

Date of issue: Tuesday, 5 April 2022

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Ajaib (Chair), A Cheema (Vice Chair), Dar, J Davis, R Davis, Gahir, Mann, Muvvala and S Parmar)
<b>DATE AND TIME:</b>	WEDNESDAY, 13TH APRIL, 2022 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	MADELEINE MORGAN 07736 629 349

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**GAVIN JONES**  
Chief Executive

**AGENDA**

**PART 1**

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

**APOLOGIES FOR ABSENCE**

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

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*All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 23rd March 2022	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-

### PLANNING APPLICATIONS

5.	P/12934/018 - Theale, Old Bath Road, Colnbrook, Slough, SL3 0NS	9 - 46	Colnbrook with Poyle
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*Officer's Recommendation: Delegate to the Planning Manager for Approval.*

6.	<del>P/01276/004 - 277-279 High Street, Slough, SL1 4BN</del>	<del>47 - 108</del>	Central
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*Officer's Recommendation: Delegate to the Planning Manager for Refusal.*

*Note: Since the committee agenda was published – the application has been withdrawn by the applicant.*

### MATTERS FOR INFORMATION

7.	Members' Attendance Record	109 - 110	All
8.	Date of Next Meeting - 25th May 2022	-	-

#### Press and Public

**Attendance and accessibility:** You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

**Webcasting and recording:** The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings



or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

**Emergency procedures:** The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Planning Committee – Meeting held on Wednesday, 23rd March, 2022.**

**Present:-** Councillors Ajaib (Chair), Dar, Gahir and S Parmar

**Apologies for Absence:-** Councillors A Cheema, J Davis, R Davis, Mann and Muvvala

**PART I**

**95. Declarations of Interest**

None.

**96. Guidance on Predetermination/Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**97. Minutes of the Last Meeting held on 26th January 2022**

**Resolved** – That the minutes of the meeting held on 26<sup>th</sup> January 2022 be approved as a correct record.

**98. Human Rights Act Statement - To Note**

The Human Rights Act statement was noted.

**99. Planning Applications**

The Amendment Sheet, which included details of alterations and amendments received since the agenda was circulated had been sent to Committee Members and published on the Council website. Members confirmed they had received and read it prior to the consideration of planning applications.

Oral representations were made to the Committee under the Public Participation Scheme prior to the application being considered by the Committee as follows:-

P/02411/022 – Thames Central, Hatfield Road, Slough, SL1 1QE – the agent addressed the Committee.

**Resolved** – That the decisions taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the report of the Planning Manager and the Amendment Sheet circulated to Members prior to the meeting and subject to any further amendments and conditions agreed by the Committee.

**100. P/02411/022 - Thames Central, Hatfield Road, Slough, SL1 1QE**

Application	Decision
Construction of a side and roof extension to existing building to provide 52 apartments, involving the formation of a fourteen storey building.	Delegated to the Planning Manager for approval, subject to the satisfactory completion of a s106 agreement, finalising conditions and pre-commencement conditions, and any other minor changes.

**101. Slough Local Plan - Initial Report on Consultation of the Release of Green Belt Sites for Family Housing**

The Planning Policy Manager introduced a report that informed Members about the results of the consultation exercise on the potential release of Green Belt sites for family housing.

It was recognised that there was a particular need for more family housing in Slough and most sites in the town were not suitable for family housing which meant new housing was predominantly flats and small units. Greenfield sites provided an opportunity for family and affordable housing. The consultation had set out ten possible sites for release. Consultation had taken place between 5<sup>th</sup> November to 17<sup>th</sup> December 2021 with a leaflet sent to every household in Slough. A total of 417 responses had been received and 60% of respondents thought there was no need for more family housing in Slough. Only 11% of respondents thought that the need for more housing justified building on some Green Belt sites in Slough, which reflected the high level of public support for protecting the Green Belt.

In relation to alternative solutions, 40% thought more family housing should be built in Slough's urban areas at a higher density and 45% thought family housing should be built outside the Borough but close to Slough. Whilst the respondents were generally not supportive of Green Belt site release in Slough, or of the provision of more family housing in general, it was noted that the response rate was relatively low and range of consultation mechanisms had been limited due to Covid restrictions.

The Committee discussed the survey results, next steps and how the consultation responses would be used. It was noted that public opinion was one factor to take into account, but the Council would have to take balanced decision overall when it produced its Local Plan. It was emphasised that no decisions had been taken, including on the possible sites included in the consultation. There would be further more formal stages of consultation on the draft Local Plan at a later stage.



## **Planning Committee - 23.03.22**

In response to a question about the potential to bring forward more family housing sites in Colnbrook with Poyle the Officer explained why it had been discounted at this stage, primarily due to the proximity to Heathrow airport and potential future expansion; the area being relatively unsuitable for more family housing due to environmental reasons; and the importance of maintaining the strategic gap to London.

Members commented that there was a clear need for more family homes in Slough and the Council needed to try to find a way to provide a balanced housing mix that gave people the opportunity to stay in Slough. At the conclusion of the discussion the report was noted.

**Resolved** – That the response to the consultation on the proposed release of Green Belt sites for family housing be noted.

### **102. Planning Appeal Decisions**

Members received and noted details of planning appeals determined since the previous report to the Committee.

**Resolved** – That details of planning appeals be noted.

### **103. Members' Attendance Record**

**Resolved** – That the record of Members' attendance for 21/22 be noted.

### **104. Date of Next Meeting - 13th April 2022**

The date of the next meeting was confirmed as 13<sup>th</sup> April 2022.

### **105. Vote of Thanks**

The Chair stated that this would be last meeting of the committee that the Planning Policy Manager, Paul Stimpson, would be attending as he would shortly be leaving the Council.

Mr Stimpson had worked for the Council for 37 years and had made a huge contribution to the Committee and to planning policy in the Borough. Members gave a vote of thanks to Mr Stimpson for his service to Slough and to the Council.

**Resolved** – That Planning Policy Manager, Paul Stimpson, be given a vote of thanks for his service to Slough and to the Council over the past 37 years.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.05 pm)

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The Human Rights Act 1998 was brought into force in this country on 2<sup>nd</sup> October 2000, and it will now, subject to certain expectations, be directly unlawful for a public authority to act in a way which is incompatible with a Convention Right. In particular Article 8 (Respect for Private and Family Life) and Article 1 of Protocol 1 (Peaceful Enjoyment of Property) apply to planning decisions. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act 1998 will not be referred to in the Officers Report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

Please note the Ordnance Survey Maps for each of the planning applications are not to scale and measurements should not be taken from them. They are provided to show the location of the application sites.

CLU / CLUD	Certificate of Lawful Use / Development
GOSE	Government Office for the South East
HPSP	Head of Planning and Strategic Policy
HPPP	Head of Planning Policy & Projects
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order
LPA	Local Planning Authority

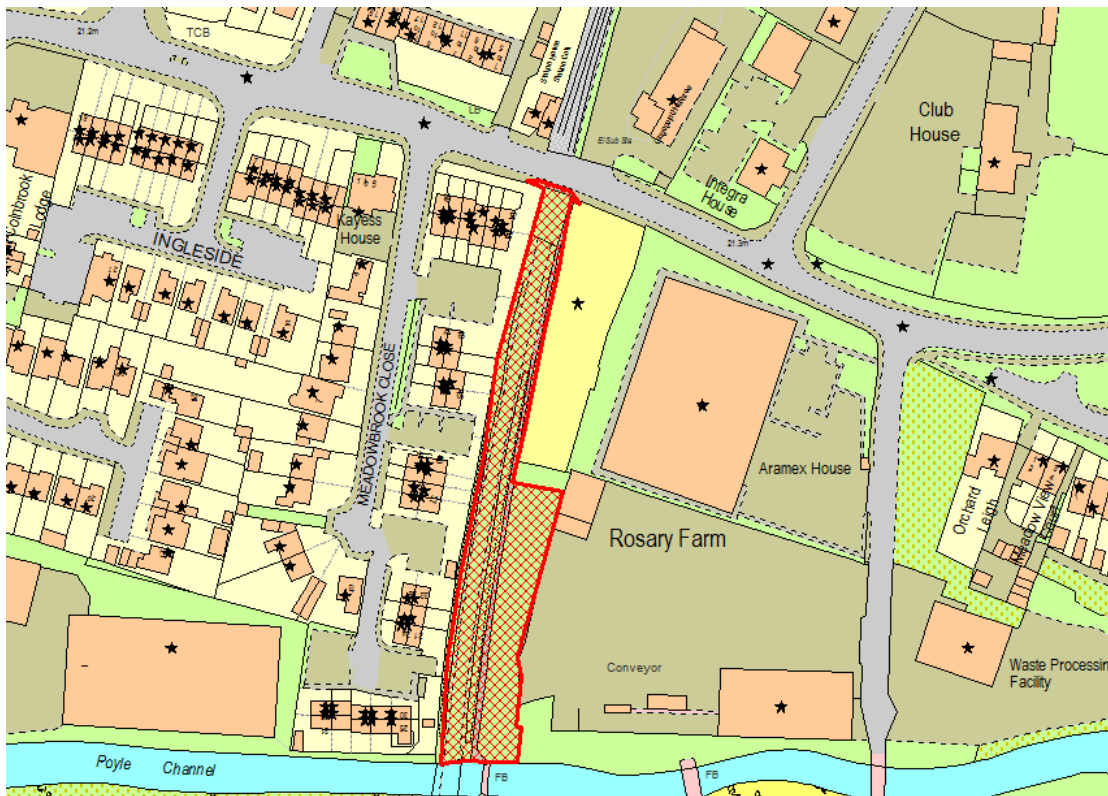
	<b>OLD USE CLASSES – Principal uses</b>
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C2(a)	Secure Residential Institutions
C3	Dwellinghouse
C4	Houses in Multiple Occupation
D1	Non Residential Institutions
D2	Assembly & Leisure

	<b>OFFICER ABBREVIATIONS</b>
DR	Daniel Ray
ADJ	Alistair de Jeux
PS	Paul Stimpson
NR	Neetal Rajput
HA	Howard Albertini
JG	James Guthrie
SB	Sharon Belcher
IK	Ismat Kausar
CM	Christian Morrone
AH	Alex Harrison
NB	Neil Button
MS	Michael Scott
SS	Shivesh Seedhar
NJ	Nyra John
KP	Komal Patel
WD	William Docherty

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Registration Date:	18-October-2021	Application No:	P/12934/018
Officer:	Michael Scott	Ward:	Colnbrook-and-Poyle,
Applicant:	Talwinder Hayre, DKH Investment (Colnbrook) Ltd	Application Type:	OUTLINE
		13 Week Date:	15-April-2022
Agent:	Bharya DBC Ltd., 76 Poplar Avenue, Edgbaston, Birmingham, B17 8ES		
Location:	Land rear of Theale, Old Bath Road, Colnbrook, Slough, SL3 0NS		
Proposal:	Outline planning permission with some matters reserved for the redevelopment of the site to provide 24 No. flats contained within 2 separate apartment blocks. Block C will contain 4 storeys and Block D will contain 5 storeys together with access parking and hard landscaping.		

**Recommendation:** Delegate to the Planning Manager



## **P/12934/018**

### **1.0 SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager:

1) For approval subject to: The satisfactory completion of a s106 agreement, finalising conditions and pre-commencement conditions, and any other minor changes.

2) Refuse the application if a satisfactory s106 Agreement is not completed by 31<sup>st</sup> October 2022, unless otherwise agreed by the Planning Manager.

1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application for a major development comprising more than 10 dwellings.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

2.1 This is an outline planning application with only landscaping reserved for future determination:

- Construction of two blocks of flats – Block C to be 4-storeys and Block D to be 5-storeys.
- Comprising the provision of 24 self-contained residential units.
- The mix entails 12no. 1-bedroom and 12no. 2-bedroom flats
- Car parking in a mix of ground level open and undercroft areas providing 42 spaces for the proposed residential units – seven are to be provided with electric charging facilities – six are to be designated for disabled access standards.
- The provision of cycle parking facilities for future residents and visitors.
- Secure bin and recycling storage facilities.
- Vehicular access to the site from Old Bath Road through the approved scheme to the north.
- A 8-metre wide wildlife strip alongside the Poyle Channel in conjunction with the continuation of the public right of way linking that already approved to the north to link Old Bath Road with the pedestrian bridge over the Poyle Channel to the south.

### 3.0 **Application Site**

- 3.1 The site comprises a portion of currently undeveloped ground to the rear of two blocks of flats approved under various approvals (culminating in the latest amendments set out in P/12943/013). Those blocks of flats occupy the site of a former bungalow called "Theale". Additional land formerly part of the redundant West Drayton to Staines railway line was added to the site and enables both vehicular access to the flats and a public right of way under s.106 for a footpath from Bath Road to Poyle New Cottages to the south.
- 3.2 The site is located between the predominantly industrial part of Colnbrook to the east and north, and some residential parts of Colnbrook straddling the Old Bath Road to the west and north-west.
- 3.3 Immediately to the east of the site is the site of the recycling operation Rosary Farm, part of which is located within the Green Belt. The access and parking to this site is provided from the east and away from the application site.
- 3.4 On the west side of the former railway line are the two storey flats in Meadowbrook Close.
- 3.5 Directly to the north of the application site lies the southern of the two flatted blocks with the other block beyond and on the opposite side of the Old Bath Road is the small industrial estate in Galleymead Road.
- 3.6 To the north west of the site is the southern terminus of the live railway line, which is used for the Heathrow fuel freight service. Adjoining to the west of the railway is a mix of three storey and two storey residential units. The nearest three storey block has retail units on the ground floor.
- 3.7 At the southern end of the site is the Poyle Channel.
- 3.8 Some trees remain within the site at its southern end adjacent to Rosary Farm.

### 4.0 **Relevant Site History**

- 4.1 Relevant site history relating to this site is as follows:

P/12934/013 - Redevelopment of site to provide 27no. flats contained within one 5 storey and one 4 storey block together with access parking and landscaping. (Retrospective) – APPROVED 10/12/2020.

P/12934/009 - Redevelopment of site to provide 22no. flats contained within one 5-storey and one 4-storey blocks together with access,

parking and landscaping – APPROVED 08/03/16.

P/12934/007 - Application for the extension of time to implement extant planning permission P/12934/004 for erection of a three-storey frontage block containing 6 no. one-bedroom flats and 2no four-storey rear terraced blocks each containing 3 no. three-bedroom houses; together with access and parking for 18 no. cars – APPROVED 15/09/11.

P/12934/004 - Erection of a three-storey frontage block containing 6no. x one bedroom flats and 2no.four-storey rear terraced blocks each containing 3no. three-bedroom houses; together with access and parking for 18no. cars – APPROVED 31/07/08.

P/12934/002 - Demolition of existing bungalow and other buildings and redevelopment to provide 22no. flats in two blocks three and four storeys high to accommodate 17no. one-bedroom flats and 5no. two-bedroom flats together with access and parking for 33 cars – APPROVED 07/06/06.

## 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) site notices were displayed at five lampposts in the local area – on Old Bath Road and around Meadowbrook on 27/10/2021. The revised application was advertised as a major application in the 11/03/2022 edition of The Slough Express.

5.2 The public consultation period expired on 1<sup>st</sup> April 2022. No comments from members of the public have been received.

## 6.0 **Consultations**

### 6.1 **Highway Authority:**

#### **Introduction**

This is the final consultation response regarding highways and transport comments for application P/12934/018 at Land to Rear of Theale, Old Bath Road, Colnbrook, Slough.

Further information and amendments relating to Highways and Transport matters were previously requested on 19<sup>th</sup> November 2022, 13<sup>th</sup> January 2022 and 8<sup>th</sup> February 2022. A Transport Technical Note including transport information has been provided in support of the application by Sanderson Associates.



### Application Description

An outline planning application has been submitted for the development of 24 flats in 2 blocks, with access and parking on Land to the Rear of Theale, Old Bath Road, Colnbrook, Slough. The proposed development would include 12x 2-bedroom apartments and 14x 1-bedroom apartments. The proposed Site Plan is displayed on Drawing No. BDBC/21/111-02E, titled '*Proposed Site Plans*', dated October 2021.

### Vehicle Access

The proposed vehicular access to the site was previously consented as part of a previously permitted planning application for 22 dwellings in 2016 (Planning Ref: P/12934/013). SBC Highways and Transport have no objection to the previously consented access being used to serve an additional 24 dwellings.

### Pedestrian Access

At the request of SBC Highways and Transport, the applicant has displayed a kerbed footway measuring 1.1m – 1.5m wide along the western side of the proposed access road, as shown on Drawing No. BDBC/21/111-02E, titled '*Proposed Site Plans*', dated October 2021.

At the request of SBC Highways and Transport, the applicant has displayed a 1.5m wide pedestrian connection to the footbridge over the Poyle Channel to the south of the site, which will maintain pedestrian access for Poyle New Cottages which currently benefit from a private footpath through the site which runs adjacent to the old railway line.

### Access by Sustainable Travel Modes

The site is in on the edge of Slough Borough, in a location where there are very few facilities within walking and cycling distance of the proposed development. Key facilities include Colnbrook Food and Wine 120 metres (2 minutes' walk) from the development and Pippins Primary School which is 350 metres from the development (4 minutes' walk).

The Galleymead Road Bus Stop is 120m from the centre of the site. The Number 81 Bus Service provides a service every 12 minutes between Slough Town Centre and Hounslow.

The nearest Railway Station is Heathrow Terminal 5 which is 1600m from the site. Heathrow Terminal 5 provides 4 services per hour to London Paddington only, with a journey time of 20 minutes. Wraysbury is the next nearest railway station which is 4000m from the proposed development.

### Trip Generation

At the request of SBC, the trip generation forecast was recompleted on the basis of TRICS survey sites within locations closely comparable to the proposed development site. The Trip Generation Technical note forecasts 9 two-way vehicle movements during the AM and PM Peak Hour, which equals 1 vehicle movement every 6.5 minutes during the peaks.

The Technical Note forecasts that between 0700 – 1900 the proposed development will generate 4 trips by cycling, 28 bus trips, 34 pedestrian trips a day and 96 vehicle trip.

SBC Highways and Transport accept the revised trip generation forecast for the proposed development and have no objection to the proposed development due to the number of vehicle trips generated by the proposed development, which will disperse in different directions across the road network and have a negligible impact on flow of traffic.

### Zebra Crossing Contribution

The applicant has agreed to pay £50,000 for the provision of a Zebra crossing on Bath Road in place of an existing refuge island to the west of Ingleside. This is necessary to serve the needs of future residents who will need to cross Bath Road to reach Pippins Primary School, Colnbrook Food and Wine and the eastbound Bus Stop at Galleymead Road. This will ensure safe crossing provision for the forecast 34 pedestrian trips per day and access to the bus stop for the 28 daily bus trips.

The Zebra crossing is displayed on a drawing produced by SBC Subcontractors, ITS, on Drawing No. SL\_ZBC-A4\_C001-Rev-A, dated 03/02/2021, titled '*Bath Road – A4 – Zebra Crossing Proposal General Arrangement Crossing Detail*'.

### Car Parking

SBC Highways and Transport have no objection to the proposed parking provision on site. At the request of SBC, the applicant has proposed 42 car parking spaces, providing 1.61 car spaces per dwelling. 26 were previously proposed by the applicant.

The adopted SBC parking standards require the 45 parking spaces with minimum dimensions of 2.4m x 4.8m. There is a minor shortfall of 3 parking spaces against the adopted parking standards, which SBC Highways and Transport are willing to accept.

The roads surrounding the proposed development have uncontrolled, on-street parking (Including Poyle New Cottages, Meadowbrook Close, Ingleside, Sherborne Close and Rodney Way). Therefore 42 parking

spaces were secured to ensure no parking overspill onto these roads from the proposed development.

### Cycle Parking

At the request of SBC Highways and Transport, 32 secure and covered cycle parking spaces are now shown on the proposed site plan, providing enough cycle parking for residents and visitors to the site. The SBC Developers Guide requires the provision of 1 secure, covered cycle parking space per dwelling.

SBC are satisfied with the proposed cycle parking.

### Electric Vehicle Parking

The applicant has amended the site plans to provide seven parking spaces fitted with Electric Vehicle Charging Points (EVCP) to support the uptake of electric vehicles in the borough.

This provides electric charging for 16% of parking spaces, which exceeds the requirement of the Slough Low Emissions Strategy (2018 – 2025) for 10% of spaces to be fitted with EVCP where a communal parking layout is provided.

SBC Highways and Transport consider the level of electric charging provision acceptable.

### Site Layout

The applicant has provided swept path analysis which demonstrates that a large car measuring 5.1m in length can manoeuvre and can access the end parking spaces within the proposed parking layout. The swept path analysis is provided on Drawing No. 300694-003, dated February 2022, titled '*Large Car Swept Paths*'.

### Deliveries, Servicing and Refuse Collection

The applicant has provided swept path analysis which demonstrates that there is suitable space within the site for a 7.5t Luton Box Van measuring 8.0m long and 2.1m wide can turn within the site and can enter and exit the site in a forward gear. The swept paths are shown on Drawing No. 300694-002, dated February 2022 and titled '*7.5t Box Van Swept Paths*'.

Therefore delivery vehicles or removals vans can enter the site and will not need to be stationed on the Bath Road to the detriment of public and highway safety and the freeflow of traffic.

SBC Highways and Transport have no objection based on the provision for deliveries and servicing at the proposed development.

## Summary and Conclusions

I can confirm that I have no objection to the proposed development and would not recommend refusal of the application on highways and transport matters.

I would recommend that approval of the development is subject to the conditions and informatives listed below, should permission be granted.

[Highways set out conditions covering Gates, Layout, EV Parking, Cycle Parking and Construction Management Plan. These are included below at 21.0.]

### 6.2 Thames Water:

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

### 6.3 SBC Environmental Officer

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

### 6.4 Heathrow Airport Safeguarding/BAA

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any Outline planning permission granted is subject to the conditions detailed below:

[Their recommended conditions covering Height Limitation, Construction Management Strategy, Landscaping, Control of Lighting, and Renewable Energy are included below at 21.0.]

### 6.5 NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they

be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

6.6 Contaminated Land Officer

Recommended the conditions set out below at 21.0

6.7 Tree Officer

No comments received. Should any comments be provided they will be reported on the Update Sheet.

6.8 Lead Local Flood Authority

Specified the requirements for details pursuant to the condition set out at 21.0.

6.9 Environment Agency

My first assessment is that there is no FRA submitted. The applicant says the site is flood zone 1 and the majority of it is. However, the development extends right down to the bank of the river where there is an element of flood risk. We would therefore need a flood risk assessment.

Also, it's likely that we'll be wanting more detailed plans showing the proposed distance from built development and the riverbank. It looks very close from the submitted plans but no measurements are included. Also, I would expect to see ecological surveys of the site given its proximity to the main river.

[NOTE: The proposals were revised to include an 8-metre wide development free strip alongside the Poyle Channel. The site does lie wholly in Flood Zone 1 where no FRA is required.]

6.10 Berkshire Archaeology:

I was noted under P/12934/009 and P/12934/013:

At the original site, as evidenced by the Archaeological Evaluation report you included in your consultation, and held by the Berkshire Archaeology Historic Environment Record, Berkshire Archaeology

previously had concerns which were settled through a scheme of archaeological mitigation and resulted in a recommendation that no further works should be required in relation to that development.

The adjacent extension area is a piece of land formerly occupied by the Staines and West Drayton railway line. Therefore the ground in this area is likely to have previously been heavily disturbed by construction of the railway line and subsequent removal of the line. Therefore, in line with previous recommendations for this part of the site, Berkshire Archaeology has no concerns.

Therefore I can confirm that, in line with previous recommendations, Berkshire Archaeology believes there should be no requirement to undertake a scheme of archaeological mitigation in relation to the current development proposals.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework and National Planning Policy Guidance:**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

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

#### **The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008**

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 7 - Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural, built and historic environment

Core Policy 10 – Infrastructure

Core Policy 11 - Social cohesiveness

Core Policy 12 – Community Safety

#### **The Adopted Local Plan for Slough 2004 (Saved Polices)**

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H13 – Backland/Infill Development

H14 – Amenity Space  
T2 – Parking Restraint  
T8 – Cycle Network and Facilities  
T11 – Protection of the West Drayton to Staines Line

Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map

Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The latest version of the National Planning Policy Framework (NPPF) was published on 20th July 2021.

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2021, the Local Planning Authority cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2021 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

Planning Officers have considered the revised National Planning Policy Framework 2021 which has been used together with other material planning considerations to assess this planning application

7.2 The planning considerations for this proposal are:

- Principle of development inc. Green Belt, Housing Mix and Archaeology (section 8.0)
- Impact on the character and appearance of the area inc. Landscape & Ecology (section 9.0)
- Impact on amenity of neighbouring occupiers (section 10.0)
- Living conditions for future occupiers of the development inc. Noise/Disturbance (section 11.0)
- Flooding & Drainage (section 12.0)
- Land contamination (section 13.0)
- Highways and parking (section 14.0)
- Infrastructure & Affordable Housing (section 15.0)
- Heathrow (section 16.0)
- Equalities (section 17.0)
- S.106 Contributions (section 18.0)
- Conclusion relating to Planning Balance (section 19.0)

## 8.0 **Principle of development inc. Green Belt, Housing Mix and Archaeology**

- 8.1 The National Planning Policy Framework 2021 encourages the effective and efficient use of land. The earlier approved schemes under SBC ref: P/12934/009 and P/12934/013, as each approved the use of the adjacent part of the site for flatted accommodation, are material considerations in the assessment of these latest proposals. It is noted that the overriding issues of the proposed development have been agreed in those planning permissions. Namely, those approvals confirmed, firstly, the case for flatted accommodation rather than family oriented dwellings in this specific location, and additionally, the approval of a form of development in relation to a range of issues including impact on the Green Belt, the risk of flooding, the trigger for off-site affordable housing, the impact on potential archaeological findings, aircraft noise and the likelihood of contamination upon the site. So, subject to the consideration of the specifics of this application, which seek a further two blocks, it is accepted that the current scheme accords with that material consideration in respect of the principle of the land use. As such, the proposals comply with the overall thrust of the NPPF.
- 8.2 Whilst the principle of flatted residential development in this case is not unacceptable, there is a wider test to ensure that any fresh scheme conforms to the pattern of development locally – that is as set out in Policy H13.
- 8.3 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of



sustainable development. The site is considered to be located in a sustainable location as it benefits from access to public transport, education, retail, leisure, employment and community facilities.

- 8.4 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.5 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area
- 8.6 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.7 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.8 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes. The impact of the current proposals is considered in section 9.0 below.
- 8.9 As a scheme that entails an infilling of the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development, which are dealt with in section 9.0.

#### Green Belt

- 8.10 The land at Rosary Farm is within the designated area of Green Belt. The scheme adjoins that site but, given the continued use of that site, it is considered that the openness of the Green Belt would not be harmed by the proposals.

#### Housing Mix

- 8.11 The National Planning Policy Framework seeks to deliver a variety of homes to meet the needs of different groups in the community. This is largely reflected in local planning policy in Core Strategy Strategic Objective C and Core Policy 4.
- 8.12 The proposals would provide a mix of one, two and three-bedroom flats, as follows:

1 bed/2persons = 12

2bed/3persons = 12

Given the location of the site and its particular site circumstances, it is considered that the mix would be appropriate and thus acceptable

### Archaeology

- 8.13 It has previously been stated that the land at Theale does not have an interest to Berkshire Archaeology and it is therefore considered that the latest proposals, which include and lie alongside the former railway, are of no interest.

### 9.0 **Impact on the character and appearance of the area inc. Landscape & Ecology**

- 9.1 The National Planning Policy Framework encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings.
- 9.2 These current proposals are akin to the existing blocks to the north in most respects and, in particular, to the as built design, character and appearance. The proposed materials reflect those used there and the external style of the elevations are of the same style.
- 9.3 The overall bulk and massing of each of these two proposed blocks would reflect those already to the north. The proposals entail the undercroft parking with the 4 floors of accommodation above in the southern of the two new blocks (Block D) and three floors above in the northern of the pair (Block C).
- 9.4 As per the layout of the existing blocks, these two new blocks would lie to the east of the site to allow the existing access road and public right of way to run over the line of the services and underground pipelines and ensure the alignment of the former railway line remains undeveloped..
- 9.5 As such, the proposals are considered to be in keeping with the evolving visual amenity of the overall site and its place in the wider street scene.
- 9.6 The site lies alongside the Poyle Channel. There is a presumption of enhancement for ecological purposes within an eight-metre strip at the riverside. The need to ensure any ecological value is safeguarded and any potential harm mitigated by the close proximity of the proposals is set out in a condition at 21.0.
- 9.7 On the remainder of the site outside of the area referred to above, landscaping shall be provided to ensure a suitable amenity for the

future residents of the site and to enhance the visual amenities of the area. This would continue the works to enable the public right of way to traverse the site. The proposals will be dealt with further to a condition in 21.0.

- 9.8 Based on the above, the proposals would have an acceptable impact on the character and visual amenity of the area and therefore would comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2021.

10.0 **Impact on amenity of neighbouring occupiers**

- 10.1 The National Planning Policy Framework 2021 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.

- 10.2 In respect of proposals at Block C, there would be in excess of some 20 metres between this block and the existing Block B to the north. Therefore, it is considered that there would be no adverse impact on either set of occupiers.

- 10.3 The distance to the adjacent residential properties in Meadowbrook Close would remain significant and more than 20 metres. As such, the latest scheme would not have an adverse impact on those occupiers' amenities in terms of daylighting, sunlighting, overshadowing or overlooking. The recommended conditions regarding obscured glazed, restrictions on further window openings and screens on balconies, as set out below would ensure no adverse harm to those occupiers' amenities.

- 10.4 There are no concerns to be raised in terms of the impacts on neighbouring properties and the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy, Policies EN1 and EN2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.

11.0 **Living conditions for future occupiers of the development inc. Noise/Disturbance**

- 11.1 The National Planning Policy Framework 2021 states that planning should create places with a high standard of amenity for existing and future users.

- 11.2 Core policy 4 of Council's Core Strategy seeks high density residential

development to achieve “a high standard of design which creates attractive living conditions.”

- 11.3 All of the units would meet the Council’s internal space standards, as set out in the Technical Housing Standards – nationally described space standard 2015.
- 11.4 The proposed dwellings would be provided with windows that achieve a suitable degree of daylight, aspect, and outlook.
- 11.5 The relationship to the activities at Rosary Farm would be mitigated by appropriate levels of sound and noise insulation. A scheme for the specification of the openings and internal levels is required by condition as set out below at 21.0.
- 11.6 Based on the above, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council’s Core Strategy, and Policy H11 of the Adopted Local Plan.

## 12.0 **Flooding & Drainage**

- 12.1 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.
- 12.2 According to the EA flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.
- 12.3 At the time of the previously approved scheme under P/12934/009, it was noted that:

*“There are no records of the site having flooded. The EAs hydraulic model of the Poyle Channel provides the most relevant flood levels and shows that most of the site lies above the 100yr and 100yr +CC flood level. The 1000 year flood level is not provided. Old Bath Road is higher than these flood levels and will remain dry during an extreme flood event.*

*· NPPF emphasise the need to consider other potential sources of flooding when planning a development. As the ground floor of the properties will be raised above the local ground levels this risk from storm water, highways, sewers, tidal and groundwater flooding is considered to be low. There are two reservoirs in the area whose failure would have a drastic impact but the risk of flooding is considered to be low and the SFRA indicates that development should not*

necessarily be prevented.

- A raised ground floor slab will ensure that the risk to life and damage to property in the event of a flood is minimised. The EA recommend a finished floor level of 300mm above the 100 year +CC flood level of 21.608m OD and the floor level will be raised to this level.

- There will be a safe dry escape route from the site to the north onto Old Bath Road and over the M25 to the A3044. From here a dry route exists in all directions to areas outside of the flood plain where services and facilities exist. The site drainage scheme will be designed to ensure that excess surface water will not restrict access or escape.

- There will therefore be no loss of flood plain storage, no additional displaced water and no change in the flooding potential for adjacent sites. There is no requirement to consider flood resistance or resilience measures.

- There will therefore be no loss of flood plain storage, no additional displaced water and no change in the flooding potential for adjacent sites. There is no requirement to consider flood resistance or resilience measures.

- NPPF and the Environment Agency require that the rate of surface water runoff from a developed site does not exceed the existing rate. The 100 year 30 minute storm on the existing site will provide a peak flow of 34.3 l/s and storm volume of 62m<sup>3</sup> which compares to the developed site without SUDS peak flow of 35.9 l/s and a volume of 65m<sup>3</sup>. This 5% increase in peak flows and volumes above the existing rate is due to the 30% increase in rainfall from climate change which is offset by the creation of permeable garden and landscaped areas on the existing impermeable site.

- A review of SUDS options suggests that infiltration methods will not offer a practical solution due to the high groundwater table and impermeable strata or made ground in the 2m below the site. A green roof will reduce runoff to below the existing rate but rainwater harvesting is not considered practical for runoff control. The alternative would be to provide storage and attenuation facilities based on either one storm cell or a permeable sub base to the car parking areas. Either system would include a connection and overflow to the local drainage network and to Poyle Channel with a flow control to restrict off site flows to the existing rate.

- The existing site does not have a formal drainage system and it is assumed that rainfall currently runs off the impermeable site to adjacent land, eventually draining to the Poyle Channel. As part of the development proposals a formal drainage system will be installed and this will lead to better runoff control. The outline drainage strategy considers that one method for the buildings and a separate drainage strategy for ground level impermeable surfaces such as roads and pavements. This will involve a 300m<sup>2</sup> green roof on the buildings, and the car parking areas and access roads will drain to a permeable sub base or storm cells prior to off site disposal at no more than the existing rate. Garden and landscaped areas will drain naturally.

- The flow routes under normal conditions and in the event of a system failure or the storage facility being full, would be considered as part of

*these detailed designs. However as the ground floor slab, and all access and services entrances will be raised above the local ground level then flooding of the properties will not occur in the event of local drainage system failure, whether by extreme rainfall or a lack of maintenance.*

*· Under NPPF the proposed residential accommodation is classed as a “more vulnerable” use which is appropriate in Zone 1 and the Exception Test is not required. As this site is in Flood Zone 1 there will be no reasonably available alternative site in the LPA area at a lesser flood risk and hence compliance with the Sequential Test can be demonstrated.*

- 12.4 The proposed drainage scheme would be required to satisfy the Local Lead Flood Authority’s advice under the terms of the condition set out below at 21.0.

### 13.0 **Contamination**

- 13.1 The site has been used during the construction of the blocks to the north as a works compound. The Council’s Scientific Officer has recommended standard conditions for the investigation and mitigation of any contamination identified by the surveys.

### 14.0 **Transport, Highways and Parking**

- 14.1 The National Planning Policy Framework states that planning should seek to promote development that is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians and where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework states that ‘*Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.
- 14.2 The current proposals would be accessed by a continuation of the road built to serve the two existing blocks to the north; so, access and egress would be from/to Old Bath Road.
- 14.3 The Highway Authority has indicated that the entire access road be built to an adoptable standard.
- 14.4 The application proposes 42no. parking spaces at surface level, of which six would be designated wider bays for wheelchair access. The

parking is located throughout the site to provide convenient ease of access for the future occupiers. In accordance with the Council's requirements, seven spaces would be have to be installed with EV charging facilities.

- 14.5 Cycle parking is to be provided in accordance with the Council's standards. Secure storage facilities would be located in banks of "cages" in close proximity to the entrances of the two residential buildings to which they relate, in order to serve accommodation on the upper floors and for visitors.
- 14.6 A bin/recycling storage facility would be provided to serve each block at a point where use and collection can be optimised.
- 14.7 Given the location and accessibility of the site, the Highway Authority are satisfied with the proposals in terms of the quantum of car parking and cycle storage facilities, the circulation and manoeuvrability within the site, and the likely traffic generation.
- 14.8 Based on the above, and the conditions set out below, the proposal is considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

## 15.0 **Infrastructure and Affordable Housing**

### 15.1 *Infrastructure:*

Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

### 15.2 *Education:*

As the proposal is between 15 and 100 units, in accordance with Core Policy 10 and Part 2 of the Developer's Guide, the Education Authority would seek education contributions. In accordance the tariffs set out in the Developer's Guide, each one bed flat attracts £903 and each two bed flat attracts £4,828. Based on the proposed mix, the proposal would attract a financial contribution of £68,772.

### 15.3 *Affordable Housing:*

Core Policy 4 of the Core Strategy requires all proposals of 15 or more dwellings (gross), to provide between 30% and 40% of the

dwellings as social rented along with other forms of affordable housing.

15.4 The proposed scheme comprises 24 units and fall within the range of “*between 15 and 24*” units; whereby an off-site financial contribution was sought in accordance with the schedule of rates set out in the updated Developer Guide Part 2, (September 2017).

15.5 Given the mix of units proposed, i.e. 50% one-bed and 50% two-bed, the contribution would amount to £346,265.

#### 16.0 **Heathrow Safeguarding**

16.1 As set out above at 6.4 and 6.6, there are no safeguarding objections to the proposed development, subject to the imposition of measures to minimise conflicts with aviation. Accordingly, conditions/informatives are set out below at 21.0 to ensure that appropriate measures are in place prior to and during future works and in perpetuity.

#### 17.0 **Equalities Considerations**

17.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council’s statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

17.2 The proposal would provide new residential accommodation at a mix of dwelling sizes that would all be compliant with the Nationally Described Space Standards. Six of the 42 parking spaces would be sized for wheelchair accessibility. The communal doorways, internal corridors, lift; front doors into each flat all provide appropriate widths for wheelchair accessibility. Given the proposal is for 24 flats, these



provisions are considered appropriate and would comply with local and national planning policies.

- 17.3 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development e.g.: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This is secured by condition.
- 17.4 In relation to the car parking provisions, there are potential adverse impacts on individuals within the pregnancy/maternity, disability and age protected characteristics, if the occupier/individual does not have access to a car parking space in the development. A justification for the level of car parking is provided in the transport section of this report to demonstrate compliance with the NPPF and transport planning policies in the Local Plan/Core Strategy.
- 17.5 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

18.0 **s.106 Requirements**

The applicant is required to enter into a Section 106 Agreement, the Heads of Terms for which are as follows:

- a. Payment of a financial contribution to fund off-site affordable housing provision in lieu of provision on-site. Timing of payment to be on completion of the Agreement given the circumstances outlined above.
- b. Payment of a financial contribution to fund education.
- c. A contribution of £50,000 to the provision of a zebra crossing facility on Old Bath Road

19.0 **Conclusion relating to Planning Balance**

- 19.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.” The Local Planning Authority cannot

demonstrate a Five Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law should be applied.

19.2 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are any conflicts with the Development Plan.

19.3 In coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing 24 new flats towards the defined housing need at a time where there is not a Five Year Land Supply within the Borough. The Local Planning Authority considers therefore that any adverse impact of the development, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2021 taken as a whole

19.4 On balance, the application is recommended for approval, as it is considered that there are benefits from the formation of twenty-four residential units in a sustainable location; so, it is suggested that planning permission should be granted in this case. The benefits of supplying twenty-four extra units in a tilted assessment has been shown to significantly and demonstrably outweigh any adverse impacts and conflicts with specific policies in the NPPF.

## 20.0 **PART C: RECOMMENDATION**

20.1 Having considered the relevant policies and planning considerations set out above, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) the satisfactory completion of a Section 106 Agreement to secure the financial contributions and highways scheme set out in paragraph 18.0;
- 2) agreement of the pre-commencement conditions with the applicant/agent;
- 3) finalising conditions; and any other minor changes.

B) Refuse the application if the completion of the Section 106 Agreement is not finalised by 31<sup>st</sup> October 2022 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

## 21.0 **PART D: LIST CONDITIONS AND INFORMATIVES**

## 1. Reserved Matters

Details of the landscaping of the site, road and footpath design, vehicular parking and turning provision, (hereinafter collectively referred to as 'the reserved matters') shall be approved in writing by the Local Planning Authority prior to the commencement of the development.

The detailed scheme shall cover both hard and soft landscaping, as well as, tree and shrub planting, including the trees and shrubs to be retained and/or removed and the type, density, position and planting heights, along with staking/guying, mulching, feeding, watering and soil quality, of new trees and bee-friendly shrubs, and details of hardsurfaces which shall include compliance with the surface water drainage mitigation as approved under condition 6 of this planning permission.

The details must comply with Advice Note 3, 'Wildlife Hazards' as set out under Informative 14 below and identify:

- *the species, number and spacing of trees and shrubs*
- *details of any water features*

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

On substantial completion of the development, the approved scheme of hard landscaping shall have been constructed. The approved scheme of soft landscaping shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004; to ensure that surface water discharge from the site is satisfactory and shall not prejudice the approved sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 – 2026; to avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site; and, to comply with the provisions of Article 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2010.

## 2. Time (Outline)

Application for approval of all reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority no later than the expiration of three years from the date of this permission.

The development hereby permitted must be begun not later than whichever is the later of the following dates and must be carried out in accordance with the reserved matters approved:

- i) the expiration of 5 years from the date of this permission: or
- ii) the expiration of two years from the final approval of the reserved matters referred to in condition 1 above, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

### 3. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

- (a) Drawing No. BDBC/21/111-01, Dated Oct. 2021, Recd On 18/10/2021
- (b) Drawing No. BDBC/21/111-02E, Dated Oct. 2021, Recd On 03/03/2022
- (c) Drawing No. BDBC/21/111-03E, Dated Oct. 2021, Recd On 03/03/2022
- (d) Drawing No. BDBC/21/111-04E, Dated Oct. 2021, Recd On 03/03/2022
- (e) Drawing No. BDBC/21/111-05A, Dated Oct. 2021, Recd On 09/02/2022
- (f) Technical Note regarding Traffic Generation by Sanderson Associates Project Number 300694, Dated 01.02.2022, Recd On 01/02/2022

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

### 4. Details of elevations

No development shall commence above ground floor level until full architectural detailed drawings at a scale of not less than 1:20 (elevations, plans and sections) of windows and doors (including frames and reveals); down pipes; edging details to flat roofs; any lift over-runs; balustrades and balconies; external guttering; canopies; any rooftop structures including

flues, satellite dishes, plant, lift overruns, cleaning cradles; have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

REASON: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 9 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2021)

#### 5. Height Limitation on Buildings and Structures

No building or structure of the development hereby permitted shall exceed 39.5m AOD.

REASON Development exceeding this height would penetrate the Safeguarding Surfaces surrounding Heathrow Airport and endanger aircraft movements and the safe operation of the aerodrome.

#### 6. Drainage

Prior to the commencement on site of the development hereby approved, full details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS).

The surface water drainage strategy shall follow the drainage hierarchy for the outfall as per Building Regulations Part H requirement. The drainage scheme shall also provide the followings;

- a. Evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015.
- b. Maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.

- c. Evidence that enough storage/attenuation has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus 40% climate change event.'

The approved scheme shall be implemented in accordance with the approved details which shall be fully installed before the development is occupied and be retained, managed, and maintained in accordance with the approved details at all times in the future.

Reason - To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Core Policy 8 of the adopted Core Strategy 2006 – 2026, and the requirements of the National Planning Policy Framework.

#### 7. Phase 1 Desk Study and Preliminary Risk Assessment

Development works shall not commence until a Phase 1 Desk Study (DS) has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM) and Preliminary Risk Assessment (PRA).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

#### 8. Phase 2 Intrusive Investigation Method Statement

Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of

locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON: To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Policy 8 of the Core Strategy 2008.

9. Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy

Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Core Strategy 2008.

10. Remediation Validation

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas

and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Core Strategy 2008.

#### 11. Noise Mitigation Measures

(a) Prior to commencement of the development, a revised noise assessment and accompanying survey, which complies with the requirements set out in the Informative below, shall be submitted to and approved in writing by the Local Planning Authority.

(b) A comprehensive sound insulation and ventilation scheme informed by the noise assessment and survey, demonstrating compliance with the minimum internal noise levels set out below, shall be submitted to and approved in writing by, the Local Planning Authority:

- Living area (daytime 07:00-23:00 hours) – 35dB LAeq,16hour
- Bedrooms (night time 23:00-07:00 hours) – 30dB LAeq,8hour, 45dB LAmax (not to be exceeded >10 times per night)

(c) Details of a scheme of mitigation arising from the noise survey and assessment, including full manufacturer details, shall be submitted to the Local Planning Authority for approval in writing prior to installation.

The development shall be carried out in full accordance with the approved details. The approved scheme of mitigation shall be installed prior to occupation and maintained in accordance with manufactures requirements at all times in the future.

REASON To ensure future residents are not subjected to unacceptable noise levels once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

#### 12. Construction Management Strategy (CMS – Aviation)

Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- *details of cranes and other tall construction equipment (including the details of obstacle lighting)*



The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

REASON To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.

### 13. Construction Management Plan (CMP – Highways)

Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

1. A site set up plan displaying vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries and wheel cleaning facilities during the construction period.
2. Construction vehicles and to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 0800 – 0900 and 1700 – 1800.
4. Extent of construction hoardings / fencing and details of security arrangements on site.
5. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to minimise the impact of construction on the safe operation of the surrounding highway network.
6. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and AQMAs and local schools at collection/drop off time.

The plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to vehicular traffic and pedestrian highway users in accordance with policies 7 and 8 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework 2021.

### 14. Bird Hazard Management Plan (BHMP)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- *Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds.*

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

#### 15. Renewable Energy Scheme (RES)

No development shall commence until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.

#### 16. Ecological management of 8 metre strip at Poyle Channel riverside

Prior to the commencement of the development hereby approved a scheme for the provision and management of a 8 metre wide ecological buffer zone alongside Poyle Channel shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out 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: (i) plans showing the extent and layout of the buffer zone; (ii) details of any proposed planting scheme (for example, native species); (iii) 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; and, (iv) details of any proposed footpaths, fencing, lighting, etc.

REASON: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in accordance with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) and the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive.

#### 17. Limited Hours of Construction Activities

During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008.

#### 18. External Lighting

Prior to the commencement of the development hereby approved, which is close to an aerodrome and/or aircraft taking off from or landing at the aerodrome, full details of the lighting schemes required during construction and for the completed development shall be submitted to and approved in writing by the LPA. The scheme shall be implemented strictly in accordance with that approval and shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON In the interests of safeguarding the amenities of neighbouring properties and to ensure safer access and use of the shared cycle/pedestrian/motor vehicular areas throughout the site and to avoid endangering the safe operation of aircraft in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN5 of The Adopted Local Plan for Slough 2004 (saved policies), and the requirements of the National Planning Policy Framework 2021.

#### 19. Cycling Facilities

No part of the development shall commence until details showing the provision of a secure cycle store and an unobstructed footway link to accord with the Local Planning Authority's "Cycle Parking Standards" has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall then be occupied until the cycle store and

footway link have been laid out and constructed in accordance with the approved details and that area shall not thereafter be used for any other purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

## 20. Car Parking Provision

Prior to first occupation the scheme for 42 car parking spaces and manoeuvring shall be laid out in accordance with the submitted plans as hereby approved and shall be retained for the parking of cars at all times to the full satisfaction of the local planning authority and that area shall not thereafter be used for any other purpose.

REASON: To ensure adequate car parking to serve the development in accordance with Policy T2 of the adopted local Plan for Slough 2004

## 21. Electric Vehicle Parking

Prior to the first occupation of each unit, the residential car parking provision for the unit shall be provided, to include a total of 7 electric vehicle charging points. The residential electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0.7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure vehicle parking is provided and encourage up-take of electric vehicle use, in accordance with Policy T2 of the Adopted Local Plan (2004), Policies 7 and 8 of the Core Strategy 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2021.

## 22. Car Park Management Plan

No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include measures:

- a) To ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.
- b) To ensure spaces are not permanently linked to dwellings.
- c) Stating how four electric vehicle charging point spaces will be made available to residents with plug-in vehicles.

- d) How use of charging point spaces by non plug-in vehicles will be restricted.
- e) To set out the allocation of any visitor spaces.

No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter, the allocation and use of car parking spaces shall be in accordance with the approved scheme.

REASON to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2021.

### 23. Balcony Screening

Prior to first occupation details of privacy screens to the eastern side of balconies and terraces shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved.

REASON: To protect privacy and amenity and to prevent the potential sterilisation of neighbouring land in accordance with the National Planning Policy Framework.

### 24. Obscured Glazing

Windows within the eastern elevations of the development shall be obscurely glazed in accordance with a sample which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved and such windows shall be only opening at a minimum height of 1.7 metres above the finished internal floor level.

REASON To prevent the overlooking of adjacent land and prevent its comprehensive redevelopment and maintain the privacy of amenity of any future residential occupiers.

### 25. Boundary Treatment

Prior to first occupation details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority.

Before the development hereby permitted is occupied, the approved scheme for boundary treatment shall be implemented and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Local Plan for Slough 2004.

26. No further windows

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those hereby approved, shall be formed in any elevations of the development without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

27. Level Access

The ground floor entrance doors to the Development shall not be less than 1 metre wide and the threshold shall be at the same level to the paths fronting the entrances to ensure level access. Level thresholds shall be provided throughout the development between the residential units and the external amenity/balconies and the main lobbies.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework 2021.

28. No Impediment to Access

No barriers, gates, etc shall be erected at the vehicular access without first having obtained the written approval of the local planning authority.

REASON In the interests of amenity and general highway safety in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008.

INFORMATIVE(S):

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and

environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

2. An Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) has been entered into with regards to the application hereby approved.
3. During demolition and construction on site:-
  - (a) The best practical means available in accordance with British Standard Code of Practice B.S. 5228:1984 shall be employed at all times to minimise the emission of noise from the site.
  - (b) The operation of site equipment generating noise and other nuisance causing activities audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 to 1700 on Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.
  - (c) At all times vehicular access to properties adjoining and opposite the application site shall not be impeded.
  - (d) All vehicles, plant and machinery associated with the works shall at all times be stood and operated within the curtilage of the application site only and no parking of vehicles, plant or machinery shall take place on the adjoining highway.
  - (e) No waste or other material shall be burnt on the application site.
  - (f) A suitable and sufficient means of suppressing dust and fumes must be provided and maintained on the site and used so as to limit the detrimental effect of construction works on adjoining residential properties.
  - (g) No mud or other dirt shall be allowed to get onto the public highway where it could cause a danger to pedestrian and other road users.
4. The applicant will need to apply to the Council's Local Land Charges on 01753 477316 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
5. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location of the highway boundary.
6. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

7. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues'.
8. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
9. No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.
10. The applicant is advised that there is a water supply pipe within the site and which serves Poyle New Cottages to the south of the site and which needs to be protected both during and after construction with ease of access for future maintenance.
11. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.
12. Regarding condition 5 above – the developer is advised to see Advice Note 1 'An Overview' for further information (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-1-Aerodrome-Safeguarding-An-Overview-2016.pdf>).



13. Regarding condition 18 above – the developer should refer to Advice Note 2 ‘Lighting’ (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-2-Lighting-2016.pdf>)

For further information Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 ‘Lighting’.

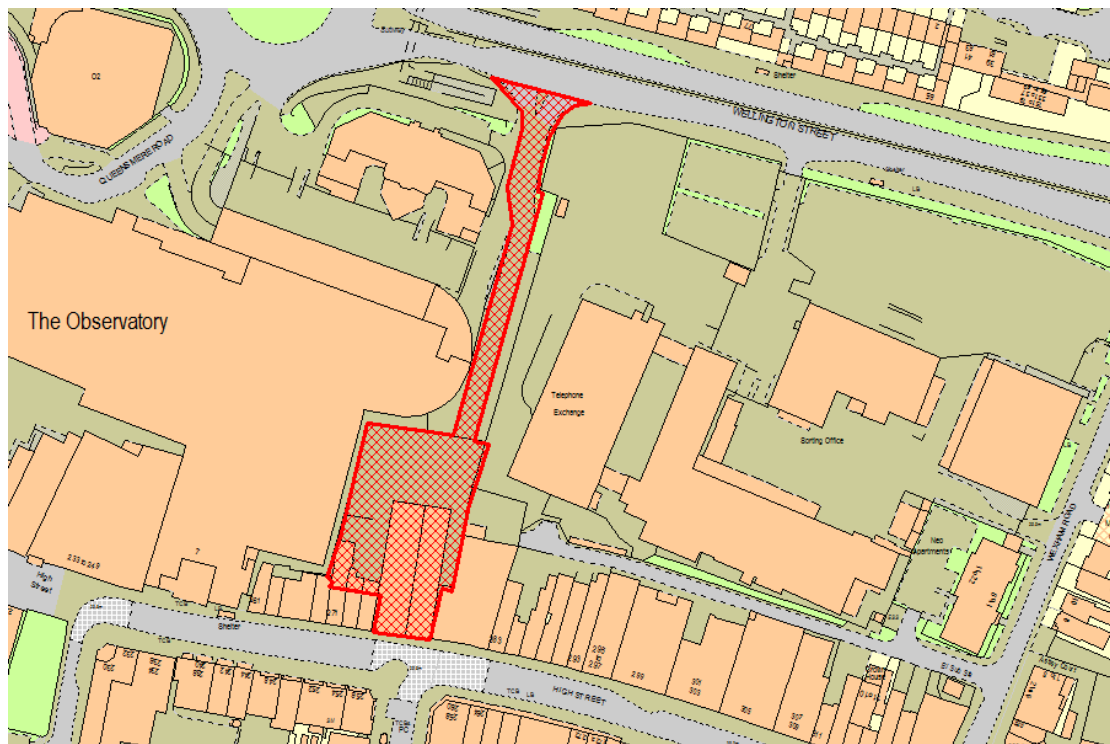
14. Regarding condition 1 above – the developer must comply with Advice Note 3, ‘Wildlife Hazards’ available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-3-Wildlife-Hazards-2016.pdf>).
15. Regarding condition 12 above – the developer shall comply with Advice Note 4 ‘Cranes’ (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
16. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
17. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
18. The access road will be subject to Section 219/220 of the Highways Act 1980. It is recommended that the road is designed and built under a section 38 agreement of the said act for its ultimate adoption.
19. The access road will be declared as “Prospectively Maintainable Highway” under section 87 of the New Roads and Street Works Act 1991.

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Registration Date:	12-Oct-2021	Application No:	P/01276/004
Officer:	Christian Morrone	Ward:	Central
Applicant:	Mr. Harjit Singh, Opus Homes LTD	Application Type:	Major
		13 Week Date:	11 January 2022
Agent:	Mr. Albert Ogunsanya, Zyntax Chartered Architects 8, Arborfield Close, Slough, SL1 2JW		
Location:	277-279 High Street, Slough, SL1 1BN		
Proposal:	Outline planning permission (with matters of access, layout and scale) for the demolition of the existing buildings on 277-279 High Street and redevelopment consisting three buildings, one of a single storey link building for cycle store and reception area, one ground plus six storey building to the front, one ground plus 12 storey building to the rear, providing 99no. residential flats and 2no. retail/commercial units with 39 parking spaces and bin storage.		

**Recommendation:** Delegated to the Planning manager for Refusal.

**Note: Since the committee agenda was published – the application has been withdrawn by the applicant.**



**1.0 SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for refusal for the following reasons:

1. By virtue of the proposed layout, the proposal would result in the loss of three existing occupied main town centre units (total 1004sqm) to make way for two much smaller units which total 137sqm. The loss of 867sqm in occupied commercial floor space would have a significantly detrimental impact on the vitality and viability of the Town Centre. In addition, the proposed financial service units due to their floor area each being 65sqm and 72sqm and no access for servicing, could reasonably remain unoccupied for extended periods. Furthermore, due to no access for servicing, the proposed financial service units would not be suited to other main town centre uses, resulting in less flexibility in future uses. No marketing information to demonstrate otherwise has been submitted. This would have a significant detrimental impact on the vitality and viability of the Town Centre when compared to the existing situation that would not be mitigated by the footfall from the proposed 99 residential flats. Overall it is considered the proposal would have a detrimental impact on the vitality and viability of the Town Centre and therefore fail to comply with Local Plan Policies S1 and S15, and the requirements of the National Planning Policy Framework.
2. The drainage strategy submitted with the planning application fails to sufficiently demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and the local planning authority. Therefore the site and adjoining land would be at risk of surface water flooding. The proposal would therefore fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework 2021.
3. The application does not propose any affordable housing as it is asserted it would be unviable to do so through the submitted Financial Viability Assessment and Planning Statement. This is contrary to the findings of the Independent Viability Assessor

which concludes that a full 40 percent onsite provision can be viably delivered on the site. The proposal therefore fails to deliver onsite housing which is contrary to Core Policy 4 of the Core Strategy, Part 2 of the Slough Developer Guide, and the requirements of the National Planning Policy Framework 2021.

4. By virtue of its layout, scale, and height, the proposed seven storey High Street building would appear top heavy, poorly proportioned, and out of scale with the neighbouring buildings, resulting in an awkward and unduly dominant feature within the High Street. By virtue of its layout, scale, and height, the proposed 13 storey building would be entirely out of scale with the immediate and nearby surrounding buildings. In addition by virtue of its layout comprising inactive frontages to three of its four elevations and an open principal elevation at ground floor with intermittent columns, the proposed 13 storey building would likely result in a tall building with three sterile elevations with poor architectural merit and visual interest. When viewed from within the site, the proposal would be of a 13 storey building squeezed into its location, while also being a visually overbearing and overly dominant with a poor appearance at ground floor level. When viewed from the High street and from wider views, the proposed 13 storey building would result in an incoherent tall building that would be read as an inappropriate landmark and have a negative impact on the legibility and identity of the Town Centre and its skyline. The proposal comprises an over-development of the site and would therefore not be of a high standard of design that would respect, be compatible with or improve the character and appearance of the surrounding area and would fail to comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework.
5. By virtue of the layout, height, and scale, the proposed development would notably reduce the amount of natural light entering the western side facing windows serving habitable rooms at 281 High Street and the first floor northern rear facing windows which likely serve habitable rooms at 265 and 273 High Street. No daylight or sunlight study has been submitted. Therefore insufficient information has been provided to fully assess the impacts on neighbouring residential amenity. The proposed development has failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.
6. By virtue of the proposed layout, a large proportion of the

proposed flats (62 in total) would have internal habitable rooms served by windows that would receive a very restricted amount of amount of natural light, to degree whereby they would be very poorly lit by natural light. No daylight or sunlight study has been submitted to demonstrate otherwise. A significant proportion of flats (24 in total) would not benefit from good outlook or aspect. A smaller proportion of flats (12 in total) would not include private amenity space. 24 of the private balconies on the proposed 13 storey building would likely suffer high wind speeds due to their height and being set back within deep projecting elevations. No wind assessment has been submitted to demonstrate otherwise. Overall the proposal would result in very poor living conditions for the future occupiers of the development and would fail to comply with Core Policy 4 of the Core Strategy, Local Plan Policy H14, and the requirements of the National Planning Policy Framework 2021.

7. By virtue of the proposed layout, there is no proposed replacement off-street servicing provision at the rear to service the proposed financial service units. Loading restrictions are in place at the front of the site. Loading at the front of the site in the High Street would obstruct the width of the roadway and potentially cause severe congestion. In addition, insufficient information has been provided to demonstrate how the access and parking layout would provide safe manoeuvring and pedestrian and wheel chair access from the parking spaces to the building. This could result in an unacceptable impact on highway safety for the users of the carpark and the access road to the site should bin lorry reverse the length of the access road. Furthermore, the proposed parking provision of 39 spaces would exceed the nil parking requirement for this site and no information has been provided to establish the net trip generation. The application has therefore failed to demonstrate the proposal would comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements of the National Planning Policy Framework 2021.
8. By virtue of the scale and height of the proposed 13 storey building being positioned very close to the neighbouring site allocation (SSA14) together with its layout comprising inactive frontages to northern and western likely resulting in a poor appearance, the applicant has not demonstrated that the proposal would be capable of being successfully integrated into a comprehensive redevelopment scheme for the neighbouring site allocation. The proposal therefore constitutes an unacceptable piecemeal over-development of the site which is not comprehensively planned, and would likely sterilise or significantly impact the efficient use of adjoining land which is allocated for comprehensive redevelopment for main town centre and

residential land uses. The proposal would fail to comply with Local Plan Policy H9, Core Policy 1 of the Core Strategy, and the requirements National Planning Policy Framework 2021

9. No renewable strategy has been provided to demonstrate whether the development is capable of delivering the minimum required carbon emission target would be met set out in the Developer Guide. The submitted plans do not propose or make allowance to accommodate renewable energy measures in order to meet the required carbon emission target. Due the insufficient information submitted with the application, the proposal therefore has therefore failed to demonstrate compliance with Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021 and the Developer Guide Part 2.
10. By virtue of the proposed layout, two parking spaces and the bin store are proposed within the area which is planned to extend the rear service road in Grove Parade so that it that eventually it links Wexham Road with the A4. The proposal therefore prejudices the planned highway improvements to provide safe and appropriate servicing to the rear of the neighbouring High Street units to the east of the site and would fail to comply with Local Plan Policy T14.
11. In the absence of any fire statement or fire strategy, and having regard to the detailed concerns raised by the Health and Safety Executive; notably regarding fire service access, means of escape, and external fire spread, the applicant has failed to demonstrate how the development can be laid out to incorporate adequate fire safety provisions. Due to the specific concerns raised by HSE, the proposed layout and access may need amended to coordinate with an acceptable fire statement. Given this outline planning application includes matters of layout and access, it would not possible to alter the layout either by condition or at the remaining reserved matters for appearance or landscaping. The proposal has therefore failed to demonstrate the proposal has been designed with fire safety in mind and would fail to comply with the requirements of Planning Gateway One.
12. The site is located within the 5.6 km development impact zone for the Burnham Beeches Special Area of Conservation as proposed within the evidence base carried out in the Footprint Ecology Report dated 2019. No information has been submitted to demonstrate no likely significant effect would occur as a result of the development or to assist the competent authority in carrying out the appropriate assessment. In addition, the application does not propose net gains in biodiversity. The proposal has therefore failed to demonstrate compliance with Core Policy 9 of the Core

Strategy, the requirements of the National Planning Policy Framework, and The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended).

- 1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

## **PART A: BACKGROUND**

### 2.0 **Proposal**

- 2.1 This is an outline planning application to include Matters of Access, Layout, and Scale for the redevelopment of 277 & 279 High Street to create 99no. residential flats and 2no. ground floor commercial units. The proposal includes:

- demolition of 277 & 279 High Street;
- 7 storey building fronting the High Street, comprising two ground floor financial service units (Use Class Eci), ground floor lobby entrance from High Street, and 39no. residential flats above;
- 13 storey building to the rear of the High Street, comprising 60no. residential flats;
- residential flats to total 99 flats at a mix of 32 x studio flats; 7 x 1 bed flats; 60 x 2 bed flats;
- single storey link building to the rear of 271 – 275 High Street to connect the proposed High Street building and the 13 storey building to the rear, to comprise access and cycle store;
- 39 surface level car parking spaces at rear and within the undercroft of the proposed 13 storey building;
- communal bin store to the rear.

Matters of Appearance and Landscaping are reserved.

- 2.2 The application is accompanied by the following documents:

- Floor plans, elevations (including Illustrative elevations)
- Planning Statement
- Design and Access Statement
- Drainage Strategy

The illustrative elevations are submitted as a means of presenting an option of how the appearance of the development could come forward as a reserved matter.

### 3.0 **Application Site**

- 3.1 The application site is located towards the eastern end of Slough High Street, and is positioned on the northern side of the highway. This is



within the defined Secondary Shopping Frontage part of Town Centre Shopping Area.

- 3.2 At ground floor the application site accommodates the AtozFresh food store (Use Class Ea) at 279 High Street. 277 High Street is split into two units. One accommodates a drinking establishment called Deco Bar & Lounge, (Sui Generis Use Class), the other a Restaurant called Apoorva (Use Class Eb). At first floor there is a small residential unit above 279 High Street, and offices Use Class E(g)(i) above 277 and 279 High Street.
- 3.3 Adjoining the site to the west is a terrace of two storey buildings with a ground floor hot food takeaway neighbouring the site. Immediately, to the rear of these buildings is the Observatory multi storey car park which extends up to 4/5 storeys. Neighbouring the application site to the east is a four storey building comprising a ground floor restaurant and retail units with upper floors accommodating residential flats.
- 3.4 Opposite the application site is the Grove Parade highway which junctions onto the High Street. On the western side of the Grove Parade / High High Street junction are a row of two storey town centre commercial units, with a part five/part six storey building of residential flats beyond. On the eastern side of the Grove Parade junction row is large five storey terrace buildings comprising ground floor town centre commercial units with residential flats above.
- 3.5 The rear part of the site comprises a service yard which serves the existing High Street units within the site. Access taken from the north via A4 Wellington, which also serves the Observatory carpark and servicing area and the Verona Apartments which are residential flats fronting the A4.
- 3.6 The site includes land at the rear for road widening to extend the existing service road in Grove Parade, such that eventually it links Wexham Road with the A4 (as set out in Local Plan Policy T14).

#### 4.0 **Relevant Site History**

##### 4.1 Application Site:

P/01276/003 Outline Planning Permission (with Matters of Scale) for the demolition of the existing buildings on 277-279 High Street and redevelopment consisting three buildings, one of a single storey link building for cycle store and reception area, one part four/five storey, one six storey and a single storey link building to provide up to 57no. residential flats with ground floor retail/commercial units, cycle storage facility and car parking. (Layout, Appearance and Landscaping to be dealt with by reserved matters).  
Approved with Conditions; Informatives; 13-Jan-2020

**[Case Officer Note: Not Implemented and Extant].**

281 High Street:

- P/00790/026 Retrospective application for two additional units at 3rd floor level, retention of existing fire escape, and various elevation changes  
**Invalid**
- P/00790/023 Variation to Condition 2 of approved planning application P/00790/020 (as amended by P/00790/022) to allow for changes to the windows and finishing materials to the front elevation.  
Approved with Conditions; Informatives; 05-Sep-2016
- P/00790/022 Application to vary conditions 02 (approved drawings – internal layout & elevational treatment), 07 (window positions), 08 (obscure window positions) and 09 (solarshield windows) of planning permission reference P/00790/020, dated 4th may 2012.  
Approved with Conditions; Informatives; 04-Oct-2013
- P/00790/021 Submission of details relating to the protection of flats from external noise pursuant to condition 04 of planning permission reference P/00790/020, dated 4th may 2012.  
Conditions Not Complied; Inform (Refuse); 15-Oct-2013
- P/00790/020 Change of use of first floor and second floor from b1 office to c3 residential use together with construction of a third floor to provide a total of 14 no flats comprising, 2 no. X 2 bed and 2 no. X 1 bed flats at first floor level, 2 no. X 2 bed flats and 3 no. X 1 bed flat and 1 no. Bedsit flat at second floor level and 3 no. X 2 bed 1 no. X 1 no. Bed flats at third floor level. Changes to external appearance including existing fenestration in all elevations. The installation of oreil bay windows within the western flank wall at first and second floor levels and installation of balconies . Removal of existing external fire escape stair and replacement with new external escape stair. Installation of pedestrian access from high street. Constructions of an external refuse store.  
Approved with Conditions; Informatives; 04-May-2012.

5.0 **Neighbour Notification**

- 5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) the application as submitted was advertised as a major application in the 29/10/2021 edition of The Slough Express, three site

notices were displayed outside the site on 20/10/2021.

5.2 The following comments objecting to the proposed development have been received:

Please find below an objection in response to the proposed development at 277-279 High Street. This objection is provided on behalf of Green Monarch B1 2016 Limited and Green Monarch B2 2016 Limited – the current Applicant of the Queensmere outline planning application ('QM OPA' - ref: P/19689/000) and registered owner of the Queensmere and Observatory Shopping Centres. This response is informed by our client British Land who act as Asset and Development Manager – representing the landowner.

As you will be aware, the QM OPA was submitted in November 2021 and is currently pending determination with Slough Borough Council ('SBC') for the redevelopment of the Queensmere Shopping Centre. The proposed development will kick start major regeneration of the centre of Slough and bring housing and employment opportunities.

Both the Queensmere and Observatory Shopping Centres are identified in the adopted SBC Local Plan (2004) as a site allocation for comprehensive redevelopment. The site-specific allocation (SSA14) states *'the Council is supportive of the principle of comprehensive phased redevelopment of the shopping centres including and supported by residential development'*. Further, the emerging Spatial Strategy for the borough (including the Interim Planning Framework' and 'Town Centre Regeneration Framework') all support the phased redevelopment of the sites.

The site at 277-279 High Street is located within the boundary of the Slough Town Centre policy allocation, in close proximity to the QM OPA site and immediately adjacent the Observatory Shopping Centre. The purpose of the Town Centre Regeneration Framework and Interim Planning Framework documents were to provide for a well-planned and coordinated approach to the regeneration of the town centre. Accordingly, all sites should be designed and brought forward in the context of, and giving due consideration to, adjacent sites. The development as proposed at 277-279 has not been designed and considered within the context of its surroundings; this relates to its height, mass, design and siting within close proximity to the existing Observatory Shopping Centre. This fundamentally goes against the wider masterplanning approach adopted by SBC.

Accordingly, the proposals for the redevelopment of 277-279 High Street are not considered to align with the aspirations of SBC's planning policy and are out of context.

[Case Officer Note: the above concerns are assessed within the relevant parts of the planning assessment below].

## 6.0 **Consultations**

### 6.1 **Local Highway Authority:**

#### Access:

The Slough Developer's Guide – Part 3: Highways and Transport requires the provision of both a Transport Assessment and a Travel Plan for residential developments with more than 80 Units. The submission is not supported by a Transport Assessment or Travel Plan and is therefore not compliant with Slough's Planning Policy.

The National Planning Policy Framework requires within Paragraph 113 that: *'All developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Statement of Transport Assessment, so that the likely impacts of the proposal can be assessed'*.

The planning application does not include a forecast of trips generated by vehicles or sustainable travel modes as a result of the proposed development. Therefore the information submitted does not allow SBC Highways and Transport to assess the impact of the proposed development on highway safety, highway capacity or public transport capacity. It is not clear if the proposals will cause increased use of the site access junction.

SBC Highways and Transport require the provision of a scaled General Arrangement drawing of the site access. The site access drawing should clearly display access width, footway width, corner radii and visibility splays in accordance with the relevant design standard.

SBC Highways and Transport request swept path analysis which demonstrates that a refuse vehicle can ingress and egress the site using the site access junction.

SBC Highways and Transport request the analysis of accident data from the local highway authority for the site access. Crashmap indicates that accidents have occurred within 100m of the site access and further analysis should be completed to understand if they accidents related to the access junction given accident coordinates are not always accurately recorded.

SBC require any access and masterplan for the site to be designed to enable the implementation of SBC's road widening line in future.

#### Site Layout:

It is proposed to provide 39 car parking spaces, including 7 parking spaces designed to an accessible standard for disabled users.

The Slough Borough Council Parking Standards are provided within Table 5 of the Slough Developer's Guide – Part 3: Highways and Transport. The SBC parking standards allow for nil parking provision for proposed C3 residential land use and A1 Shops located within the Town Centre.

The planning application does not confirm if all 39 parking spaces will be allocated to the proposed residential dwellings or if some parking spaces will be allocated to the proposed retail/commercial units.

SBC Highways and Transport require the applicant to confirm how many parking spaces would be allocated to the residential use and how many would be used by the A2 Shopping Units. It is not possible to assess parking provision without confirmation.

Parking spaces 37 – 39 and the proposed bin store appear to obstruct the vehicular access to the rear of No. 281 the High Street.

It is not clear from the submitted site layout how the proposed development would allow servicing of the proposed retail units, proposed dwellings or of the existing retail units, without service vehicles obstructing the car park.

SBC Highways and Transport require the submitted site layout to be supported by swept path analysis which demonstrates that a large car measuring 5.1m long can ingress and egress the parking spaces at the end of each parking aisle and demonstrates that service vehicles can be accommodated within the proposed site layout and safely turn within the site.

The submitted Block Plan (Drawing No. 47-15-52-Rev A, dated August 2020) displays a vehicle turning on the site access. SBC do not consider this vehicle tracking acceptable given the vehicle is shown turning within space that falls outside the site's red line, which is assumed to be outside of the applicant's control. The drawing does not detail what type of vehicle has been tracked.

SBC Highways and Transport would also require the application to be supported by swept path analysis which demonstrates that the proposed site layout does not prevent No. 281 the High Street from being accessed or serviced. The information submitted is insufficient to determine how access to the neighbouring buildings would be affected by layout for the proposed development site.

EV Parking

The Planning Statement outlines that the applicant has offered for 10 percent of the parking spaces (4 spaces) to be fitted with Electric Vehicle Charging Points (EVCP).

SBC require the applicant to confirm whether the proposed parking spaces will be allocated to each dwelling or whether a communal parking layout will be implemented.

The Slough Low Emissions Strategy requires the provision of 1 EVCP per dwelling where parking spaces are allocated to each dwelling. The provision of EVCP for 10% of parking spaces is only considered acceptable where a communal parking layout is proposed and there is flexibility for residents to charge their vehicles using communal spaces/chargers.

#### Cycle Parking:

Slough's cycle parking standards are provided within Table 5 of the Slough Developer's Guide – Part 3: Highways and Transport. The standards require minimum provision of 1 cycle space per dwelling for C3 residential developments and 1 cycle space per 125 square metres for A2 Shops.

The 100 cycle parking spaces proposed is compliant with Slough Parking requirements for allocated cycle parking. 1 cycle parking space is required for the proposed A2 retail units, 99 cycle parking spaces are required for 99 dwellings, plus short-stay visitor cycle parking.

However, Table 5 of the SBC Developer's Guide – Part 3: Highways and Transport require the provision of short-stay, visitor cycle parking in the form of Sheffield Stands for flatted developments with more than 10 units.

SBC Highways and Transport do not consider the proposals in accordance with Slough's Planning Policy's without the provision of visitor cycle parking, in addition to the secure, allocated cycle parking for residents.

#### Deliveries, Servicing and Refuse Collection:

The planning application does not contain information confirming the arrangements for deliveries, servicing and refuse collection of the proposed retail units or of the proposed dwellings.

The Planning Statement outlines that the rear of the site comprises a service yard which serves the existing High Street units and that the existing access to the north via the A4 Wellington Road, also serves the Observatory Car Park and servicing area.

The existing access also appears to provide an access for neighbouring buildings including 281 High Street. 281 the High Street is occupied by a

number of flats, takeaways and a Halal supermarket.

The planning application does not detail how servicing would be completed for the proposed A2 Retail Units, after the removal of the existing servicing yard to form the new car park to serve the new development.

Therefore the information submitted is insufficient to understand if the servicing requirements of the proposed development will have an impact on the safe operation of the High Street, safe access to other properties and the safe operation of the proposed car park.

The planning application can therefore be considered contrary to Paragraph 110 of the NPPF which states that in assessing applications for development, it should be ensured that '*Safe and suitable access to the site can be achieved for all users*' and are also contrary to Paragraph 112 of the NPPF which requires that applications for development should: '*Allow for the efficient delivery of goods, and access by service and emergency vehicles*'.

#### Summary and Conclusions

Mindful of the above significant amendments are required before this application could be supported. If the applicant considers that they can address the comments that have been made then I would be pleased to consider additional information supplied. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

#### *Recommendation:*

Refuse for the reasons highlighted above.

#### 6.2 Environmental Quality:

No comments received.

Case Officer Note: The following comments were received in relation to the previous application (P/01276/003):

No objection subject to securing at least 2no. electric vehicle charging bays.

#### 6.3 Contaminated Land Officer:

No comments received.

Case Officer Note: The following comments were received in relation to the previous application (P/01276/003)::

I have reviewed the information submitted for the above property, as well as our records related to potential contaminative land uses at the property and within 250 m of the property.

Historical mapping indicates that the proposed development is partially located on a Potentially Contaminated Site, identified as part of the Council's Prioritisation Procedure. In addition, the site is located within 250m of other seven Potentially Contaminated Sites and four locations with Disused Tanks Registry entries.

Given that the proposed change of use from commercial to residential introduces a more sensitive receptor, it is recommended that additional investigation is carried out in order to prove there are no unacceptable risks to the human health receptors.

Based on the above I recommend the usual full conditions are placed on the Decision Notice.

6.4 Thames Water:

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

6.5 Neighbourhood Protection:

No comments received. Any comments received will be reported in the Amendments Sheet.

6.6 Lead Local Flood Authority:

Unable to provide a substantive response. Information in relation to the following is required:

- Detailed information on the drainage design
- Sensitivity of discharge points
- Information on existing drainage system
- Water treatment
- Run off calculations and infiltration tests (if using infiltration)
- Sufficient storage/attenuation



- Exceedance flows
- Foul drainage
- Maintenance regimes

#### 6.7 Heritage Advisor:

A previous application P/01276/003 was approved for a development comprising 4 storeys plus set back 5th floor fronting the High Street and 7 storeys to rear.

The current outline application proposes a significant increase in scale of the development - to create a 7-storey development (upper part set back) fronting the High Street and 13 storeys to rear.

These comments primarily consider any impact upon designated and undesignated heritage assets locally.

Designated heritage assets (listed buildings) which lie closest to the site include the Rose and Crown Public House at the eastern end of the High Street. The Church of Our Lady Immaculate and St. Ethelbert and Presbytery lie to the south of Wellington Street and close to the western end of the High Street.

Whilst the upper part of any new development at 279 High Street may be visible from the Rose and Crown PH; due to the distance between the site and the listed building (approximately 100 metres) and the fact there is tall development surrounding the 2-storey public house already, the proposal will not harm its setting or significance. St Ethelbert's Church and Presbytery are approximately 500 metres away from the site and due to the position of the Curve and intervening development it is unlikely there will be any visual relationship between the site and these 2 listed buildings so there will be no adverse impact upon their setting.

Locally listed buildings (non-designated heritage assets) in the vicinity include the Alpha Arms, Alpha Street and 283–299 and 311–321 High Street (Grove Parade). These buildings will not be directly impacted but will be seen in context with the new development, however their significance will not be harmed.

It is therefore advised that the significance of designated and undesignated assets identified will not be adversely impacted under the proposal.

#### 6.8 Berkshire Archaeology:

An assessment of historic mapping has shown that the proposal area has undergone significant re-development a number of times.

This past activity will have had a severely negative impact on the potential for archaeological remains to have survived.

Therefore in this instance Berkshire Archaeology is satisfied that no archaeological remains of significance are likely to remain at that site and that the development should be allowed to proceed with no requirement for archaeological mitigation

I trust this is satisfactory, but if you have any concerns or queries please don't hesitate to contact me.

6.9 Natural England:

Objection - further information required to determine impacts on designated sites - development within 5.6 kilometres of Burnham Beeches Special Area of Conservation (SAC)

Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Our advice is outlined below.

Please re-consult Natural England once this information has been obtained.

6.10 City of London Corporation:

The boundary of Burnham Beeches is within 5.6km of the development and within the zone that previous work has shown that visitors will travel to Burnham Beeches. The planning statement acknowledges that there is no public open space planned within the development and proposes that a contribution will be made to local green space.

The planning application is for an additional 99 dwellings and does not include any habitat regulations assessment (HRA) nor any evaluation of how this development may impact on Burnham Beeches.

It is requested A full HRA is carried out on the implications of the development on the features of the SAC which needs to show no adverse effect on the integrity of the SAC either alone or in combination before planning consent is granted. If no adverse effect cannot be shown then it may be possible to find ways to mitigate the impact.

6.11 Health and Safety Executive (Planning Gateway One):

It is noted that the above consultation concerns an outline application in relation to three proposed buildings of one, seven and thirteen storeys respectively. Drawings show the front block is to be served by a single staircase which serves as the only escape staircase, and the only firefighting staircase; and the rear block is to be served by two staircases.

It is understood that the outline application includes matters of access, scale and layout; and that reserved matters will include appearance and landscaping.

The consultation includes insufficient fire safety information to enable HSE to make a full comment. For instance, the information in the application did not provide details of:

- Fire safety design standards applied to the development.
- Means of escape.
- Sprinkler systems.
- Assessment of external fire spread to, and over, site boundaries.
- Fire performance of external wall systems.
- Access and facilities for the fire service.

Should the LPA be minded to grant outline planning permission, we strongly recommend the following:

- The outline planning permission is subject to a suitable condition requiring the submission of a satisfactory fire statement with any reserved matters application; and,
- That HSE is consulted in conjunction with the Local Planning Authority's consideration of any reserved matters application.

This would ensure the purpose of HSE being made a statutory consultee for such applications is achieved. HSE recommends the submission of a fire statement form, using the template published by the Secretary of State. This is available online at [gov.uk](http://gov.uk).

Notwithstanding the above, the following advice is, provided to the LPA following a review of the documents available on the planning register.

Fire service access:

There is no indication in the available information that firefighting shafts will be provided. Where a building has a storey height of 18m or above, firefighting shafts must be provided. Firefighting shafts have minimum requirements such as a firefighting stair of specified widths and ceiling height, a firefighting lift, fire main and walls of a specified fire resistance. When this matter is subject to later regulatory stages, any necessary design changes may require reconfiguration of the plans presented to the LPA. This may affect land use planning considerations such as layout,

appearance and landscaping of the development; and the space available for, and number of, dwellings.

Ground floor drawings show that of the two staircases serving the rear block, the only staircase with an adjacent lift, is accessed via a covered carpark. If this is to be a firefighting shaft (being the only staircase with a lift) a fire in the covered carpark would obstruct access to the lift. When this matter is subject to later regulatory stages, any necessary design changes may require reconfiguration of the plans presented to the LPA. This may affect land use planning considerations such as car parking provision, and appearance and landscaping of the development.

There is no indication in the available information that a fire service vehicle can access the blocks within suitable distance, and within visibility, of a fire main inlet. Design changes necessary to ensure that fire service vehicle access is available may affect and use planning considerations such as car parking, landscaping and appearance of the development.

Means of escape:

Drawings show the single staircase in the front block connecting with ancillary accommodation. Where a staircase is the single staircase serving flats it should not connect with ancillary accommodation. Design changes necessary to provide alternative, separated, escape routes may affect land use planning considerations such as appearance and layout of the development.

Ground floor drawings show that the two staircases serving the rear block both connect with a covered car park, and one connects with a cycle store. In multi-stair buildings ancillary areas may only connect to a staircase by way of lobbies. Design changes necessary to ensure that escape staircases are suitably protected may therefore reduce the area available for parking spaces. This may affect land use planning considerations such as parking provision, and appearance of the development.

External fire spread

Drawings show windows of flats in close proximity, and at right angles, to windows of escape routes on the first to twelfth floors. For instance, the windows of first floor flats 6, 9, 40 and 44 are recessed from escape route windows. Similarly, on the ground floor the covered carpark is in close proximity to the escape stair window. This proximity may allow the spread of fire from the carpark and flats to the escape routes. Design changes necessary to ensure escape routes are protected may affect land use planning considerations such as the external appearance of the development.

Drawings show an open sided covered car park below elevations

containing flat windows. The spread of fire from a covered car park into flats above is a known fire phenomenon. Further engineering analysis may be necessary to determine if a fire emanating from the covered car park adhering to the walls above can re-enter the building via windows. Any necessary design changes may affect land use planning considerations such as external appearance of the development.

6.12 Independent Viability Assessor:

Following a full review of the submitted Financial Viability Assessment, we conclude the proposal could support a full 40 percent onsite provision of affordable housing.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy

Guidance:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 16: Conserving and enhancing the historic environment

The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 5 – Employment

Core Policy 6 – Retail, Leisure, and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 10 – Infrastructure

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

EN17 – Locally listed buildings

H9 – Comprehensive Planning  
H14 – Amenity Space  
T2 – Parking Restraint  
T8 – Cycle Network and Facilities  
S1 – Retail hierarchy  
S8 – Primary and Secondary Frontages

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4
- Slough Flood risk and surface water drainage Planning guidance January 2016
- Proposals Map
- Nationally Described Space Standards
- Slough Low Emission Strategy
- Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015
- The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended)
- Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019'

Slough Local Development Plan and the National Planning Policy Framework:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 20<sup>th</sup> July 2021.

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2021, the Local Planning Authority can not demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the distribution

of housing, regard will be given to the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law.

Planning Officers have considered the revised National Planning Policy Framework 2021 which has been used together with other material planning considerations to assess this planning application.

## 7.2 Emerging Preferred Spatial Strategy for the Local Plan for Slough

The emerging Spatial Strategy has then been developed using some basic guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable. One of the principles of the Emerging Preferred Spatial Strategy is to deliver major comprehensive redevelopment within the “Square Mile” in the centre of Slough.

A number of strategic housing sites are identified in the spatial strategy. This site was not identified as a strategic housing site, however the site does fall within the High Street where Spatial Strategy proposes regeneration to rediscover the High Street and make it the focal point of the centre. The major change that is likely to happen is the redevelopment of the northern side of the High Street within the Queensmere and Observatory Shopping centre sites. Smaller scale changes are proposed to other sites in the town centre, including the application site. These are detailed in the Draft Centre of Slough Regeneration Framework (Aug 2020) and the Centre of Slough Interim Planning Framework 2019.

### *The Draft Centre of Slough Regeneration Framework:*

In March 2020 Slough Borough Council commissioned Urban Initiatives Studio to prepare a Regeneration Framework for Slough’s Square Mile. This sets the Council’s vision and spatial framework for development in the town over the next 15 years. The Regeneration Framework is aligned with a number of other Council strategies. These include the Transport Vision adopted in 2019; the Inclusive Growth Strategy; the Climate Change Strategy and the Council’s Five Year Plan.

The Draft Centre of Slough Regeneration Framework (Aug 2020) was presented to Members at the Planning Committee meeting of 9 September 2020 and was subsequently determined to be adopted as an evidence document for the forthcoming Slough Local Plan.

The Draft Centre of Slough Regeneration Framework identifies potential for 7,400 new homes across a ‘Square Mile’ which encompasses and extends beyond the defined Town Centre. Figure 4.2 sets out proposed

land uses in the Square Mile. The site subject to this planning application is identified as mixed use to the High Street frontage, and residential at the rear.

The Draft Centre of Slough Regeneration Framework confirms flatted developments above ground floor retail are acceptable so long as they deliver active ground floors and the scale of buildings responds to the context. In reference to the northern side of the High Street, this typically means four storeys but with the potential for up to two additional set back storeys. This scale will avoid creating an unbalanced High Street buildings on the northern street frontages, while ensuring that sunlight continues to shine onto the High Street.

Figure 4.3 sets out potential building heights in more detail. The site subject to this planning application is identified as being moderate scale along the High Street frontage (4-5 storeys), and dense urban scale at the rear (6-8 storeys).

Figure 4.3 indicates locations where tall buildings (8-14 storeys) may be appropriate in the centre. Tall buildings are proposed to areas adjoining the application to the north and northwest. The justification for tall buildings in these locations is to help enhance the legibility of the centre, marking an important location within the town's structure, and reinforcing a point of arrival or indicating the primacy of a particular use (e.g. the railway station).

To the west the site borders mixed use to the southern end and office led mixed use to the northern end. To the east is residential. To the south on the opposite side of the high street is mixed use.

### 7.3 Centre of Slough Interim Planning Framework 2019:

The Council is promoting "major comprehensive redevelopment within the Centre of Slough" as part of its wider growth agenda. This Interim Planning Framework is produced by the Local Planning Authority's Policy Team and is the first step in producing a Centre of Slough Framework Master Plan.

The Framework does not replace any of the existing policies in the Local Plan, Core Strategy or Site Allocations DPD. It does, however, provide a land use framework that future work can be hung upon. It can be used to inform planning decisions but does not have the weight of planning policy. The Framework was considered at Planning Committee on the 31st July 2019 and members endorsed the approach taken in the strategy

A key part of this strategy is to promote major housing and employment development in and around the centre which is aimed at providing much needed accommodation and supporting the town centre economy.



The Interim Framework encourages comprehensive development to ensure good quality design, and optimise the scale of development on the site whilst respecting its surroundings. Some small sites can be redeveloped individually if there is a comprehensive masterplan to co-ordinate design and ensure piecemeal development does not disadvantage reasonable redevelopment of the next door sites.

The application site is identified as a Scale of Opportunity site (draft proposed development site) as shown on Plan B; a Retail Frontages site with residential at the rear as shown on Plan C; and an Area of Change as shown on Plan D. Plan G does not identify the site for New Tall Buildings.

The site is therefore identified as being potentially available for redevelopment to include housing; would need to retain an active frontage; and is identified as site that could contribute towards new homes in the town centre sought by the Centre of Slough Framework.

7.4 The planning considerations for this proposal are:

- Planning History
- Land use
- Supply of housing
- Impact on the character and appearance of the area
- Comprehensive development
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Crime prevention
- Highways/transport and parking
- Air quality
- Sustainable design and construction
- Surface water drainage
- Fire Safety
- Affordable housing and Infrastructure

## 8.0 **Planning History**

8.1 The planning history is a material consideration. The previous planning application (ref. P/01276/003) for the following was approved on 13th January 2020:

Outline Planning Permission (with Matters of Scale) for the demolition of the existing buildings on 277-279 High Street and redevelopment consisting three buildings, one of a single storey link building for cycle store and reception area, one part four/five storey, one six storey and a single storey link building to provide up to 57no. residential flats with ground floor retail/commercial units, cycle storage facility and car parking. (Layout, Appearance and Landscaping to be dealt with by reserved matters).

Although the above development has not been implemented, its planning permission does not expire until January 2025 and therefore at the time of writing could still be carried out subject reserved matters approval and discharging any pre commencement conditions.

8.2 The main differences compared to the previously approved extant scheme (ref. P/01276/003) are set out below:

- This outline application includes Matters of Access, Scale, and Layout, with Matters of Appearance and Landscaping being reserved. The previous outline application included Matters of Access and Scale, with Matters of Layout, Appearance and Landscaping being reserved.
- This application proposes 99 flats compared to 57 flats
- High Street building is 2 storeys higher at 7 storeys compared to 5 storeys. This building is also wider at the rear and positioned closer to the neighbouring property to east at 281 High Street
- Rear block is 6 storeys higher at 12 storeys compared to 6 storeys.
- This application proposes 39 car parking spaces compared to 19 car parking spaces.

8.3 Since the previously approval (ref. P/01276/003), the National Planning Policy Framework has been updated on 20 July 2021 and the Local Planning Authority cannot demonstrate a Five Year Land Supply. In addition the Interim Framework for the Centre of Slough, the Emerging Preferred Spatial Strategy for the Local Plan for Slough, and The Draft Centre of Slough Regeneration Framework (Aug 2020) have been published.

## 9.0 **Land Use**

9.1 The National Planning Policy Framework 2021 seeks to support the role that town centres play at the heart of local communities. Planning should promote the long-term vitality and viability of town centre by taking a positive approach to their growth, management and adaptation. The National Planning Policy Framework requires local planning policies to allow a suitable mix of uses which including housing within town centres.

9.2 Core Policies 1 & 4 of the Core Strategy seeks high density flatted development to be located within the town centre and urban areas. Local Plan Policy S1 resists development that would adversely affect the Slough Town Centre shopping centre. Local Plan Policy S9 permits the change of use from retail to financial service units within the secondary shopping frontages. Local Plan Policy S15 allows a diversification in the activity found within Slough town centre provided:

- it can be shown that the vitality and viability of Slough town centre will

be increased

- all proposals within the retail area, provides a shop front design synonymous to a shopping location;
- proposals should not be located within the primary shopping frontage;

9.3 The provision of flats in the town centre is therefore in compliance with the local development plan and the National Planning Framework provided they do not have detrimental impact vitality and viability of the Town Centre. As the proposal would result in the loss of commercial floor space across three High Street fronting units comprising a drinking establishment, a restaurant and a food store, the impact vitality and viability of the Town Centre needs to be considered.

9.1 The application site is located within the defined Secondary Shopping Frontage part of Town Centre Shopping Area. At ground floor, the existing buildings accommodate a food store (Use Class Ea), a drinking establishment (Sui Generis Use Class), and a restaurant (Use Class Eb). At first floor there is a small residential unit above 279 High Street, and offices above 277 and 279 High Street.

9.5 The existing food store, drinking establishment, restaurant and offices are all Main Town Centre Uses as defined by the National Planning Policy Framework. The floor areas of these units amount to a total of 1004sqm of Main Town Centre Uses.

9.6 The proposal would result in the loss of the above Main Town Centre Uses which contribute to the vitality of the town centre. The proposed High Street building would replace them at ground floor with 2 x financial service units (Use Class E(c)(i)) fronting the High Street. The two proposed financial service units amount to a total 137sqm, and are not defined by the National Planning Policy Framework as main Town Centre uses. However, Local Plan Policy S9 permits the change of use from retail to financial service units. Furthermore, the accompany text to Local Plan Policies S1 and S8 confirm that banks and building societies would be acceptable in the Town Centre. At ground floor to the rear of the High Street building 3 x 1 bed residential units are proposed.

9.7 In total there would be a net loss of 867 square metres of ground floor commercial floor space serving the high street. As this commercial floor space is currently occupied, they would not qualify for a change of use under permitted development rights, and they actively contribute toward the vitality and viability of the town centre. No information has been provided to demonstrate how the proposed loss of commercial floor space would affect vitality and viability of the town centre. By virtue of the significant reduction in floor space, lack of any re-provision and absence of flexibility for further town centre land uses proposed (within the E Class range) the proposal would have a detrimental impact on the vitality and viability of the Town Centre compared to the existing situation.

- 9.8 In addition, by proposing the three residential units at ground floor in the rear part of the High Street building, the commercial units fronting the High Street no obvious provision has been provided to replace the existing off-street servicing via the rear. Servicing to the front of the site would not be acceptable due loading restrictions in place (no loading at any time). Therefore, the proposal has not demonstrated that the replacement the commercial units would also contain replacement off-street servicing. This does not make the units attractive for future users and offers very limited flexibility in potential future uses that would require more extensive servicing (for example a restaurant or food store).
- 9.9 Furthermore, the size of each financial service unit measures 65 square metres and 72 square metres, which appear to be relatively small. For example, the smallest bank in the High Street appears to measure 262 square metres. No marketing information has been submitted to demonstrate that two small financial service units would be attractive to potential occupiers. Planning officers consider that given the small size of the units, and in absence of any marketing information providing evidence supporting the provision of new financial service units in the town centre, the proposed ground floor financial service units could reasonably remain unoccupied for extended periods. This could have a further negative impact on the vitality and viability of the Town Centre compared to the existing situation.
- 9.10 It is acknowledged that the proposal includes 99 new residential flats and this would increase footfall in the town centre and contribute toward the vitality and viability of the town centre. However, the proposal, by virtue of its layout, would result in the substantial loss of three existing occupied main town centre units (total 1004sqm) with no re-provision of the retail or restaurant elements to make way for two very small financial service units (total 137sqm) without any obvious replacement off street which could reasonably remain vacant for extended periods of time. This would have a significant detrimental impact on the vitality and viability of the Town Centre when compared to the existing situation that would not be mitigated by the footfall from the proposed 99 residential flats. Overall it is considered the proposal would have a detrimental impact on the vitality and viability of the town centre and therefore fail to comply with Local Plan Policies S1 and S15, and the requirements of the National Planning Policy Framework. Considerable negative weight is applied to the planning balance.
- 9.11 When assessing the previous planning application (P/01276/003), similar concerns were raised. However, as this previous application was an outline application to include matters of scale only, it is was concluded that size of the ground floor commercial units was to be dealt with by the reserved matter for layout and access.

10.0 **Emerging Policy:**

10.1 *Emerging Preferred Spatial Strategy for the Local Plan for Slough:*

This site is located the High Street where major regeneration is proposed to rediscover the High Street and make it the focal point of the centre. The major change that is likely to happen is the redevelopment of the Queensmere and Observatory Shopping centres on the northern side of the High Street which are existing site allocations within the current development plan.

10.2 Outside of these allocations, smaller scale changes are proposed to other sites in the Town Centre, including the application site. The Draft Centre of Slough Regeneration Framework (Aug 2020) identifies the application site as being mixed use to the High Street frontage, and residential at the rear. The proposed land uses are considered to be in compliance with the Emerging Preferred Spatial Strategy for the Local Plan for Slough.

10.3 In terms of scale, the proposal contains a 13 storey building to the rear and a 7 storey building to the High Street frontage. This conflicts with figure 4.3 which proposes potential building heights for this site at 6 – 7 storeys to the rear and 4 – 5 storeys to the High Street frontage.

10.4 *Centre of Slough Interim Planning Framework 2019*

The application site is identified as a Scale of Opportunity site (draft proposed development site) as shown on Plan B; a Retail Frontages site with residential at the rear as shown on Plan C; and an Area of Change as shown on Plan D. Plan G does not identify the site for new tall or medium rise buildings.

10.5 The site is therefore identified as being potentially available for redevelopment; would need to retain an active frontage; and is identified as site that could contribute towards new homes in the town centre sought by the Centre of Slough Framework. The proposed land uses are considered to be in compliance with the Emerging Preferred Spatial Strategy for the Local Plan for Slough.

10.6 The proposal for a 13 storey building could reasonably be considered a new tall or medium rise building. This would conflict with scale of development on this site sought by the Centre of Slough Interim Planning Framework 2019.

10.7 *Conclusion:*

The proposed land uses would comply with the relevant emerging policies. However, the height of the proposed buildings would exceed the proposed building heights proposed by the Emerging Preferred Spatial Strategy for

the Local Plan for Slough and the Centre of Slough Interim Planning Framework 2019. Limited negative weight is applied to the planning balance.

11.0 **Supply of housing**

11.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.

11.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the 20 year plan period between 2016 and 2036. The Council’s Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan

11.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority can not demonstrate a Five Year Land Supply. The proposal for 99 residential units would make a contribution to the supply of housing, and given that that the tilted balance is engaged, this contribution would in principle attract positive weight in the planning balance although tempered given the quality of the some of the proposed residential units are unsatisfactory and due to the over-provision of studio apartments and lack of affordable housing.

11.4 *Housing mix*

One of the aims of National Planning Policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is reflected in Core Strategy Policy 4. The Local Housing Needs Assessment for RBWM, Slough & South Bucks (October 2019) suggests in table 39 the following percentage mixes are needed within Slough:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	5	19	57	20

11.5 The proposal would include 32 x studio flats; 7 x 1 bed flats; 60 x 2 bed units which do not reflect the proportions in the Local Housing Needs Assessment. As such the proposal would not fully comply with the housing mix requirements of Core Policy 4, and the requirements of the National

Planning Policy framework. This tempers the weight allocated to the benefit of providing housing.

11.6 In addition, the submitted Planning Statement and Financial Viability Assessment assert no affordable housing will be provided as it is not financially viable to do so. Core Policy 4 would require a 40% onsite provision. The Independent Viability Assessor has concluded the full 40% onsite provision could be viability included with the proposal. The lack of on-site affordable housing provision weighs heavily against the scheme which substantially tempers the benefits further. When considering the proposed benefits, considerable positive weight would be tilted in favour of the supply of 32 x studio flats; 7 x 1 bed flats; 60 x 2 bed market flats.

12.0 **Impact on the character and appearance of the area**

12.1 Policy EN1 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy require development to be of a high standard of design which respects, is compatible with and/or improves and the character and appearance of the surrounding area. Chapter 12 of the National Planning Policy Framework states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”.

12.2 Paragraph 134 of the National Planning Policy Framework requires development that is not well designed to be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design; and / or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

12.3 The National Design Guide 2021 acknowledges that well-designed places do not need to copy their surroundings in every way. However the National Design Guide advises that well designed new development is based on a clear understanding of the architecture prevalent in the area, including the local vernacular to inform the form and scale of new development.

12.4 The National Design Guide states that well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline. Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky.

12.5 Layout:

The application includes the following three buildings:

- A 7 storey building fronting the High Street.
- A 13 storey building to the rear and offset to west by the western boundary.
- A single storey to link building the western rear side of the High Street building connecting to the southern side of the 13 storey building.

12.6 *Layout:*

The ground floor level of the High Street building would comprise two retail units and a residential access facing onto the High Street. The rear part of the High Street building would comprise three ground floor flats. Residential flats are proposed on the upper floors. The link building would include residential access and cycle storage. The 13 storey building would include undercroft parking at ground floor with flats above. The external areas to the rear of the site would comprise residential parking spaces and vehicular access.

12.7 The proposed layout of the High Street building and link building provide active frontages at ground floor which is appropriate for High Street facing buildings. The layout of the High Street Building includes a set-back element to the upper floors. Concerns are raised in relation to the scale proportionality of this element which is assessed further below in the impact on 'scale, massing, and height section'.

12.8 The proposed 13 storey building would be rectangular in its footprint measuring 41.5 metres wide and 13.5 metres deep (upper floors). The building would be orientated so the front principal elevation would face east into the rear parking area of the application site. At ground floor the principal elevation would comprise a projecting roof / canopy with the elevation remain open with supporting columns to provide access and parking spaces for the undercroft parking. In proposing an open elevation layout at ground floor with supporting columns and projecting roof / canopy, the 13 storey building would result in a poor visual appearance and ground floor level within the site.

12.9 The upper floors to the principal elevation would include regular recessed and protruding vertical elements containing the single aspect habitable room windows and balconies. The information submitted with the application has not demonstrated the principal elevation would lend itself to a level of appearance that would be appropriate for a proposal of such scale that would be visible in the wider townscape.

12.10 The layout plans propose the western rear of the building would



accommodate the access to each flat via corridors on each level which run the width of the building. The southern side of the building would accommodate a projecting lift and stair access and the northern side would accommodate a projecting stair access. By virtue of the proposed layout, the northern, southern, and western elevations would therefore be sterile in their nature and illustrative elevations indicate very limited architectural merit and visual interest could be achieved. The 13 storey building would only be capable incorporating some architectural merit and visual interest to the upper floors of east elevation.

- 12.11 Due to the height of the building, these elevations would be highly visible from the surrounding area. The southern side elevation which faces the High Street. An active elevation capable of incorporating good architectural merit and visual interest would be expected here, particularly for a tall building. This has not been demonstrated by the submitted layout plans or the illustrative elevations.
- 12.12 The same concerns are raised regarding the western and northern elevations. Although the building would be positioned within close proximity of the neighbouring Observatory multi storey carpark, the proposed 13 storey height would mean the building would project well above this and be highly visible from wider views from all aspects. Wider views from north, west, and the south, would be of a building with inactive elevations that would likely be of poor or very limited architectural merit and visual interest. This would not be visually compatible with and/or improve the character and appearance of the High Street, wider surrounding area and skyline. No Townscape and Visual Impact Assessment has been submitted to demonstrate otherwise.
- 12.13 Based on the above, by virtue of the proposed layout, the 13 storey building would lead to an unacceptable impact on the character and appearance of the area when viewed from within the site, the High Street, and wider views from all aspects.
- 12.14 Based on the above, the proposed layout would conflict with the requirements Policy EN1, EN2 and H13 of the Local Plan for Slough March 2004, Core Policy 8 of Core Strategy and the requirements of the National Planning Policy Framework 2021. This will be weighed negatively when assessing the impact on the character and appearance of the area in full at the end of this section.
- 12.15 *Scale, Massing and Height:*
- 12.16 The approved outline planning permission (P/01276/003) includes a four storey building abutting the High Street, with the top fifth floor being set back from the frontage by approximately 1.55 metres. This application proposes a 7 storey High Street building with a four storey elevation abutting the High Street, and a further three storeys being set back from

the frontage by approximately 1.55 metres. In proposing a three storey set back element to a seven storey building, the building's principal elevation would have a very top heavy visual appearance and would not appear well balanced in its proportions. This is not considered result in development that would not be visually attractive and would not reflect a high standard of design.

- 12.17 In addition the proposed High Street building would significantly exceed the height of the neighbouring building at 281 High Street. The adjoining neighbouring building to the west is a two storey pitched roof building. The building directly opposite the site is a two storey High Street facing building. Just offset to the southeast of the site is a 5 storey building (4 storey plus one storey set back) which front the High Street and returns into The Grove. The proposal would therefore be at least two storeys higher than the surrounding buildings.
- 12.18 Due to the proposed height significantly exceeding its surrounding buildings and unbalanced proportions on its principal elevation, the proposed High Street building would stand out from the immediately adjoining buildings and would negatively impact the setting of the High Street. This would not result in development that would not reflect a high standard of design, and would not be visually compatible with and/or improve the surroundings.
- 12.19 The applicant asserts the development approved at former BHS site (204 – 206 High Street), through planning permission P/02683/013 is a similar scale and therefore sets a precedent for such scale. However, the height and scale of the proposed BHS High Street building is one storey lower than this proposal and is part set back (at the western corner) to respond to the setting of the neighbouring property at No. 200-202. In addition the buildings neighbouring the BHS site are three storeys while the building neighbouring the application site are two storeys to the west and four storeys to the east. As such there are important differences in the propositions of these two buildings and the site specifics. Notwithstanding this, it should be noted that when assessing the planning application for the BHS site, it was concluded the BHS High Street building would have a negative impact on the setting High Street by virtue of its scale, height and massing in relation to the neighbouring properties and therefore weighed negatively in the planning balance. The BHS application was approved on balance. A similar approach is being undertaking with this application whereby appropriate negative weight as a result of the scale and proportions of the High Street building will be applied to the planning balance.
- 12.20 The proposed 13 storey building to the rear would abut the western site boundary and be positioned approximately 2.5 metres from the eastern elevation of the neighbouring Observatory multi storey carpark. This is a similar position to the six storey building approved by the previous outline

planning permission. The previously approved six storey building is approximately 0.4 metres below the height of the neighbouring Observatory multi storey, and one storey above the approved High Street building. The proposed thirteen storey building would be seven storeys above the neighbouring Observatory multi storey carpark, and six storeys above the approved High Street building. The proposed 13 storey building would be highly visible from the surrounding area and impact the skyline of the Town Centre from all directions.

- 12.21 Emerging policies are set to embrace taller buildings provided they are in accordance with the planned locations and subsequent adopted policies and guidelines. The Centre of Slough Interim Planning Framework and Slough Regeneration Framework which allocates specific sites for taller buildings. This planned approach to taller buildings creates a hierarchy of east west corridors along the High Street, the A4 Wellington Street and adjacent to the railway line. It is envisaged that well designed taller buildings within the planned locations will enhance the legibility of the Town Centre, and define its character and identity. It is important to note that the proposed 13 storey building is not within a planned location for tall or medium rise buildings. The Slough Regeneration Framework proposes a 6-8 storeys at the rear where the proposed 13 storey building would be positioned.
- 12.22 Due to its close positioning to the much lower neighbouring Observatory multi storey carpark and both the existing and proposed buildings fronting the High Street building, the proposed 13 storey building would appear squeezed into its location. When viewed and experienced from within the site, the proposal would be of a visually overbearing and overly dominant building. When viewed from the High Street the proposed 13 storey building would be entirely out of scale with the immediate and nearby surrounding buildings. Coupled with its siting to the rear of the High Street and its narrow proportions, the proposal would be viewed as an oversized, poorly proportioned and an awkward form of development.
- 12.23 The building would be visible from wider views from all aspects as it would significantly extend above neighbouring properties whereby it would have a landmark effect on the townscape. The proposed siting is within the rear yard serving a High Street building, which is located in the Secondary Shopping Frontage part of Town Centre Shopping Area. The building would be some distance from key landmarks such as Slough station or the primary shopping area. The proposed 13 storey building therefore would result in an incoherent tall building that would have a negative impact on the legibility and identity of the Town Centre and its skyline. No Townscape and Visual Impact Assessment has been submitted to demonstrate otherwise.
- 12.24 Based on the above, the proposed scale would conflict with the requirements Policy EN1, EN2 and H13 of the Local Plan for Slough

March 2004, Core Policy 8 of Core Strategy the guidance contained within the National Design Guide and the requirements of the National Planning Policy Framework 2021. This will be weighed negatively when assessing the impact on the character and appearance of the area in full at the end of this section.

12.25 *Overall Conclusion:*

By virtue of its layout, scale, and height, the proposed seven storey High Street building would appear top heavy, poorly proportioned, and out of scale with the neighbouring buildings, resulting in an awkward and unduly dominant feature within the High Street. By virtue of its layout, scale, and height, the proposed 13 storey building would be entirely out of scale with the immediate and nearby surrounding buildings. In addition by virtue of its layout comprising inactive frontages to three of its four elevations, an open principal elevation at ground floor with intermittent columns, the proposed 13 storey building would likely result in tall building with three sterile elevations with poor architectural merit and visual interest. When viewed from within the site, the proposal would be of a 13 storey building squeezed into its location, while also being a visually overbearing and overly dominant with a likely poor appearance at ground floor level. When viewed from the High street and from wider views, the proposed 13 storey building would result in an incoherent tall building that would be read as a poor landmark and have a negative impact on the legibility and identity of the Town Centre and its skyline. The proposal would therefore not be of a high standard of design that would respect, be compatible with or improve the character and appearance of the surrounding area and would fail to comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Core Strategy the guidance contained within the National Design Guide, and the requirements of the National Planning Policy Framework 2021. Given the extent of the conflicts with Local development plan policies, government guidance on design, and the severity of the harm to the site and surrounding area, substantial negative weight will be applied to the planning balance

13.0 Impact on Heritage Assets:

13.1 The site is located close to the following heritage assets:

- Grade II Listed Rose and Crown Public House at approx. 170 metres to the east of the site
- Grade II Listed Church of Our Lady Immaculate and St. Ethelbert and Presbytery at approx. 510 metres to the north-west of the site

13.2 Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 seeks special regard to the desirability of preserving a listed building or its setting.

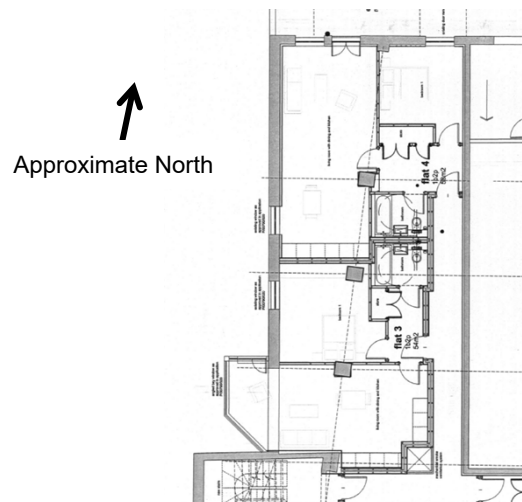
- 13.3 Chapter 16 of the NPPF intends to preserve and enhance the historic environment; paragraph 193 requires local planning authorities to afford great weight to the asset's conservation, irrespective of whether the potential harm is substantial harm, total loss or less than substantial harm.
- 13.4 Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 13.5 No information has been submitted to describe the significance of the nearby heritage assets affected which is required by paragraph 194 of the NPPF. The Council's Heritage Advisor has commented that due to the distance between the site and the Grade II Listed Rose and Crown Public House and the fact there is tall development surrounding the 2-storey public house already, the proposal will not harm its setting or significance. The Grade II listed St Ethelbert's Church and Presbytery are approximately 500 metres away from the site and due to the position of the Curve and intervening development it is unlikely there will be any visual relationship between the site and these heritage assets so there will be no adverse impact upon their setting.
- 13.6 Based on the above, the proposal would preserve the setting of the identified heritage assets within the vicinity of the site. The proposal would therefore comply with Core Policy 9 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework. Neutral weight is applied to the planning balance.
- 14.0 **Impact on amenity of neighbouring occupiers**
- 14.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high standard of amenity for all existing and future occupiers of land and buildings. The National Design Guide 2021 advises that well-designed buildings relate positively to the private spaces around them. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.
- 14.2 The adjoining neighbouring property to the east at 281 High Street comprises residential flats on the upper floors. Due to the forward positioning of the proposed High Street building, the development would encroach within 45 degrees of the front facing neighbouring windows serving habitable rooms at 281 High Street. However, the affected windows from part of a wide frontage where there is appropriate aspect on the eastern side of these windows. It is therefore considered the internal habitable areas would continue to be served with an acceptable amount of daylight, sunlight, and outlook within a town centre location.

- 14.3 To the rear of 281 High Street, there are four western side facing windows at first floor level and four side facing windows at second floor level. These have not been approved by the Local Planning Authority.



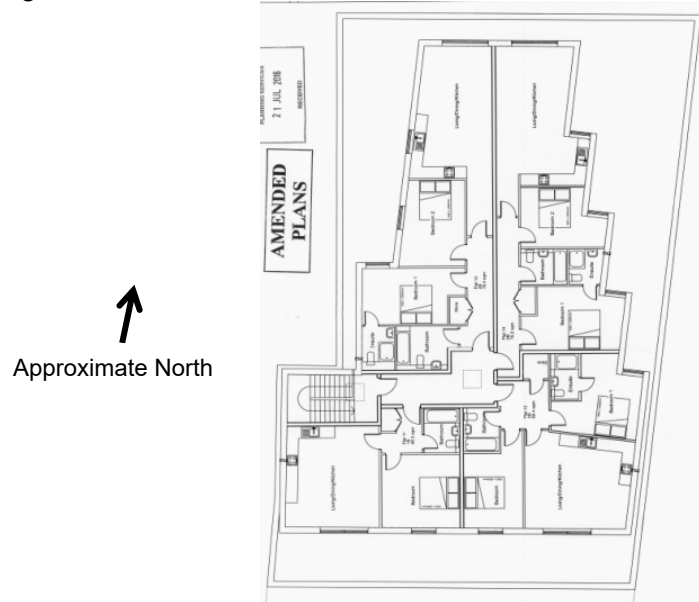
Above: Side facing windows serving the neighbouring 281 High Street

- 14.5 The most recently approved plans for 281 High Street show two western side facing windows each at first and second floor (ref. P/00790/022 and 23). These windows serve habitable rooms. Planning conditions attached require the northernmost windows at first and second floor (which are secondary windows) to be obscurely glazed. The southernmost windows in each floor serve bedrooms and are not required to be obscurely glazed.



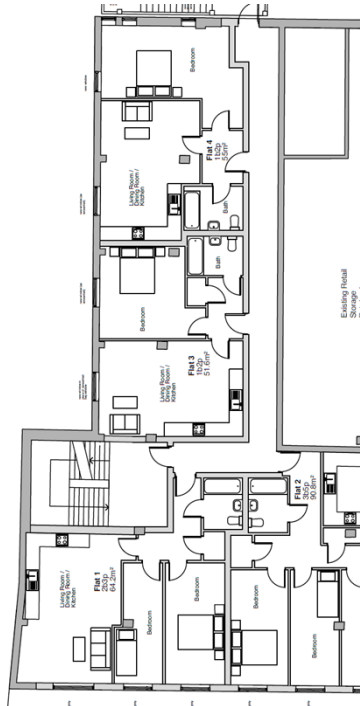
Above: approved 1<sup>st</sup> and 2<sup>nd</sup> floor plans for 281 High Street, (ref. P/00790/022).

- 14.6 The top third floor at 281 High Street is set back from the side elevation and angles away from the application site and includes 2 western side facing windows which serve habitable rooms. The relevant planning permission (ref. P/00790/023) requires these windows to be obscurely glazed.



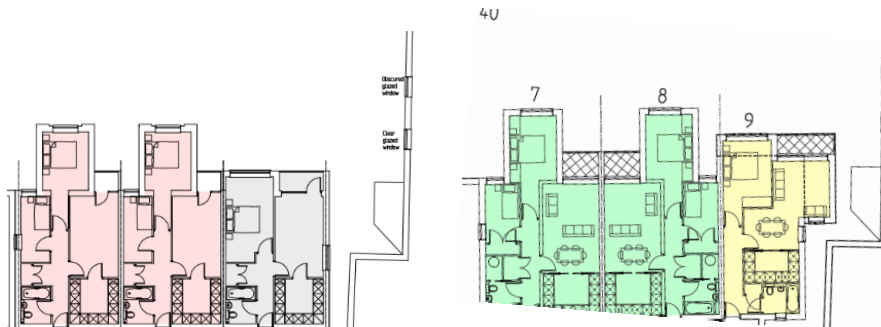
Above: approved top (3<sup>rd</sup>) floor plans for 281 High Street, (ref. P/00790/023)

- 14.7 A retrospective application was received in October 2018 (ref. P/00790/026) to regularise the existing windows as built out onsite site and along with changes to the internal layout changes. However, this application was never progressed. The plans submitted with this retrospective application (ref. P/00790/026) show all four of these western side facing windows as clear glazed windows serving habitable rooms.



Above: Retrospective 1<sup>st</sup> and 2<sup>nd</sup> floor plans for 281 High Street, (ref. P/00790/026

- 14.8 Drawings for the previously approved outline planning application at 279 High Street (the application site) plotted the approved neighbouring first and second floor side facing windows on plan which are provided below left (ref. P/01276/003). For this application, the approved neighbouring windows have been plotted for comparison with this proposed development. Note, the neighbouring windows closest to the proposed development are not required to be obscurely glazed; the windows further away are required to be obscured.



Above: Previously approved plans (P/01276/003) showing relationship with neighbouring first & second floor windows approved via P/00790/020.

Above: Current proposed plans showing relationship with neighbouring first & second floor windows approved via P/00790/022.

- 14.9 The proposed seven storey High Street building would be located close to, but would not encroach across the approved neighbouring southernmost clear glazed habitable room windows at first and second floor. The proposed thirteen storey building would be positioned between 25 metres



– 31 metres away from western side elevation of 281 High Street. Regard should be given to the fact that these affected windows adjoin or are very close to the common boundary with the application site and therefore does not benefit from meaningful space within its own curtilage to contribute towards appropriate levels of natural light and/or outlook. A relaxation in the normal levels of outlook and natural light is therefore reasonably applied when assessing the impacts on neighbour amenity in this instance. It is considered the resulting outlook from the approved neighbouring windows in such close proximity to the boundary, within a town centre location, would be acceptable. The impacts on natural light cannot be accurately assessed as a daylight and sunlight study has not been submitted. At the proposed height and separation distances, the development would have notable negative effect in terms of natural light particularly to the living and bedroom areas within approved Flats 3 & 8. As such insufficient information to address the impacts on neighbouring amenity has been submitted.

- 14.10 It is acknowledged that the approved window arrangement has not been implemented on the neighbouring property. The unapproved window arrangement installed on site includes a total of eight windows at first and second floor each serving habitable rooms that would be affected. The unapproved window arrangement includes windows further south in the neighbouring side elevation meaning they are much closer to the proposed seven storey building. The proposed seven storey High Street building would completely encroach upon two unapproved single aspect windows serving an open plan living/kitchen/dining room in the Flats 3 and 8 as shown in as shown in P/00790/026. Therefore the impacts on outlook and natural light these windows provide would be much more significant. However, as these windows have not been approved by a planning application or a certificate of lawfulness, they are not lawful and therefore only limited weight will be applied to such harm.
- 14.11 The western neighbouring properties fronting the High Street at 261 - 275 High Street are commercial town centre units at ground floor. There are no planning records to confirm if the first floors of these properties are in use for residential purposes. However, the Council Tax department has confirmed there are residential flats above 265 and 273 High Street. The existing building on the site currently encroaches within 45 degrees of these windows by two storeys and significantly impacts 273 High Street. The submitted plans do not demonstrated the 45 degree relationship with the proposal. However it is clear the proposed High Street building would have far less impact on these windows when compared to the existing situation.
- 14.12 However the proposed 13 storey building would be positioned approximately 16 metres due north of the rear facing window at 273 High Street, and to the northeast of the rear facing window at 265 High Street. At the proposed height and separation distances, these neighbouring rear

facing windows would be negatively impacted in terms of the outlook and natural light. Planning Officers have been unable to gain access these neighbouring flats and as there are no plans on record, it is not possible to confirm if the effected windows serve habitable rooms. Following a site visit, it was noted that the windows to the rear of 265 and 273 High Street are relatively large and have low sill heights. Such a window with a low sill height would more likely serve a habitable room and less likely serve non-habitable rooms such as a kitchen or bathroom where a window with a normal or higher sill heights tend to be installed.

- 14.13 In terms of outlook the rear facing window serving 273 High Street would be negatively impacted. Given the height of the proposed 13 storey building, there would be some overbearing impact. However a separation distance of approximately 16 metres provides just enough separation distance for a town centre location to retail an acceptable amount of outlook for this rear facing window.
- 14.14 When considering of the size proposed 13 storey building, its northern orientation to affected windows, and its separation distance, the proposal would likely have a notable negative impact on the daylight and sunlight serving the residential flats at 265 and 273 High Street. No daylight and sunlight assessment has been submitted to assess the impacts on these neighbouring properties. Therefore insufficient information has been provided to assess the impacts on neighbouring residential amenity.
- 14.15 At 265 High Street the outlook would not be affected to an unacceptable degree. This is because the northern rear facing window is currently within close proximity of the Observatory multi storey carpark to the north. The offset positioning of the proposed 13 storey building would have a minimal impact on outlook for a town centre location.
- 14.16 To the northeast of the site is the five storey telephone exchange building. The proposed 13 storey building includes east facing windows that would be positioned mostly offset and approximately 24.5 metres (min.) from the telephone exchange building. This is sufficient distance to protect the day-to-day use of the telephone exchange building or any future redevelopment of the site.
- 14.17 The remaining neighbouring properties would be set away for the proposal by a distance great enough to prevent any unacceptable impacts on neighbouring property.
- 14.18 The proposed 13 storey building would be positioned by the neighbouring boundary with the Observatory multi storey carpark which forms part of allocated site for comprehensive redevelopment for main town centre and residential land uses. While the proposal would not have an unacceptable impact on this site in its current form, the proposal by virtue of its scale and height could negatively affect the redevelopment the neighbouring

allocated site. This is assessed in the relevant section below.

14.19 Conclusion:

By virtue of the layout, height, and scale, the proposed development would notably reduce the amount of natural light entering the western side facing windows serving habitable rooms at 281 High Street and the first floor northern rear facing windows which likely serve habitable rooms at 265 and 273 High Street. No daylight or sunlight study has been submitted. Therefore insufficient information has been provided to assess the impacts on neighbouring residential amenity. The proposed development has failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021. The resulting harm would have some negative weight in the planning balance.

15.0 **Comprehensive development**

15.1 Local Plan Policy H9 requires a comprehensive approach to be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.

15.2 Core Policy 1 of the Core Strategy requires proposals for high density housing in the town centre to be comprehensively planned in order to deliver maximum social, environmental and economic benefits to the wider community.

15.3 Paragraph 124 of the National Planning Policy Framework requires planning decisions to support development that makes efficient use of land by taking into account the desirability of promoting regeneration and change and the importance of securing well-designed, attractive and healthy places.

15.4 The neighbouring site to the north and west forms part of an allocated site for comprehensive redevelopment for main town centre and residential land uses (SSA14).

15.5 The proposed layout of the 13 storey building would have communal access to the flats on all floors within the northern and western ends of the building which are very close to the neighbouring site allocation. This would likely result in sterile elevations with poor architectural merit and visual interest. In addition the proposed 13 storey building would abut the site allocation boundary to the west and in very close proximity to the north. It is not understood how a building of such a large scale, positioned on or very close to the site allocation boundary, with poor architectural merit and visual interest, could be successfully integrated into a redevelopment scheme for the neighbouring site allocation. For these reasons it is considered the proposal is not comprehensively planned, and

would likely sterilise or significantly impact the efficient use of adjoining land which is allocated for comprehensive redevelopment.

15.6 Based on the above, the proposal would fail to comply with Local Plan Policy H9, Core Policy 1 of the Core Strategy, and the requirements National Planning Policy Framework 2021. Some negative weight should be applied to the planning balance.

16.0 **Living conditions for future occupiers of the development**

16.1 Paragraph 130(f) of the National Planning Policy Framework required developments to create places with a high standard of amenity for existing and future users

16.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."

16.3 Local Plan Policy H14 seeks an appropriate level of external amenity space while having regard to:

- a) the type and size of dwelling and type of household likely to occupy dwelling;
- b) quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;
- c) character of surrounding area in terms of size and type of amenity space for existing dwellings;
- d) proximity to existing public open space and play facilities; and
- e) provision and size of balconies.

16.4 *Natural light and outlook:*

All of the proposed flats would be single aspect. The proposed 60 flats within the 13 storey building would have a single aspect facing east across the site's car park. The 21 flats in the rear of the 7 storey High Street building would have a single aspect facing north across the site's car park. The 18 flats in the front of the High Street building would have a single aspect facing south across the High Street.

16.5 Within the proposed 13 storey building, four flats within each level (48 flats in total) would have their main living areas served by windows set back between the proposed projecting elevations at each side that would encroach within 45 degrees of the centre of the windows. Balconies would also be positioned above these windows.

16.6 Within the rear part of the proposed High Street building, two flats within each level (12 flats in total) would be served by windows set back between projecting elevations at each side, also with balconies above. In addition,

the High Street building at ground floor includes two ground floor studio flats at the rear with single aspect rear facing windows positioned underneath the projecting upper floor bays.

16.7 Based on the above, the natural light entering the living areas to 60 of the proposed flats and two of proposed studios would be significantly restricted. These would be the only windows serving the living areas (other than a small secondary windows serving one of the effected studios. Therefore it is considered these habitable rooms would not be served by sufficient natural light to achieve good living the future occupiers of these 62 flats. This is considered to result in a substantial amount of harm to the living conditions for the future occupiers. No daylight or sunlight study has been submitted to demonstrate otherwise.

16.8 The windows as described above would also have their outlook affected. In instances where there are shorter projecting elevations to one side of the window, for example where the projecting elevation extends to the end of the balcony, there would be a degree of outlook with some aspect to one side. This not considered being unacceptable for a town centre location. However in the instances where the projecting elevation extends beyond the end of the balcony at each side, this would result in a very poor outlook and aspect. This scenario impacts the main living areas for 24 of the flats within the proposed 13 storey building, and would result in poor living conditions for the future occupiers of these units. This would result in considerable amount of harm to the living conditions for the future occupiers.

16.9 *Internal space standards:*

The proposed internal spaces would broadly comply with the Nationally Described Space Standards. There are some minor conflicts such as the width of single bedrooms in the High Street building being 0.1 metres short of the width requirement. However their overall area exceeds the square metre requirement. In addition the secondary bedrooms in the proposed 13 storey building are shown as two person bedrooms, however width size would fall approximately 1.1 metres short for a two bed requirement. This could be rectified by proposing these rooms as single bedrooms.

16.10 *External amenity space:*

In terms of external amenity space, 87 of the proposed 99 flats would include balconies. No other external amenity space is proposed. 12 of the 99 flats would have no balconies or access to onsite amenity space. It is also noted that 24 of the balconies on the proposed 13 storey building are set back within deep, projecting elevations and would result in a poor quality external amenity space. It is acknowledged the site is positioned close to Lascelles Park (0.5 mile walk). While this in combination with the town centre location may be appropriate to negate the need for communal

amenity space, it does not negate or mitigate the need to provide appropriate private amenity space such as balconies. The proposed external amenity space would not fully comply with Local Plan Policy H14. A substandard of amenity area would be provided by the development, which demonstrates the proposed residential units are not designed to a high-standard.

16.11 Given the limited amount of onsite external amenity space, the proposal would likely put pressure on local parks such as Herschel Park, Lascelles Park, and Upton Park which would require mitigation due to the increased usage.. In line with the Developers Guide SPD a financial contribution of £300 per dwelling should be sought through a Section 106 Agreement.

16.12 *Wind speed:*

In proposing a building at 13 storeys in height, the upper floor levels are exposed to higher wind loads. This can have an effect on the whether windows can be opened to provide fresh air, and whether the external balconies are pleasant or even usable areas. A condition could be included to carry out a wind assessment in relation to openable windows and any required additional ventilation. However, there is no obvious mitigation to treat high wind speeds in the upper floor balconies which are contained within projecting elevations which can cause a tunnelling wind effect. No wind assessment has been submitted and therefore Planning Officers are not satisfied that all of the balconies on higher part of the 13 storey building would provide suitable external amenity space.

16.13 *External noise:*

Given the town centre location, external noise could arise from neighbouring commercial uses, street noise, and external plant serving adjoining buildings. This can be addressed by a condition to secure a noise report and any mitigation such as enhanced fabric / windows and a ventilation strategy to allow the windows to be closed when noise levels are higher.

16.14 *Conclusion:*

By virtue of the proposed layout, a large proportion of the proposed flats (62 in total) would have internal habitable rooms would be served by windows that would receive a very restricted amount of amount of natural light, and to degree whereby they would very poorly lit by natural light. No daylight or sunlight study has been submitted to demonstrate otherwise. A significant proportion of flats (24 in total) would not benefit from good outlook or aspect. A small proportion of flats (12 in total) would not include private amenity space, 24 of the private balconies on the proposed 13 storey building are set back within deep, projecting elevations resulting in an overbearing external amenity space, with likely high speed wind issues

at the upper levels. No wind assessment has been submitted to demonstrate otherwise. Overall this would result in very poor living conditions for the future occupier of the development and would fail to comply with Core Policy 4 of the Core Strategy, Local Plan Policies EN1 and H14, and the requirements of the National Planning Policy Framework 2021. The resulting substandard and inadequate internal living space and under-provision of external space would attract substantial negative weight in the planning balance.

17.0 **Crime Prevention**

17.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour. This is also supported by Core Policy 12 Community Safety.

17.2 Pedestrian access from the street would be gained from the High Street where there would be a good level of natural surveillance from the adjoining street and also from the proposed windows in the upper floors, a secondary entrance is proposed at the rear to provide access for those who have parked their vehicles in the car park.

17.3 The single storey link building would provide access from the High Street entrance into the six storey rear element, while also providing secure cycle storage and an indoor communal area. At the time of writing no comments have been provided by the Crime Prevention Officer.

17.5 While no comments have been received from Thames Valley Police it is considered a suitably worded condition to obtain a level of access security capable of achieving a Secured by Design Gold Award could be applied to an approval.

17.6 Based on the above, no objections at this outline stage are raised regarding Policy EN5 of the adopted Local Plan.

18.0 **Highways and Parking**

18.1 The National Planning Policy Framework 2021 requires development to give priority first to pedestrian and cycle movements. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Paragraph 110 of the National Planning Policy Framework requires any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree. Paragraph 111 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts

on the road network would be severe'.

18.2 Core Policy 7 requires development proposals to improve road safety and reinforce the principles of the transport strategy as set out in the council's Local Transport Plan.

18.3 Local Plan PolicyT2 requires the level of on-site parking provision for the private car will be restricted to a maximum level in accordance with the principles of the Integrated Transport Strategy. The Integrated Transport Strategy (Local Transport Plan) requires the application of the Local Development Framework parking standards to limit parking at new developments. Part 3 of the Developer's Guide SPD sets out the parking standards to be applied throughout the Borough.

18.4 Local Plan PolicyT2 requires access to be made available for deliveries and emergency vehicles.

18.5 Access:

A Transport Assessment has not been submitted as required by Part 3 of the Developer's Guide for development of this size. The site is located within the defined Town Centre where the development plan sets a nil parking requirement for the proposed uses. The submitted plans indicate there would be 39 no. car parking spaces within the rear of the site that would be accessed using the existing vehicular access from Wellington Street. This access is also used to gain access to the Observatory multi storey carpark, car parking to the side of the Telephone Exchange building, and egress from Verona Court. Local Plan PolicyT2 requires the level of on-site parking provision for the private car will be restricted to a maximum level in accordance with Part 3 of the Developer's Guide SPD which for this site is a nil parking provision. The application proposes 39 no. car parking spaces which exceeds the nil parking requirement. As a Transport Assessment has not been submitted it is not possible to determine the net impacts on the highway network. The submitted Planning Statement asserts that details of access can be sought through the Reserved Matters stage for Access. However this application includes Matters of Access. The Local Highway Authority has been unable to determine the impacts on access to the site.

18.6 The Planning Statement offers a financial contribution of £30,000 towards a public car club, which is the same contribution agreed for the consented outline planning application (ref: P/01276/003) which includes 57 flats and 19 parking spaces, which equated to a contribution of £526.32 per dwelling. The Local Highway Authority has commented that the amount proposed should be pro rata based on the previously approved scheme, which would amount to £52,105, should the scheme be acceptable, in all other respects. However, Planning Officers recommend that once a car parking provision for the site has been deemed acceptable, then an



amount can be concluded upon.

18.7 Layout:

The parking layout proposes 39no. car parking spaces at surface level and within the rear of the site, with 21 spaces underneath the proposed 13 storey building. The existing service yard and parking spaces for the existing commercial units would be lost to make way for the proposed development and residential parking spaces. There is no obvious provision for servicing / loading / unloading at the rear for the proposed commercial units. No information has been submitted to demonstrate how the proposed commercial units would be serviced. Servicing / loading / unloading at the front would be unacceptable due to parking and loading restrictions and a service vehicle would obstruct the width of the roadway potentially causing severe congestion.

18.8 In addition, insufficient information has been provided to show pedestrian and wheel chair access within the parking layout, or swept paths for car parking and refuse collection. One swept path is shown but this appears to rely on land outside of the application site to manoeuvre. This could result in an unacceptable impact on highway safety for the user of the carpark and the access road to the site should bin lorry reverse the length of the access road. The submitted Planning Statement asserts that details access and the parking area can be sought through the Reserved Matters stage for Access and Layout. However this application includes Matters of Access and Layout. Due to the absence of information, the Local Highway Authority to assess the parking layout and servicing.

18.9 The application site falls within an approved service road where local plan policy T14 seeks to widen and extend Grove Parade, an existing rear service road such that eventually it links Wexham Road with the A4. The applicant has agreed to dedicate the area marked on the submitted plans to the Local Highway Authority at no cost to the Council. However it is noted that the parking spaces 37 – 39 and the bin store are proposed within this area to be dedicated. Therefore, the proposal prejudices the planned highway improvements to provide safe and appropriate servicing to the rear of the neighbouring High Street units to the east of the site. The proposal would therefore fail to comply with Local Plan Policy T14 and would not provide any benefits from the proposal.

18.10 100no. cycle racks are proposed within the single storey link building. This quantum would only provide 1 visitor cycle space. Part 3 of the developers guide requires visitor cycle parking to be considered on merit. It considered that appropriate visitor cycle parking could be worked into the scheme if requested.

18.11 In addition no cycle parking is proposed for the ground floor commercial units (1 space per 125 square metres required). The cycle parking for the

ground floor commercial units would amount to one space. It would not be appropriate to provide this within the building as it would likely compromise the security strategy. As only one space is required, and the size of the commercial units is reduced it is considered there would be sufficient publicly accessible parking within the High Street.

#### 18.12 Conclusion

Based on the above, there is no obvious replacement off-street servicing provision at the rear to service the proposed financial service units. Loading restrictions are in place at the front of the site. Loading at the front of the site in the High Street would obstruct the width of the roadway and potentially cause severe congestion. In addition, insufficient information has been provided to demonstrate how the access and parking layout would provide safe pedestrian and wheel chair access from the parking spaces to the building. This could result in an unacceptable impact on highway safety for the user of the carpark and the access road to the site should bin lorry reverse the length of the access road. Furthermore, the proposed parking provision of 39 spaces would exceed the nil parking requirement for this site and no information has been provided to establish the net trip generation. The application has therefore failed to demonstrate the proposal would comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements of the National Planning Policy Framework 2021.

18.13 In addition, two parking spaces and the bin store are proposed within the area which planned to extend the rear service road in Grove Parade so that it that eventually it links Wexham Road with the A4. The proposal therefore prejudices the planned highway improvements to provide safe and appropriate servicing to the rear of the neighbouring High Street units to the east of the site and would fail to comply with Local Plan Policy T14.

#### 19.0 Air Quality

19.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. Proposal should not result in unacceptable levels of air pollution. This is reflected in the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

19.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic, requiring electric charging points, and low

emission boilers within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.

- 19.3 Wellington Street and the northern part of the access road into the site fall within an Air Quality Management Area (AQMA). The proposed accommodation would be set away from the AQMA by sufficient distance to prevent future occupiers being exposed to unacceptable levels of air quality.
- 19.4 The application proposes 39 car parking spaces which is below the threshold set out in the Low Emission Strategy to require an air quality assessment. The Planning Statement outlines that the applicant has offered for 10 percent of the parking spaces (4 spaces) to be fitted with Electric Vehicle Charging Points (EVCP). This complies with the Slough Low Emissions Strategy where communal parking is proposed. Where parking spaces are allocated to each dwelling, 1 EVCP per dwelling is required. No information has been provided regarding how the parking spaces would be allocated. However, this can be dealt with by further information and conditions if all other matters are acceptable.
- 19.5 Based on the above, and subject to agreeing an appropriate condition, the proposal would comply with Core Policy 8 of the Core Strategy, The Slough Low Emissions Strategy and the requirements of the National Planning Policy Framework 2021.

## **20.0 Surface water drainage**

- 20.1 Paragraph 167 of the National Planning Policy Framework requires local planning authorities when determining any planning applications to ensure that flood risk is not increased elsewhere. Paragraph 169 of the National Planning Policy Framework requires Major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Advice from the lead local flood authority should be taken into account. Core Policy 8 of the Core Strategy and the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016 requires development to manage surface water arising from the site in a sustainable manner.
- 20.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development, (Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015).
- 20.3 The Lead Local Flood Authority has advised the drainage strategy submitted by the applicant lacks sufficient detail and evidence to provide an acceptable surface water drainage design for the proposal.

Furthermore, the drainage strategy has not been developed to the point whereby the remaining detail can be secured by condition because there may be implications on the layout of the development. Detailed feedback has been provided by the Lead Local Flood Authority however, Planning Officers have not requested the strategy is revised to address the issues. This is because there are number of reasons why the application cannot be supported and requested changes to the drainage strategy would not overcome the more fundamental issues.

- 20.4 Based on the above, and in accordance with the advice from the lead local flood authority, the submitted drainage strategy does not meet the local or national requirements for surface water drainage, and therefore the site and adjoining land would be at risk of surface water flooding. The proposal would therefore fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework. Substantial negative weight should be applied to the planning balance.

## **21.0 Sustainable Design and Construction**

- 22.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires developments of 50 or more dwellings to achieve better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically design to achieve 15% lower than the Target Emission Rate (TER) of Building Regs in terms of carbon emissions.
- 22.3 In addition energy generation from low or zero carbon sources on site or nearby to generate the equivalent approximately 10% of the development's carbon emissions. This defined by the carbon emissions figure of 15% lower than TER as described above. This energy generation requirement can be applied flexibly for brownfield sites under 1 hectare if it is not practical to achieve 10%.
- 22.4 No details have been submitted to demonstrate how the above requirements would be achieved. As the proposal includes matters of layout, the location of low carbon / renewable plant and associated strategy to demonstrate how the carbon emission target would be met should be included. Without this information at this stage, compliance with the carbon emission target may not be achievable if sufficient space on site has not been planned to appropriately accommodate the required equipment to meet the required carbon emission target. Such information could therefore not be secured by condition.
- 22.5 Based on the above, the proposal has failed to demonstrate compliance with Core Policy 8 of the Core Strategy, and the requirements of the

National Planning Policy Framework 2021. Considerable negative weight should be applied to the planning balance.

23.0 **Fire Safety**

23.1 As the proposal comprises more than two dwellings and exceeds seven storeys in height, fire safety is a material planning consideration. As this is an outline planning application, the submission of a fire statement is not a statutory requirement.

22.2 Following consultation with the Health and Safety Executive via Planning Gateway One, comments were received noting the absence of fire statement, and commenting that insufficient fire safety information available to assess fire safety. Specifically concerns were raised in relation to the proposed fire safety design standards, means of escape, sprinkler systems, external fire spread, fire performance of external wall systems, and access and facilities for the fire service.

22.3 Given the this outline application includes matters of access, scale and layout, and having regard to the concerns raised the Health and Safety Executive, Planning Officers advise that if the proposed layout were approved, it would not possible to alter the layout at a later stage (either by condition or reserved matters). In the absence of a detailed fire statement, and having regard to the detailed concerns raised by the Health and Safety Executive, notably regarding fire service access, means of escape, and external fire spread, the proposed layout and access may need amending to coordinate with an acceptable fire statement.

22.4 Based on the above, the application has failed to demonstrate the proposal has been designed with fire safety in mind and would fail to comply with the requirements of planning gateway one. Substantial negative weight is applied to the planning balance.

23.0 **Impact on biodiversity and ecology**

23.1 In accordance with the Natural Environment and Rural Communities Act 2006 Local Planning Authorities have a statutory duty to show regard for conserving biodiversity in the exercise of all public functions.

23.2 Paragraph 174 of the National Planning Policy Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 of the Core Strategy relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.

23.3 *Onsite biodiversity and ecology:*

The site is an occupied development on brownfield land. Following a site

visit no concerns are raised in regard to the loss of onsite biodiversity / ecology. However no information has been submitted in relation to providing net gains in biodiversity. This was not secured on the previously approved outline application (P/01276/003), however, net gains would have been assessed in a Reserved Matter application for layout.

23.4 As the application does not propose net gains in biodiversity, the proposal would conflict with Core Policy 9 of the Core Strategy and Paragraph 174 of the National Planning Policy Framework.

23.5 *Offsite biodiversity and ecology:*

Regulation 61 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), requires the local planning authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive

23.6 Evidence put forward within the *Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019'* recognises that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.

23.7 The site is located approximately 5.4 km (as the crow flies) from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.

23.8 Natural England has objected to the proposal on the basis that no significant effect on this SAC can be ruled out. No information has been submitted to demonstrate otherwise.

23.9 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff based mitigation strategy for all new housing applications within 5.6km of the SAC. However this is yet to be agreed, and therefore each application needs to be considered on its own merits.

23.10 No information has been submitted to demonstrate no likely significant effect on this SAC would occur as a result of the development. A Shadow Habitats Regulations Assessment would normally be requested pursuant to Paragraph 62(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) which would inform the competent local authority in coming to a view on the impacts on the SAC. However, without such information, and when considering the evidence set out in The

Footprint Ecology Report together with the objection from Natural England, the Local Planning Authority can not rule out a likely significant effect or carry out an Appropriate Assessment of the potential mitigation identified to address any adverse effects.

- 23.11 Based on the above The proposal has therefore failed to demonstrate compliance with Core Policy 9 of the Core Strategy, the requirements of the National Planning Policy Framework, The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended). Some negative weight is applied in the planning balance.

#### **24.0 Affordable Housing and Infrastructure**

- 24.1 Core Policy 4 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.

- 24.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

- 24.3 *Education:*

As the proposal is for over 15 units, in accordance with Core Policy 10 and Part 2 of the Developer's Guide, the Education Authority has confirmed that Slough is still expanding all sectors so contributions are required. A one bedroom flat requires a contribution of £903 and a two bedroom flat would require a contribution of £4,828. Based on the number of units and mix indicated on the submitted plans The total contribution amounts to the following:

60no. 2 bed x £4,828 = £289,680  
39no. 1 Bed x £903 = £35,217  
Total: = **£324,897**

The submitted planning statement asserts that this amount can be secured by through a Section 106 before any planning permission is granted.

- 24.4 *Recreation and Open Space:*

As the site is less than 2 hectares Local Plan Policy OSC5 confirms the level of financial contributions towards public open space and recreation will be sought at a level appropriate to the type of development and the availability of public open space in the vicinity of the development. The Developer Guide advises the following for developments over 70 dwellings and in accordance with Core Policy 10:

- normally a contribution of £750 per dwelling for a development of mainly family houses with no existing open space/play area nearby;
- occasionally on-site provision of public open space and play equipment with a financial contribution for long term maintenance.

24.5 Based on the number of residential units proposed, the type of housing being flats, the mix of bedroom numbers, the number of balconies, the likely pressure on the nearby public open space, and with regard to the tariff of £300 per unit applied to the previously approved application, £300 per dwelling would be appropriate. This amounts to £29,700. The submitted planning statement asserts such contributions can be secured by through a Section 106 before any planning permission is granted.

24.6 *Transport:*

A car club contribution may be required however it is not possible to confirm this until further information in relation the acceptability of the amount of parking on the site is confirmed.

24.7 The dedication of land at no cost to the council for extending Grove Parade would also be required. However, the layout would need to be adjusted to remove the bin store and parking spaces from the widening first.

24.8 *Affordable Housing:*

Core Policy 4 of the Core Strategy requires all proposals of 15 or more dwellings (gross), to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.

24.9 In accordance with the updated Developer Guide Part 2, (September 2017), as the proposal is over 70 units the application would attract a 40% onsite affordable housing provision (6% Slough Affordable Rent; 15% Intermediate; 19% Slough Living Rent).

24.10 Pursuant to paragraph 58 of the National Planning Policy Framework, Core Policy 4 of the Core Strategy and the Slough Developer's Guide, the applicant has submitted a financial viability assessment which asserts, securing the all of the above requirements would render the scheme unviable and therefore undeliverable. The financial viability assessment has been reviewed by our specialist where it is found this proposal could support full policy compliant infrastructure and affordable housing provision while still providing a surplus above profit. The main reason for the conflicting opinions between the developer and the council's specialist is the benchmark land value and the value of the completed development.

24.11 The application does not propose any affordable housing as it is asserted



it would be unviable to do so through the submitted Financial Viability Assessment and Planning Statement. This is contrary to the findings of the Independent Viability Assessor which concludes that a full 40 percent onsite provision could be viably delivered on the site. The proposal therefore fails dwellings could viably be delivered onsite and contrary to Core Policy 4 of the Core Strategy, Part 2 of the Slough Developer Guide, and the requirements of the National Planning Policy Framework 2021. The lack of on-site affordable housing provision would temper the benefits of the proposal and would reduce positive weight afforded to the provision of housing in the planning balance..

## **25.0 Presumption in favour of sustainable development:**

The application has been evaluated against the Development Plan, the NPPF and other relevant material planning considerations. The Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver “sustainable development.” The Local Planning Authority can not demonstrate a Five Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law should be applied.

The proposal for 99 residential units would make a contribution to the supply of housing, and given that that the tilted balance is engaged, this contribution could in principle attract significant positive weight in the planning balance. As the proposed mix of housing does not include any affordable housing or any three bedroom units which is where the need is most, the weight allocated to the benefit of providing housing is significantly tempered. In addition, no affordable housing is prosed when it is financially viable which is contrary to Local policies and the NPPF. As such, when considering the proposed benefits, **considerable positive weight** would be tilted in favour of the supply of housing.

However, the report identifies there are numerous conflicts with the saved policies in the Local Plan, Core Strategy, and the National Planning Policy Framework, namely:

- The proposal would have a considerable adverse impact on the vitality and viability of the Town Centre when compared to the existing situation and therefore fail to comply with Local Plan Policies S1 and S15, and the requirements of the National Planning Policy Framework. **Considerable negative weight is applied to the planning balance.**
- The planning application fails to sufficiently demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and

the local planning authority. Therefore the site and adjoining land would suffer a substantial adverse impact by being at risk of surface water flooding. The proposal fails to comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework 2021. **Substantial negative weight is applied to the planning balance.**

- The proposal would have a substantial adverse impact on the character and appearance of the surrounding area and would fail to comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Core Strategy the guidance contained within the National Design Guide, and the requirements of the National Planning Policy Framework 2021. **Substantial negative weight is applied to the planning balance**
- The proposal would result in poor quality living conditions for future occupiers of the development . The proposal would fail to comply with Core Policy 4 of the Core Strategy, Local Plan Policy H14, and the requirements of the National Planning Policy Framework 2021. **Substantial negative weight is applied to the planning balance.**
- Insufficient information has been provided to demonstrate how the proposed layout and access would have acceptable impacts on the highway network. The proposal would likely lead a severe adverse impact on the highway network. **Substantial negative weight is applied to the planning balance.**
- Insufficient information has been provided to demonstrate how the proposed layout and access would have acceptable impacts on the highway network. The proposal would likely lead a severe adverse impact on the highway network. **Substantial negative weight is applied to the planning balance.**
- The proposal has therefore failed to demonstrate the proposal has been designed with fire safety in mind and would fail to comply with the requirements of planning gateway one. This would have a substantial adverse impact on fire safety. **Substantial negative weight is applied to the planning balance.**
- Development is proposed within the area which planned to extend the rear service road in Grove Parade so that it that eventually it links Wexham Road with the A4. The proposal therefore has an adverse impact on the planned highway improvements to provide safe and appropriate servicing to the rear of the neighbouring High Street units to the east of the site and would fail to comply with Local Plan Policy T14. **Considerable negative weight is applied to the planning balance.**

- No information has been provided to demonstrate how the required carbon emission target would be met. The proposal has therefore failed to demonstrate compliance with Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021. This would have an adverse impact on climate change. **Considerable negative weight is applied to the planning balance.**
- The proposed development would notably reduce the amount of natural light entering neighbouring windows serving habitable rooms and therefore adverse impact on neighbour amenity. Insufficient information has been provided to assess the extent of the impacts on neighbouring residential amenity. The proposal has therefore failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021. **Some negative weight is applied to the planning balance**
- The proposal would likely have an adverse impact on the efficient future use of adjoining land which is allocated for comprehensive redevelopment. The proposal would fail to comply with Local Plan Policy H9, Core Policy 1 of the Core Strategy, and the requirements National Planning Policy Framework 2021. **Some negative weight is applied to the planning balance.**
- The proposal would likely have an adverse impact on the Burnham Beeches Special Area of Conservation and would not provide net gains in biodiversity. The proposal has therefore failed to demonstrate compliance with Core Policy 9 of the Core Strategy, the requirements of the National Planning Policy Framework, The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended). **Some negative weight is applied to the planning balance.**

The contribution of 99 flats (32 x studio flats; 7 x 1 bed flats; 60 x 2 bed), with no onsite affordable housing, as well as the economic benefits for the construction phase, would result in considerable positive weight being tilted in favour of the supply of housing. However the level of harm resulting from adverse impacts of the development as highlighted above would significantly and demonstrably outweigh this benefit when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2021 taken as a whole and tilted in favour of the supply of housing. As such, the proposal is not considered to be sustainable development and is therefore recommended for refusal.

26.1 Having considered the relevant policies set out above, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for refusal for the following reasons:

1. By virtue of the proposed layout, the proposal would result in the loss of three existing occupied main town centre units (total 1004sqm) to make way for two much smaller units which total 137sqm. The loss of 867sqm in occupied commercial floor space would have a significantly detrimental impact on the vitality and viability of the Town Centre. In addition, the proposed financial service units due to their floor area each being 65sqm and 72sqm and no access for servicing, could reasonably remain unoccupied for extended periods. Furthermore, due to no access for servicing, the proposed financial service units would not be suited to other main town centre uses, resulting in less flexibility in future uses. No marketing information to demonstrate otherwise has been submitted. This would have a significant detrimental impact on the vitality and viability of the Town Centre when compared to the existing situation that would not be mitigated by the footfall from the proposed 99 residential flats. Overall it is considered the proposal would have a detrimental impact on the vitality and viability of the Town Centre and therefore fail to comply with Local Plan Policies S1 and S15, and the requirements of the National Planning Policy Framework.
2. The drainage strategy submitted with the planning application fails to sufficiently demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and the local planning authority. Therefore the site and adjoining land would be at risk of surface water flooding. The proposal would therefore fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework 2021.
3. The application does not propose any affordable housing as it is asserted it would be unviable to do so through the submitted Financial Viability Assessment and Planning Statement. This is contrary to the findings of the Independent Viability Assessor which concludes that a full 40 percent onsite provision can be viably delivered on the site. The proposal therefore fails to deliver onsite housing which is contrary to Core Policy 4 of the Core Strategy, Part 2 of the Slough Developer Guide, and the requirements of the National Planning Policy Framework 2021.

4. By virtue of its layout, scale, and height, the proposed seven storey High Street building would appear top heavy, poorly proportioned, and out of scale with the neighbouring buildings, resulting in an awkward and unduly dominant feature within the High Street. By virtue of its layout, scale, and height, the proposed 13 storey building would be entirely out of scale with the immediate and nearby surrounding buildings. In addition by virtue of its layout comprising inactive frontages to three of its four elevations and an open principal elevation at ground floor with intermittent columns, the proposed 13 storey building would likely result in a tall building with three sterile elevations with poor architectural merit and visual interest. When viewed from within the site, the proposal would be of a 13 storey building squeezed into its location, while also being a visually overbearing and overly dominant with a poor appearance at ground floor level. When viewed from the High street and from wider views, the proposed 13 storey building would result in an incoherent tall building that would be read as an inappropriate landmark and have a negative impact on the legibility and identity of the Town Centre and its skyline. The proposal comprises an over-development of the site and would therefore not be of a high standard of design that would respect, be compatible with or improve the character and appearance of the surrounding area and would fail to comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework.
5. By virtue of the layout, height, and scale, the proposed development would notably reduce the amount of natural light entering the western side facing windows serving habitable rooms at 281 High Street and the first floor northern rear facing windows which likely serve habitable rooms at 265 and 273 High Street. No daylight or sunlight study has been submitted. Therefore insufficient information has been provided to fully assess the impacts on neighbouring residential amenity. The proposed development has failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.
6. By virtue of the proposed layout, a large proportion of the proposed flats (62 in total) would have internal habitable rooms served by windows that would receive a very restricted amount of amount of natural light, to degree whereby they would be very poorly lit by natural light. No daylight or sunlight study has been submitted to demonstrate otherwise. A significant proportion of flats (24 in total)

would not benefit from good outlook or aspect. A smaller proportion of flats (12 in total) would not include private amenity space. 24 of the private balconies on the proposed 13 storey building would likely suffer high wind speeds due to their height and being set back within deep projecting elevations. No wind assessment has been submitted to demonstrate otherwise. Overall the proposal would result in very poor living conditions for the future occupiers of the development and would fail to comply with Core Policy 4 of the Core Strategy, Local Plan Policy H14, and the requirements of the National Planning Policy Framework 2021.

7. By virtue of the proposed layout, there is no proposed replacement off-street servicing provision at the rear to service the proposed financial service units. Loading restrictions are in place at the front of the site. Loading at the front of the site in the High Street would obstruct the width of the roadway and potentially cause severe congestion. In addition, insufficient information has been provided to demonstrate how the access and parking layout would provide safe manoeuvring and pedestrian and wheel chair access from the parking spaces to the building. This could result in an unacceptable impact on highway safety for the users of the carpark and the access road to the site should bin lorry reverse the length of the access road. Furthermore, the proposed parking provision of 39 spaces would exceed the nil parking requirement for this site and no information has been provided to establish the net trip generation. The application has therefore failed to demonstrate the proposal would comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements of the National Planning Policy Framework 2021.
8. By virtue of the scale and height of the proposed 13 storey building being positioned very close to the neighbouring site allocation (SSA14) together with its layout comprising inactive frontages to northern and western likely resulting in a poor appearance, the applicant has not demonstrated that the proposal would be capable of being successfully integrated into a comprehensive redevelopment scheme for the neighbouring site allocation. The proposal therefore constitutes an unacceptable piecemeal over-development of the site which is not comprehensively planned, and would likely sterilise or significantly impact the efficient use of adjoining land which is allocated for comprehensive redevelopment for main town centre and residential land uses. The proposal would fail to comply with Local Plan Policy H9, Core Policy 1 of the Core Strategy, and the requirements National Planning Policy Framework 2021
9. No renewable strategy has been provided to demonstrate whether the development is capable of delivering the minimum required

carbon emission target would be met set out in the Developer Guide. The submitted plans do not propose or make allowance to accommodate renewable energy measures in order to meet the required carbon emission target. Due the insufficient information submitted with the application, the proposal therefore has therefore failed to demonstrate compliance with Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021 and the Developer Guide Part 2.

10. By virtue of the proposed layout, two parking spaces and the bin store are proposed within the area which is planned to extend the rear service road in Grove Parade so that it that eventually it links Wexham Road with the A4. The proposal therefore prejudices the planned highway improvements to provide safe and appropriate servicing to the rear of the neighbouring High Street units to the east of the site and would fail to comply with Local Plan Policy T14.
11. In the absence of any fire statement or fire strategy, and having regard to the detailed concerns raised by the Health and Safety Executive; notably regarding fire service access, means of escape, and external fire spread, the applicant has failed to demonstrate how the development can be laid out to incorporate adequate fire safety provisions. Due to the specific concerns raised by HSE, the proposed layout and access may need amended to coordinate with an acceptable fire statement. Given this outline planning application includes matters of layout and access, it would not possible to alter the layout either by condition or at the remaining reserved matters for appearance or landscaping. The proposal has therefore failed to demonstrate the proposal has been designed with fire safety in mind and would fail to comply with the requirements of Planning Gateway One.
12. The site is located within the 5.6 km development impact zone for the Burnham Beeches Special Area of Conservation as proposed within the evidence base carried out in the Footprint Ecology Report dated 2019. No information has been submitted to demonstrate no likely significant effect would occur as a result of the development or to assist the competent authority in carrying out the appropriate assessment. In addition, the application does not propose net gains in biodiversity. The proposal has therefore failed to demonstrate compliance with Core Policy 9 of the Core Strategy, the requirements of the National Planning Policy Framework, and The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended).

**Process:**

It is the view of the Local Planning Authority that the proposed development

does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application proposal, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.

In dealing with this application, the Local Planning Authority has decided that there are no small amendments that would make the proposed development acceptable and therefore none were requested.



**MEMBERS' ATTENDANCE RECORD 2021/22**  
**PLANNING COMMITTEE**

<b>COUNCILLOR</b>	<b>26/5</b>	<b>23/6</b>	<b>28/7</b>	<b>15/9</b>	<b>13/10</b>	<b>10/11</b>	<b>15/12</b>	<b>26/1</b>	<b>23/2 <i>cancelled</i></b>	<b>23/3</b>	<b>13/4</b>
Ajaib	P	P	P	P	P	P	P	P		P	
A Cheema	P	P	P	P	P	P	P	P		Ap	
Dar	P	P	P	P	P	P	Ap	P		P	
J Davis	P	P	P	Ap	P	P	P	P		Ap	
R Davis	P	P	P	P	P	P	P	P		Ap	
Gahir	P	P	P	P	P	P	P	P		P	
Mann	P	P	P	P	P	P	P	P		Ap	
Muvvala	P	P	Ap	P	P	P	P	P		Ap	
S Parmar	P	P	P	P	Ap	Ab	P	P		P	

P = Present for whole meeting  
 Ap = Apologies given

P\* = Present for part of meeting  
 Ab = Absent, no apologies given

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