidence in the RBWM Authority Monitoring Report, AMR (2022), where the Borough has been overproviding 1 and 2 bed dwellings. Also, given the overall densities required to achieve the number of dwellings set out in the BLP and the fact that the location is not necessarily conducive of 1 and 2 bedroom units (that would be expected in more central locations), the market housing mix is considered acceptable for this location.

10.28 Within the housing mix there are 3 (5%) dwellings capable of M4 (3) regulations and 38 (64%) capable of M4 (2) compatibility. In order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households. A planning condition is recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).

### **vii. Highway safety**

10.29 Paragraph 111 of the NPPF sets out 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. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development should provide safe, convenient, and sustainable modes of transport.

- 10.30 The application has been submitted alongside both a Transport Statement (TS) and a Framework Travel Plan (TP). The site is located to the north of A308 Windsor Road, between Windsor and Maidenhead, with residential dwellings to the south and west, Bray Lake to the north, and the recently built Thames Hospice to the east. The site is located within walking distance to a number of public bus stops, most notably opposite the host site in both directions, with bus routes 16 and 16a running along this part of the A308 to Windsor Town Centre and Maidenhead.
- 10.31 The site has been allocated for residential development and the principle of such a use is acceptable, subject to demonstrating that the proposals would not result in material harm to the safe operation of the surrounding highway network. The proposal involves the retention of existing permissive footpath that runs parallel with the western boundary and the addition of a northern connection to the footpath around Bray Lake. The A308 itself has been designated to become a 30 mph between Monkey Island Lane and the M4 bridge. This was agreed at the Council's cabinet on the 27<sup>th</sup> September 2023. The team managing the Traffic Regulation Order speed changes have advised Officers that the changes are currently being designed and due to be installed in Spring/Summer 2024, subject to final spending panel review.
- 10.32 The proposed development would be served by a simple priority junction off the A308. The access would be 6m wide and would achieve visibility splays of 2.4m x 91m to the north west and 2.4m x 93m to the south east. The TS outlines that this has been assessed by an Independent Stage 1 Road Safety Audit, and together with the demonstrated visibility splays, the proposed access to the site is deemed safe. Importantly, the applicant has accepted the provision of a zebra crossing in a location near to the proposed access, via legal agreement. This shall help with the regulation of traffic flow as well as a formalised crossing to Holyport Primary School of which there is currently no provision. Officers note the circa 740 car movements in both directions during the peak hours on the A308. However, the submission documents provide details of the expected trip generation as a result of the proposed development of the site, as well as junction capacity modelling in the surrounding area. The expected additional trip generations associated with the development are circa 51 and 49 two-way vehicle movements in the AM and PM peak hours respectively.
- 10.33 The Highways Officer has reviewed the submission details and confirmed the methodology and survey period within the TS is acceptable. Ultimately, it has been demonstrated that the additional trip generation associated with the proposed development would not result in material harm to the safe operation of the surrounding highway network. Furthermore, capacity testing has demonstrated that the proposed site access arrangement would operate without any noticeable queuing or delay. The Highways Officer considers the proposed zebra crossing, the expected 30 mph road speed and other vehicles leaving existing dwellings along the A308. Collectively, shall allow for breaks in the traffic flow during peak hours, mitigating against queuing, thus not requiring a 'ghost right turn'. It is also worth noting the Hospice AM peak is an hour earlier than the residential development's AM peak of 8:00 to 9:00. In the event that the reduction in speed limit isn't implemented and the road remains at 40 mph, the Highway Officer is still not in objection to the proposal. However, the Highways Officer has confirmed if the road speed remains at 40mph, an alternative signalised crossing, such as a Pelican Crossing, will be required. The agent has not objected this arrangement, and this is subsequently included in the legal agreement.
- 10.34 In addition to the vehicular entrance, a new 2.0m wide footway would be provided on both sides of the proposed site access to provide pedestrian access into the site and connecting to the existing footway along the A308. Dropped kerbs and tactile paving would also be provided on the proposed site access to enable pedestrians travelling

on the A308 to cross the minor arm safely and a 3.0m wide footway/cycleway would also be provided which runs north-west to south-east on the southern border. This would be integrated with the shared surface situated at the end of the cul-de-sacs, providing an improved route along the site frontage for cycling and walking. A planning condition is recommended to secure the construction of the access prior to commencement of any other part of the development. The idea of sharing an access with the hospice is not accepted as this will likely overload the capacity of that access position, also having a severely negative impact on the residential amenity for the existing dwellings opposite. The chosen access position benefits from having no residential dwellings opposite, only Bray Parish Cemetery that is used intermittently.

- 10.35 Notwithstanding the above, the submitted Framework TP sets out a number of measures to encourage and promote realistic sustainable travel i.e. non-car modes of transport within the area. The aim is to reduce single car journeys generated by the site and the associated impact on the local and strategic highway network. The proposed measures and targets set out within the TP, include, but not limited to, the use of a Residential Travel Information Pack upon occupation which includes a sustainable travel voucher to the first owner of each dwelling and details of local public transport and car sharing schemes. The TP shall be secured via legal agreement prior to occupation, with associated monitoring and implementation.
- 10.36 The proposed development would provide for 218 allocated car parking spaces across the site to serve the 99 residential dwellings, along with 11 unallocated visitor spaces, 229 spaces in total. This is in line with the current RBWM Parking Strategy requirements and provision of these spaces prior to occupation would be secured by recommended condition. This condition shall include a scheme to ensure the limited number of offsite parking spaces are used by the allotted dwelling only. The TS shows space within garages to accommodate the necessary amount of cycle parking for both three and four bedroom dwellings. With regards to the 1 and 2 bed flats, there are 18 in total with a combined 30 bedrooms. The proposed bike store for the flats accommodates 23 spaces (a policy compliant number is 24). However, the store can accommodate two tier stands and this shall take the figure to 30, or 1 space per bedroom. This is recommended to be secured via planning condition and no objection is raised.
- 10.37 The submitted TS includes details of a vehicle swept path analysis which has been undertaken of the site layout in order to demonstrate that refuse vehicles and servicing and fire tender vehicles can enter and exit the site. The submitted documents demonstrated that the layout is such that this can be achieved and accordingly, there would be no material harm on the surrounding highway network in this regard. A planning condition is recommended to secure details of refuse and recycling provision for the residential units prior to occupation. Given the layout, including the turning heads internally, (shown on the swept path analysis for refuse vehicles) a bin lorry can safely navigate the site.
- 10.38 The required S278 agreement would secure the provision of the new access on the A308 (as set out above) and the associated footway. The site allocation identifies that the development should be well-served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys. In this regard the applicant has committed via the legal agreement, to pay up to £10,000 for two dedicated bus shelters opposite the host site on Windsor Road. The Transport Policy Manager has accepted this figure shall cover the upgrade requirements. Other highway improvements works include the implementation and monitoring of the Travel Plan and the provision of a formal zebra crossing in a position

to be agreed in close proximity to the entrance to the site. Overall, the design and mitigation elements associated with the access and highway safety are considered acceptable in this instance.

### **viii. Flooding and Sustainable Urban Drainage**

10.39 Policy NR1 of the adopted Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.' Accordingly, the application has been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy.

10.40 Policy NR1 6) states: Development proposals should:

- a) increase the storage capacity of the floodplain where possible
- b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
- c) reduce flood risk both within and beyond the sites wherever practical
- d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
- e) where appropriate, demonstrate safe access and egress in accordance with the Exception  
Test and incorporate flood evacuation plans where appropriate.

### **Fluvial Flooding**

10.41 In terms of fluvial flood risk, the proposed more vulnerable development (dwellings themselves) would be located within Flood Zone 1 (FZ1), with the areas closest to Bray Lake (which are within Flood Zone 2 and 3) kept free of residential development. This area includes the attenuation pond, ecology buffer and landscaping. Officers have sought clarification from both the Environment Agency (EA) and the applicant in relation to the exact location of Flood Zones 2 and 3 as the areas shown in the submitted FRA differ slightly from the EA general maps. However, the applicant confirmed their Flood Zone modelling has regard to the correct ground levels and is taken from the Thames (Hurley to Teddington) 2019 hydraulic model provided by the EA. This is a more accurate mapping system than the publicly accessible EA maps.

10.42 The EA themselves have accepted this conclusion and offered no objection. Officers therefore accept that all the buildings are located in FZ1. Notwithstanding this fact, the FRA confirms all the buildings on ground floor will have finished floor levels at least 300mm above ground level, secured via planning condition. A very small amount of the rear garden area of plot 54 is located in flood zone 2 and 3. However, Officers accept this area will be maintained at existing ground level (Planning permission is required for raising the ground level more than 300mm) and therefore there will be no loss in floodplain storage, ultimately not affecting the risk of flooding elsewhere.

10.43 Although the EA have offered no objection to the proposal (they are lead authority in terms of fluvial flooding), they have recommended two conditions to ensure that the development would not be at risk of flooding, or increase flood risk in the surrounding area. These include a requirement to ensure that the development is carried out in accordance with the submitted FRA and its mitigation measures such as finished ground floor levels being raised above the predicted 100 year flood water level. Also, a condition that no development takes place until a scheme for the provision and

management of a 10m buffer zone alongside Bray Lake which is free of built development has been provided. Both these conditions are agreed with and included in the recommendation.

- 10.44 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. As the site forms part of the AL26 Site Allocation, there is no requirement for a Sequential Test to be undertaken. Furthermore, as there is no housing proposed or access routes within flood zone 2 or 3, Officers do not consider there is a requirement to apply the exception test (the proforma 14 requirement would not have been aware of the layout proposed hence the wording. Nevertheless, in accordance with the proforma requirement 14, the Flood Risk Assessment requires a demonstration that a safe evacuation route can be provided. This is due to the very north of the site being within flood zone 2 and 3.
- 10.45 In terms of ensuring the development will be safe for its lifetime, given the dwellings are located only in Flood Zone 1, it is clear that the development will be safe for its lifetime by virtue of the proposed dwellings and their access routes being unaffected by any future extreme flood events. From the northern most road parallel to Bray Lake, there are in effect three routes south (away from flood zone 2 and 3) across the site, two roads (central and east) and the pedestrian footpath (to the west). There is no 'dry island' of Flood Zone 2 or 3 encroaching further south. Officers consider there is suitable, clear and obvious means of escape in this instance, people can go to safely to Windsor or Maidenhead via the A308 (flood zone 1).

#### Surface Water Drainage

- 10.46 The objectives of Policy NR1 require development proposals to increase the storage capacity of the flood plain where possible, incorporating SuDS systems, reduce flood risk and be constructed with adequate flood resilience.
- 10.47 The proportion of the site that is formed of hard surfaces will increase to approximately 46% following the proposed development. The FRA highlights it is not feasible to discharge the water run off to ground via soakaways, due to the shallow depth to groundwater. Also, the ground conditions were not suitable for infiltration. Therefore, the site surface water will continue to discharge to Bray Lake via prior to attenuation. This method has been agreed and accepted by the LLFA. The drainage system shall work at or below existing greenfield rates for the 1 year, 30 year and 100 year return period events including a 40% allowance for climate change. The FRA recommends utilising the 'Green Spaces' for bioretention and ecology, including tree pits, filter strips, swales, permeable surfaces and filter drains. Also, the FRA recommends that the proposed dwellings have a minimum finished floor level of at least 23.12mAOD, or 300mm above the flood level of the design event. These measures shall be secured via planning condition.
- 10.48 The LLFA have confirmed the submitted information demonstrates that subject to a further sustainable drainage strategy condition, the proposals have been designed to take into account and satisfactorily address surface water flood risk within and around the surrounding area. The management and maintenance of the drainage network, including the permeable surfacing and gravel subbase will be the responsibility of the freeholder and / or management company for the site, this shall be secured via the planning condition. Overall, the LLFA is satisfied that the proposed Flood Risk Assessment and Surface Water Drainage Strategy, subject to the aforementioned planning condition, would result in acceptable impacts on flood risk and drainage on site.



10.49 In terms of with a private foul water treatment. The applicant proposes to connect to a mains sewer. Thames Water has confirmed the scale of the proposed development doesn't materially affect the sewer network and they have no objection. The details of the onsite foul water drainage system have not been provided. However, Thames Water has not objected to this deficiency of detail, they have instead requested a pre commencement planning condition covering this aspect. Thames Water state that network reinforcement works may be required too accommodate the proposed development. Also, that any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. Therefore, a pre commencement drainage condition is included in the list of conditions. Furthermore, due to the slopes on site, it is considered a pumping station facility/s maybe required and the position of which needs to be acceptably sited in planning terms.

**ix. Ecology and Biodiversity**

10.50 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance. Accordingly, the application has been submitted alongside an Ecological Appraisal by Ethos Environmental and a Biodiversity Net Gain (BNG) Assessment.

10.51 The application has been assessed by the RBWM Ecology Department, who confirm a number of ecologically valuable habitats on or adjacent to the site which are likely to qualify as Priority Habitats. While Bray Pit Reserve Local Wildlife Site (LWS) lies adjacent to the site. These species include broadleaved woodland and species rich hedgerows around the boundaries. However, the plans demonstrate that there would be a buffer of 10m from the lake, with the retention and protection of the woodland and the majority of the hedgerows. The in-house Ecologist accepts this is appropriate, while further mitigation and compensation measures have been provided within the submitted ecology reports. The full details of the ecology mitigation and compensation can be established within a Construction Environmental Management Plan (CEMP: Biodiversity) planning condition, as recommended by the Ecology Officer.

10.52 To provide for the access and development, a small number of trees would be lost along the southern boundary of the site. Whilst acceptable in principle from a habitat perspective, the future Reserve Matters planning application shall ensure any replacement trees to be native species of provenance.

10.53 RBWM Ecology Department confirm that the existing trees on site have all been surveyed for bats, no trees on site were recorded as having the potential to support roosting bats. As such, no further surveys or mitigation for roosting bats is required. The wider boundaries of the site were recorded as providing good habitat for commuting and foraging bats and a number of bat species were recorded during the further surveys. Nevertheless, the Council's Ecologist confirms that as almost the entire boundary habitats of the site are to be retained and buffered, it is not expected there would be significant effect on commuting and foraging lines. In addition, the proposed green infrastructure across the site could provide further habitats for bats.

10.54 The submitted surveys demonstrated that there were some light sensitive bat species that were recorded on site during the survey. Officers recommend a condition to secure the submission of a light sensitivity strategy to be implemented across the development in order to minimise the negative impacts of lighting at the site, on ecology.

- 10.55 With regards to other Protected species, the RBWM Ecologist confirms the site does not have the potential to support water vole and no badger signs or setts or dormice were recorded. Furthermore, the majority of the site does not contain suitable habitat for great crested newts (GCN). Whilst there are three lakes within 500m of the proposed development, these are considered unsuitable to support GCN given the size and the presence of waterfowl and fish. The site itself is also within the green impact risk zone for GCN meaning that GCN are unlikely to be present, the Nature Partnership also agree with this conclusion. However, the site does have the potential to support hedgehogs, otters and nesting birds. Suitable mitigation measures are included within the (CEMP) planning condition.
- 10.56 Paragraph 175 of the NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”. Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.57 A BNG assessment has been undertaken and concludes that the development would result in a net gain in biodiversity of 20.4% habitat units, and a net gain of 19.51% for hedgerows. The previous survey did not include the urban trees within the biodiversity net gain calculations. Officers accept that from this updated assessment a biodiversity net gain can be achieved at the site. The scheme is therefore, subject to planning condition, compliant with the NPPF and NR2 of the Borough Local Plan in terms of biodiversity net gain.

**x. Impact on existing Trees**

- 10.58 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. Further to this, the BLP proforma requires the retention of the valuable trees and hedgerows, particularly at site boundaries and the reinforcement and enhancement the planting along the Windsor Road. In terms of the impact on the trees, the application has been submitted alongside an Arboricultural Impact Assessment (AIA) by Lizard Consulting. In order to facilitate the proposed access, the development would result in the loss of two Category C groups of trees and two Category U trees. In accordance with the BS 5837 grading, such trees should not act as a limitation on the effective use of the site or impose any significant constraints on the layout. In this context, the removal of these trees is acceptable to facilitate the access and the visual impact of the proposed tree losses would be minimal.
- 10.59 Mitigation of the tree loss is proposed in the form of replacement planting along the site frontage to enhance the character of the area and reduce visibility of the site. This would be secured by condition, with the landscaping details across the wider site provided as part of the reserved matters application. All other Category A, B and C trees on the site and within the surrounding area would be retained. However, the tree plan shows plot 1, 88 and 99 slightly encroaching into the root protection areas of the existing trees. Within these areas hand tools shall be used for the excavation. All the other dwellings are outside the root protection areas. The southern road / path shall be mostly within the root protection areas of the existing trees to the south. However

as stated within the submitted AIA, tree work will be carried out to the standards set in BS3998 and current industry guidelines, using 'no dig' construction techniques. The depth of the works for the path / road shall also be considerably shallower than that required for building foundations. A planning condition shall secure appropriate tree protection measures during development works.

**xi. Landscape and Open Space**

10.60 The BLP proforma requires the site proforma requires a clear and defensible Green Belt boundary with a high quality public open space along the Lake Edge. Policy QP3 requires high quality soft and hard landscaping where appropriate within new developments. As mentioned above, landscaping is not assessed as part of this application. However, space for landscaping (such as tree planting, boundary planting screening and the provision of a LEAP) needs to be shown in the layout plans. The layout certainly provides such space for significant tree planting within the site layout. Such tree planting shall help soften the development and provide, in places, tree lined streets, in accordance with paragraph 131 of the NPPF, that is concerned with such provision. These areas also contribute towards the spacious character of the layout.

10.61 The wider open space provision is focused on two main areas, the northern most section of the site adjacent to the lake edge and a central LEAP area (circa 775 m<sup>2</sup>). The Open Space Study 2019 indicates that there are no LEAPS in area (see fig 11.2 of the Open Space Study). Therefore, the applicant has agreed to provide such a facility on site. Policy IF4 of the BLP requires new open space and play facilities for children and young people on sites allocated for new housing, while the requirement for leisure and recreation is raised in the first site proforma. The LEAP shall be secured via legal agreement, the provision of a LAP is not considered necessary, due to the nearby Holyport Playground also if this was provided to the north, its near the lake and in the flood plain. Furthermore, the layout provides a sizable area of public open walking around the Lake. This is accessed via a new footpath to the north and a path westward to the existing public right of way. Subject to the signed legal agreement and the Reserved Matters landscaping proposal, Officers are content with the landscaping and open space provision.

**xii. Contaminated Land**

10.62 Policy EP5 of the BLP seeks to ensure that development proposals do not result in contamination to local land or water resources. Furthermore, if the land is suspected of being contaminated, it can be appropriately remediated, to remove the potential harm to human health and the environment. A Ground Investigation Report - GIR (Aviron December 2020) has been submitted in connection with this planning application. This report concludes that potential bio ground gas sources such as methane and carbon dioxide, have been found on site and within local landfills within the vicinity of the site. The report recommends a continuation of the gas monitoring from the provisional two rounds already carried out, where such gases were found. Furthermore, the report recommends a raft of mitigation measures for the new dwellings as detailed on page 16 (table 5) of the GIR. The report states that based on the level of surveying undertaken; the site is not at risk of radon gas and the soil is not contaminated to levels so as to be a risk to human health. However, further surveys are advised within the GIR to establish the exact levels of contaminants on site and, if necessary, further appropriate mitigation measures.

10.63 The Environmental Protection Officer has reviewed the findings of the report and concluded no objection to the development proposal in principle subject to a full land contamination condition. Such a condition shall require further intrusive surveys of the

ground, as detailed in part 1 of the condition, while part 2 of the condition requires a submission of a remediation scheme. Collectively, strict adherence to this condition shall remove or mitigate any unacceptable risks to human health, buildings and the natural environment. Such measures are likely to include those detailed on page 16 (table 5) of the GIR. Therefore, subject to the aforementioned full land contamination planning condition, no objection is raised.

**xiii. Minerals Safeguarding Area**

10.64 The proforma requires the applicant undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area. The Ground Investigation Report (Aviron December 2020) demonstrates that the current composition of the site originates from topsoil and a silty out-wash from the gravel extraction process. This suggests that minerals have already been extracted from the site. The Minerals Assessment (Wardrop Minerals Management Limited received 5<sup>th</sup> Oct 2023) provides more evidence to confirm that mineral extraction has taken place. The Minerals Assessment also references the British Geological Survey 2003 records and provides photographic evidence of the site in the process of restoration. Collectively, Officers consider the mineral safeguarding aspect is addressed, as the minerals have already been extracted from the site. This conclusion is agreed with via the Minerals and Waste Policy consultant. No further planning conditions are recommended on this aspect.

**xiv. Archaeology**

10.65 An Archaeological Desk-Based Assessment (June 2021) by the RPS Group has been submitted with this application. The report states that in terms of relevant designated archaeological assets; no World Heritage Sites, Scheduled Monuments, Historic Battlefields, or Historic Wreck Sites lie within the immediate proximity of the host site. Furthermore, the host site is not located in an area of designated archaeological priority. However, there is a theoretical possibility of prehistoric and or Roman features in the area. This notwithstanding, the report concludes programme of gravel extraction undertaken within the host site area during the late 20th century will likely to have removed all existing archaeological deposits in the area. Officers agree with this conclusion.

10.66 The neighbouring hospice site had an archaeology planning condition associated with it. However, this was not recommended either by the LPA's archaeologist or the expert report submitted with the application. Indeed, the condition was subsequently removed via application 18/02013/VAR. As such, no such planning condition is recommended in this instance.

**xv. S106 and Other Infrastructure requirements**

10.67 The following heads of terms has been agreed with the applicant:

- On-site policy compliant affordable housing;
- 40% on-site affordable housing (40 dwellings)
  - 42% Social Rent
  - 38% Affordable Rent
  - 20% Shared Ownership
- Delivery and maintenance of site open space provision (LEAP)
- Landscape, footpath and non-adopted roads and pavement provision and maintenance

- Carbon off-set contributions £236,371.00
- Travel plan and associated monitoring fee
- Bus shelter improvements (up to £10,000 pounds for the two bus stops outside the host site)

10.68 There is a separate S278 agreement that has been accepted by the applicant to provide for the offsite Highways works. These include:

- The provision of a Zebra crossing near to the proposed entrance or in the event that the road remains at a 40 mph speed limit, a signalised crossing such as a Pelican or Puffin Crossing (to be agreed by the Highway Authority) Pedestrian footpath improvements near the entrance of the site.

10.69 It is considered these contributions are directly related to the proposed development and the amount of contributions are fairly and reasonably related in scale and kind to the individual development. Given the above, providing a signed S106 for infrastructure contributions and S278 off site Highway improvements, on a pro-rata basis, accords with the site proforma set out in AL26 of the BLP.

## 11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development would be liable to pay CIL based on the following:

|                             |                             |
|-----------------------------|-----------------------------|
| <b>Reason for liability</b> | New residential development |
| <b>CIL Charging Rate</b>    | £131.48 per sq m            |
| <b>New floorspace</b>       | 8,731 sq m                  |

$$8.731 \times 131.48 = \text{£}1,147,951.88$$

## 12. PLANNING BALANCE

12.1 The Borough does not have a five-year housing land supply. Therefore, the presumption in favour of sustainable development as detailed in Paragraph 11(d) of the NPPF is engaged. This states that planning permission should be granted unless:

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or:
- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

12.2 In this case, the host site is not in a protected area or containing assets of particular importance. Therefore, the development should be assessed under paragraph 11d(ii) which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

12.3 Paragraph 8 of the NPPF reminds the reader that in seeking to achieve sustainable development, the planning system has three roles, an environmental role to protect

and enhance our natural, built and historic environment; including making effective use of land. An economic role which aims to help build a strong, responsive and competitive economy. Finally, a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places.

12.4 There are no policies within the NPPF that the scheme is considered to fail on. Officers accept the wide number of local objections to the proposal on chiefly environmental grounds. Yet when tested against the relevant environmental national and local planning policies, the scheme, subject to planning conditions and completed legal agreement, is not objectional. In terms of the social benefits, much needed affordable housing is being provided at a level required within the local plan, together with an onsite LEAP and an off site zebra crossing, with local bus shelter provisions. While economically, the scheme shall boost the economy during the construction phase and via the Cil contributions provide resources for additional local infrastructure. While of course, the host site is also importantly allocated for such housing within the recently adopted Local Plan.

12.5 Overall, there are many benefits to the scheme as follows:

- Delivery of 99 new homes, 40 of which are proposed to be affordable on a site allocated for housing development in the Adopted Borough Local Plan.
- Provision of a reduction in carbon compared to buildings regulations and a contribution to the Borough's carbon off-set fund
- Off site Highway improvements, including the bus shelters opposite the site and the zebra crossing
- Provision of a LEAP on site and connections to the nearby circular walks around Bray Lakes
- Provision of policy compliant biodiversity net gain on site, including a significant increase on tree planting on site from existing
- Provision of family homes in the form of 3 and 4 bed housing for which there is a need in the Borough

### **13. CONCLUSION**

13.1 As set out in the paragraphs above, there are no adverse impacts that cannot be mitigated against, that would significantly and demonstrably outweigh the benefits of the scheme.

13.2 The proposal is compliant with the NPPF, the relevant policies of the BLP, including the site proforma set out in AL26. The application is therefore recommended for approval subject to the recommended conditions and S106 legal agreement.

### **14. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

### **15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted within 3 years from the date of this permission.  
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 The Development shall commence within two years from the date of approval of the last of the reserved matters.  
  
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 Prior to the commencement of the development above slab level samples of the materials to be used on the external surfaces of the development as shown on pages 27 to 30 of the updated Design and Access Statement (Revision A - March 2023) submitted with this application; shall 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 the visual amenities of the area. Relevant Policy QP3 of the adopted Borough Local Plan
- 4 Notwithstanding the details submitted on the hereby approved plans. Unless otherwise agreed by the Local Planning Authority, all the W/C, bathroom, ensuite and stairwell / hall window openings above ground floor level on the side / flank elevations of the residential houses, shall be obscure glazed to a minimum of level 3 within the Pilkington Range of glazing, and shall be non-opening below a height of 1.7m above the associated floor level, and shall be retained in accordance with these details and not altered.  
Reason: to protect the privacy of neighbouring occupiers.
- 5 Prior to the installation of any external lighting, a report detailing how the external lighting scheme will not adversely impact upon wildlife or residential amenity, shall be submitted to and approved in writing by the LPA. The report (if external lighting is to be installed) shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment (height, design, position of lights, details of lights fittings, lamps and hours of use- Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of bird and bat boxes. The approved lighting plan shall thereafter be implemented as agreed.  
Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 185 of the NPPF. To protect the residential amenities of the area and to prevent light according to the Local Plan Policy EP 3. To ensure that the main vehicle access and development is provided with sufficient street lighting for the safety of pedestrians, cyclists and vehicles and in accordance with Policies IF2 and QP3 of the Borough Local Plan
- 6 Prior to the installation of the heat pumps, on plots 2, 3, 4, 18, 19, 20, 21, 22 and 32, details of the position, acoustic performance, and possible noise mitigation measures shall have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved details. Across the entire development no air source heat pump shall be installed unless it generates less than 68dB of noise.  
Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment.

The details are needed prior to the start of work so that measures can be incorporated into the build. Also, due to the location next to a public footpath, in the interests of visual amenity.

- 7 The development shall be constructed in accordance with the mitigation details outlined in the Noise Assessment by 'Noise Assessment' Rev B by M.E.C Acoustic Air (March 2023), to acoustically insulate dwellings and selective gardens.  
Reason: To ensure the amenity of future occupiers of the site and to accord with Policy EP4 of the Borough Local Plan
- 8 The development shall be constructed in accordance with the mitigation details outlined in the Air Quality Assessment (Redmore Environmental (21st April 2022)). During the construction phase, the development good practice control measures within Table 19 (Fugitive Dust Emission, Mitigation Measures) of the Air Quality Assessment (Redmore Environmental (21st April 2022)) shall be implemented in full.  
Reason: To ensure the amenity of future occupiers of the site and to accord with Policy EP4 of the Borough Local Plan
- 9 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 conditions 1 to 4, as set out below, 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 condition 4 has been complied with in relation to that contamination.  
**1. Site Characterisation** An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-  
a survey of the extent, scale and nature of contamination;-  
an assessment of the potential risks to:-  
human health-property (existing or proposed) including buildings, crops, livestock, adjoining land,-  
groundwater and surface waters,-  
ecological systems,-  
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 'Model procedures for the Management of Land Contamination, CLR 11'.  
**2. Submission of Remediation Scheme.** A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.  
**3. Implementation of Approved Remediation Scheme.** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme 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.4. 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 condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 condition 3.5. Long Term Monitoring and Maintenance. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan EP6 of the Borough Local Plan

- 10 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:- Calculations to include development runoff rates limited to greenfield equivalents for the 1 in 30 and 1 in 100 year plus climate change events, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water.- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components.- Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course.- Details of the proposed management and maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with: will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 11 The development shall be carried out in accordance with the submitted flood risk assessment (ref: Bray Lakes, Windsor Road, Bray Flood Risk and Suds Assessment 20109-FRA-RP-01 Rev C01 dated 25 July 2023), prepared by Water Environment Ltd. In particular all the dwellings (other than the apartments above ground floor) shall be built with ground floor finished floor levels set at least 300mm above the predicted 100 year flood water level in Bray Lake including the recommended allowance for climate

change over the development lifetime. The development shall also include the following mitigation measures detailed in the Flood Risk Assessment: 1. No dwellings shall be sited on land shown to be within the 1% Annual Exceedance Probability (AEP) plus 35% climate change allowance, unless a floodplain compensation scheme is submitted and approved by the LPA that demonstrates no increased flood risk elsewhere. Any dwellings sited within land shown to be within the 1% AEP plus 35% climate change allowance, shall have finished floor levels raised above the 1% annual probability flood with a 35% allowance for climate change flood level and freeboard. 2. No land raising shall take place within land shown to be within the 1% AEP flood with a 35% allowance for climate change, unless a floodplain compensation scheme is submitted and approved by the local planning authority demonstrating no increased flood risk elsewhere. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: 1) To reduce the risk of flooding to the proposed development and its future users, 2) To ensure flood risk is not increased elsewhere, In line with paragraph 167 of the NPPF.

- 12 No development other than site clearance, shall commence until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 13 No development shall take place until a scheme for the provision and management of a 10m buffer zone alongside Bray Lake has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include: - plans showing the extent and layout of the buffer zone - details of the proposed enhancements and/or habitat creation within the buffer zone - details of any proposed planting scheme (these must be native species, ideally of local provenance), including the planting around the proposed ponds in the northeast of the site - details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan - details of any proposed footpaths, fencing, lighting, etc, including the production of a lighting plan as recommended in the Ecological Impact Assessment.

Reasons: Development that encroaches on lakes can have a potentially severe impact on their ecological value. Land alongside lakes is particularly valuable for wildlife and it is essential this is protected. This approach is supported by policy NR2 of the RBWM Local Plan 2013-2033 (adopted February 2022) and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF), which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

- 14 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures with regards to the protection of adjacent habitats, otter, reptiles, nesting birds and hedgehogs.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- Reason: To minimise impacts on biodiversity in accordance with the NPPF.
- 15 No development shall take place until full details of a Biodiversity Gain Plan for on and offsite delivery and monitoring of Biodiversity Net Gain and a Habitat Management Plan has been submitted to and approved in writing by the council. The plans shall deliver at least a 1.83 increase in habitat units and 0.75 increase in hedgerow units. The plans shall be in accordance with the approved biodiversity net gain assessment and shall include (but not limited to) the following:
- a) A habitat management plan
  - b) Long term aims and objectives for habitats
  - c) Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel as required to meet the stated aims and objectives
  - d) A detailed prescription and specification for the management of the new habitats
  - e) Details of any management requirements for species specific habitat enhancements.
  - f) Annual work schedule for at least a 30 year period
  - g) Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives
  - h) Details of proposed reporting to the council and council ecologist and proposed review and remediation mechanism
  - i) Proposed costs and resourcing and legal responsibilities
- The Biodiversity Gain and Habitat Management Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained in perpetuity thereafter in accordance with the approved details.
- Reason: To ensure the provision of biodiversity enhancements and a net gain for biodiversity, in accordance with the NPPF and local policy NR2.
- 16 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include but not limited to integral bird and bat boxes, bug hotels, bee bricks and holes in the bases of fences for hedgehogs to pass, and the timescales to implement these shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed as approved in

accordance with the approved details. Reason: To provide biodiversity enhancements within the new development in line with paragraph 180 of the NPPF and local policy NR2.

- 17 The details shown on drawing 'Tree retention and protection plan' Lld2337-arb-dwg-002 rev. 02' are approved as those required in connection with this condition. In order to comply with the condition the approved protection measures as detailed in the 'Arboricultural impact assessment' May 2023 (by Lizard consulting) Rev 02 should be implemented in full prior to the commencement of development and should remain in place until the development is complete.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies Borough Local Plan NR3 and QP3.
- 18 No dwelling shall be occupied until covered and secure cycle parking facilities for the relevant dwelling have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan IF2 and QP3.
- 19 No dwelling within the apartments shall be occupied until the refuse bin storage area and recycling facilities for that apartment building have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan QP3.
- 20 Each dwelling hereby permitted shall not be occupied until the associated vehicle parking or vehicle parking and turning space for that dwelling has been surfaced and marked out in accordance with the approved drawings. The spaces shall not thereafter be used for any purpose other than parking and turning. The details shall include a scheme to demonstrate how the offsite allocated car parking spaces for the residential dwellings shall be accessed exclusively by the residents of that allocated space.  
Reason: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to facilitate vehicles entering and leaving the highway in forward gear and in accordance with Policies IF2 and QP3 of the Borough Local Plan
- 21 Before any dwelling hereby permitted is occupied, details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW to be provided for all the parking spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging infrastructure shall be provided and maintained in working order.  
Reason: In the interests of sustainable transport and in accordance with NPPF paragraph 112 e); at paragraph 107 e), to comply , RBWM's Electric Vehicle Chargepoint Implementation Plan & Policies IF2 and QP3 of the Borough Local Plan
- 22 The development shall be implemented strictly in accordance with the details outlined in the Energy and Sustainability Statement (Blue Sky Feb 2023).  
Reason: in the interests of encouraging sustainable travel to and from the site and Policy IF 2.

23 Notwithstanding the approved plans, the building hereby permitted, 5% of the dwellings (3 in number) shall be built to be capable of M4 (3) regulations and 30% of the dwellings (30 in number) shall be built capable of M4 (2) compatibility to meet the Building Regulations 2010 (as amended 2016).

Reason: To secure the provision of accessible and adaptable dwellings to ensure compliance with policy HO2 and the Building Regulations 2010 (as amended 2016).

24 The access hereby approved shall be laid out and constructed in accordance with the approved plans and shall be retained as such prior to commencement of any other part of the development.

Reason: In the interests of highway safety.

25 Notwithstanding the details submitted on the hereby approved plans. Unless otherwise agreed by the Local Planning Authority, all the first floor rear ensuite window opening (above the garage), shall be obscure glazed to a minimum of level 3 within the Pilkington Range of glazing, and shall be non-opening below a height of 1.7m above the associated floor level, and shall be retained in accordance with these details and not altered.

Reason: to protect the privacy of neighbouring occupiers.

26 No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.

27 There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.

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

|   |                                    |
|---|------------------------------------|
| 21-J3688-LP   | Location Plan                      |
| 21-j3688-201-f  | Proposed site layout               |
| 21-j3688-asp-c  | Access strategy plan               |
| 21-j3688-bhp-c  | Building heights plan              |
| 21-j3688-c01-h  | Proposed coloured site layout      |
| 21-j3688-gsp-b  | Garden sizes plan dated 30/11/23   |
| 21-j3688-hmp-c  | Housing mix plan                   |
| 21-J3688-01-n   | Proposed Site Layout               |
| Lld2337-arb-dwg-002-02-trr  | Tree retention and protection plan |
| Arboricultural impact assessment and method statement House Types |                                    |
| 21-j3688-18-c Plots 70-78 & 79-87-                                | elevations                         |
| 21-j3688-19-c Plots 70-78 & 79-87                                 | floor plans.                       |
| 21-j3688-03-d Plots 3, 34, 35, 41, 43, 44, 50, 51, 52, 53, 55, 56 | floor plans & elevations           |
| 21-j3688-11-c plot 32   | Floor plans and elevations         |
| 21-j3688-10-b plots 20-22 & 23-25.                                | (affordable) plans & elevations    |
| 21-j3688-09-b plots 17-19 & 65-67                                 | (affordable) plans & elevations    |
| 21-j3688-08-b plots 15 16 26 & 27                                 | (affordable) plans & elevations    |
| 21-j3688-07-b plots 13 & 14.                                      | Floor plans and elevations         |
| 21-j3688-06-b plots 11 & 12.                                      | Floor plans and elevations         |
| 21-j3688-05-c plots 8 33 36 37 & 40.                              | Plans and elevations               |
| 21-j3688-04-c plots 4 5 6 7 9 10 28 29 30 31 45 46 47 & 48.       | Plans and elevations               |

21-j3688-13-c plot 54 Floor plans and elevations  
 21-j3688-12-c plots 42 & 49 Floor plans and elevations  
 21-j3688-14-b plots 57-60 Elevations  
 21-j3688-15-a plots 57-60 Floor plans  
 21-j3688-02-b plots 1 & 2 Floor plans and elevations  
 21-j3688-23-b plots 98 & 99 Floor plans and elevations  
 21-j3688-22-b plots 92 93 & 94 Floor plans and elevations  
 21-j3688-30 plot 97 Floor plans and elevations  
 21-j3688-26 Bin & cycle store  
 21-j3688-25-a plots 12 & 61 Garages.  
 21-j3688-24-c plots 38 & 39 Floor plans and elevations  
 21-j3688-20-c plots 88 90 & 95. Floor plans and elevations  
 21-j3688-17-b plots 63 64 68 & 69 (affordable) plans & elevations  
 21-j3688-16-b plots 61 & 62. Floor plans & elevations  
 21-j3688-21-c plots 89 91 & 96. Floor plans & elevations

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

### **Informatives**

- 1 Adoption under Section 38The applicant's attention is bought to the fact that the Highway Authority will actively seek to adopt all or part of the increased footway that constitute this development. The applicant will be required to enter into a legal agreement with the Council under Section 38 of the Highways Act 1980.
- 2 Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.
- 3 With regard to water supply, this comes within the area covered by the South East Water Company.For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 4 For the benefit of any doubt, Condition 1 shall include the provision of the full details of the Locally Equipped Area of Play (LEAP).
- 5 The applicant is reminded to contact Thames Water at the earliest opportunity when designing the foul water strategy. Development Planning,Thames Water,Maple Lodge STW,Denham Way,Rickmansworth,WD3 9SQTel:020 3577 9998Email: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

