

Date of issue: Monday, 17 October 2022

MEETING	PLANNING COMMITTEE (Councillors Carter (Chair), J. Davis, Akbar, Dar, Gahir, Mann, Mohammad, Muvvala and S. Parmar)
DATE AND TIME:	TUESDAY, 25TH OCTOBER, 2022 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	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.



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PLANNING APPLICATIONS

5.	P/03079/018 190-192 High St, Slough	11 - 54	Central
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MATTERS FOR INFORMATION

6.	Members Attendance Record	55 - 56	-
7.	Date of Next Meeting - 30th November 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.

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 Thursday, 29th September, 2022.

Present:- Councillors Carter (Chair), J. Davis (Vice-Chair. Present until 8.41pm), Akbar, Dar, Gahir, Mann, Mohammad, Muvvala and S. Parmar

Also present under Rule 30:- Councillors Ali, Minhas and Swindlehurst

PART I

22. Declarations of Interest

Item 5 (Minute 27 refers) – Queensmere Shopping Centre: Councillors Dar and Gahir declared that they had received an email from the agent in support of the application which it was noted would have been sent to all members of the Committee.

Item 5 (Minutes 27 refers) – Councillor Mann declared that she had had some engagement with the developer during the pre-application period as a Lead Member. She confirmed she had an open mind on the application before the Committee.

23. Guidance on Predetermination/Predisposition - To Note

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

24. Minutes of the Last Meeting held on 26th July 2022

Resolved – That the minutes of the meeting held on 26th July 2022 be approved as a correct record.

25. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

26. 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 applications being considered as follows:

Application P/19689/000 – Queensmere Shopping Centre – the applicant addressed the Committee. Councillor Ali (Central ward) addressed the Committee.

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Application P/19954/000 – Units at Poyle Trading Estate – the agent addressed the Committee.

Application P/19642/000 – Grace House – Councillor Ali (Central ward) 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.

27. P/19689/000 - Queensmere Shopping Centre, High Street, Slough, SL1 1LN

Application	Decision
<p>Outline application (with all matters reserved) for the demolition of buildings and the phased redevelopment of the Site to provide a mixed-use scheme comprising residential floorspace (C3 use and provision for C2 use); flexible town centre uses floor space (Use Class E and Use Class F), provision for office floorspace (Use Class E (g) (i)), supporting Sui Generis town centre uses (including a range of the following uses: pubs, wine bars, hot food takeaway), Sui Generis leisure uses (provision for a cinema or live music venue); provision for the creation of basements, car and cycle parking (including provision for a Multi-Storey Car Park); site wide landscaping, new public realm including provision of a new town square and public spaces and associated servicing, associated infrastructure, energy generation requirements and highways works [Revised Parameter Plans, Reports, Documents and Environmental Statement Amendments submitted 15th June 2022] (Revised Plans and Documents have been submitted).</p>	<p>Delegated to the Planning Manager and Chair of the Planning Committee for approval subject to:</p> <p>i) the satisfactory completion of a Section 106 Agreement to secure affordable housing with review mechanisms, financial contributions towards education improvements (including the potential construction of a nursery in Development Zone DZ6A), sustainable transport and air quality improvements, Burnham Beeches SAC mitigation (within SBC), Travel Plans, Employment and Training Initiatives, and non-financial contributions towards essential mitigation measures such as a Meanwhile Use Strategy, Town Centre Open Space Operations Management Plan, Local Employment, Skills and Training Plan, Town Centre Leisure Use Marketing Requirements, a Scheme for Public Art, off-site highways works, Car Park Management Plan, Commitment for a further</p>

	<p>Design Review to secure a Detailed Site Wide Design Code and provision of all necessary off-site s278 highways works to mitigate the impact of the development on the local highways network, and other confirmatory deeds as necessary;</p> <p>ii) The approval of the details of any/all appropriate and necessary planning obligations and/or s278 highways works.</p> <p>iii) The satisfactory completion of an Equalities Impact Assessment (EqIA) which considers the detailed impacts on protected groups under the Equality Act.</p> <p>iv) Receipt of any written responses received from The Gardens Trust (in connection with the potential impact on the Grade 1 Registered Park at Windsor Great Park as a result of the proposals) and being satisfied that any matters raised in the response can be satisfactorily addressed.</p> <p>v) finalising conditions [and any other minor changes]</p> <p>vi) Further to discussions already held with Natural England and as set out in this report, formal adoption by the Council (being the competent authority) of an appropriate assessment pursuant to the Habitats Regulations in order to conclude upon the likely impact of the development on the Burnham Beeches Special Area of Conservation (SAC) and the final form of any mitigation that is necessary to</p>
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	<p>address that impact either: (i) by the Planning Manager acting in consultation with the Chair of the Planning Committee; or (ii) if considered necessary by the Planning Manager acting in consultation with the Chair of the Planning Committee, by being referred to a future meeting of the Planning Committee.</p> <p>Or, to refuse the application if the Section 106 Agreement is not completed by 31st July 2023 unless a longer period is agreed by the Planning Manager or Chair of the Planning Committee.</p>
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(Councillor Davis left the meeting)

28. P/19954/000 - Units at Poyle Trading Estate, Colndale Road/Arkwright Road, Colnbrook, Slough, SL3 0HQ

Application	Decision
Demolition of existing buildings and structures and construction of new employment units within use classes E (light industrial), B2 and B8 with ancillary offices, areas for car parking, service yards, internal estate roads, landscaping as well as associated works (requiring the stopping up of an area of public highway).	Delegated to the Planning Manager for approval subject to the receipt of an acceptable Unilateral Undertaking (to cover the funding of the Travel Plan Monitoring required by the Highway Authority); in order to finalise conditions and agree pre-commencement conditions; and any other minor changes.

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29. P/19642/000 - Grace House, Petersfield Avenue, Slough, SL2 5EA

Application	Decision
Demolition of the existing B8 commercial building and the construction of a five storey building, with semi-basement parking to provide 50 no. residential apartments.	<p>Delegated to the Planning Manager for approval subject to:</p> <ul style="list-style-type: none">i) The satisfactory completion of a Section 106 Agreement to secure financial contributions towards education, recreation, off-site affordable housing and mitigation against impacts on Burnham Beeches, and a requirement for a two stage review of viability of the development;ii) No new issues being raised from consultation responses from Natural England and the Health and Safety Executive.iii) Finalising conditions and any other minor changes. <p>Or, to refuse the application if the completion of the Section 106 Agreement was not finalised by 1 April 2023, unless a longer period was agreed by the Planning Manager in consultation with the Chair of the Planning Committee.</p>

30. 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.

31. Members Attendance Record

Resolved – That the record of members' attendance for 2022/23 be noted.

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32. Date of Next Meeting - 25th October 2022

The date of the next meeting was confirmed as 25th October 2022.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.02 pm)

The Human Rights Act 1998 was brought into force in this country on 2nd 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

	OLD USE CLASSES – Principal uses
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

	OFFICER ABBREVIATIONS
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:	12-May-2022	Application No:	P/03079/018
Officer:	Alex Harrison	Ward:	Central
Applicant:	Slough Property 2 Limited	Application Type:	Major
		13 Week Date:	11 August 2022
Agent:	L Hirst, Jaspar Management Ltd c/o Jaspar Management Ltd, 15-19 Church Road, Stanmore, HA7 4AR		
Location:	190-192 High Street, Slough, SL1 1JS		
Proposal:	Construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street facade		

Recommendation: Delegate to Planning Manager to approve



1.0 SUMMARY OF RECOMMENDATION

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for:

A. Approval subject to:

- (i) the satisfactory completion of a Section 106 Agreement to secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;
- (ii) no further issues arising from comments from Natural England
- (iii) finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 April 2023 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

1.2 The proposals comprise a major planning application; therefore the development is required to be determined by Slough Borough Council Planning Committee.

PART A: BACKGROUND

2.0 Proposal

2.1 Full planning permission is sought to vertically extend the existing building and redevelop the existing floorspace to provide a mixed use development comprising of remodelled retail units at ground floor level and the provision of 46 flats above.

2.2 The application is a resubmitted scheme proposing an alternative development to that approved under P/03079/017 which was resolved to approve by the Planning Committee at the meeting of 26 May 2021. The previous scheme approved full demolition of the site and redevelopment to provide retail units and 63 flats.

2.3 The proposed design seeks to provide the accommodation over a consistent 5 storey height. The top floor is set back from the High Street frontage to achieve a subservient visual appearance.

2.4 Access to the residential units and the servicing area of the retail units is proposed at the southern part of the site and utilizes the existing access from Park Street. A further residential access is proposed directly from the High Street. The scheme provides 5 no parking spaces for the

development and 50 no residential cycle parking spaces and 2 no commercial cycle parking spaces.

2.5 All of the residential units are given private amenity space through the provision of balconies and terraces and the scheme also proposes a roof top garden area that would be accessible to all residents.

2.6 The proposal does not provide any on site affordable housing provision and the applicant submitted a viability assessment to demonstrate why provision would not be viable. In spite of viability the applicant as offered an off-site affordable housing contribution of £25,000

2.7 The application was originally submitted with the following technical content:

- Daylight/Sunlight Report
- Planning Statement
- Noise Assessment
- Design and Access Statement
- Heritage Statement
- Sustainability and Energy Statement
- Transport Statement
- Indicative Surface Water Drainage Strategy
- Habitat Regulations Assessment

3.0 Application Site

3.1 The application site consists of a single building that occupies the curtilage of the site. It is a 3 storey building that fronts the High Street. The ground floor provides 2 retail units which are currently occupied by Poundland and JD Sports. The first and partial second floor of the building is used as ancillary space for the retail units below.

3.2 The building is a flat roof structure which is largely brick-faced aside from the High Street elevation which consists of shopfronts at ground floor and a combination of windows and composite cladding.

3.3 The area to the north of the site is the principal shopping area of the town, the High Street, which accommodates a mix of uses commonly found in town centres. To the west the adjacent building (186-188 High Street) has recently been the subject of development to provide new flats above the existing retail units at a height of 5 storeys. To the east are retail units with office space above (194-194 High Street) that are in traditional buildings that are locally listed. To the south the building backs directly onto the car park and service yard area that is associated with the units that front onto Park Street to the southwest.

3.4 The site is located within the designated town centre and is not located within a Conservation Area.

4.0 Site History

4.1 The following applications are the most relevant to the proposal:

P/03079/003

Demolition of 3 storey storage building alterations to shop to provide 3 no shop units with ancillary storage areas provision of enlarged servicing area & car parking.

Approved 07 September 1984.

P/03079/012

The erection of Brise-Soleil at parapet level of front elevation and associated internal and external refurbishment works to existing building.

Approved 29 July 2010.

P/03079/017

Redevelopment of the site to provide a part six, part eight storey building to form 63 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E); associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.

Approved 18/08/2022

5.0 Neighbour Notification

5.1 Due to the development being a major application , in accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), site notices were displayed outside the site on 07/06/2022. The application was advertised in the 24/06/2022 edition of The Slough Express.

5.2 No letters from neighbouring residents have been received.

6.0 Consultations

6.1 Highways

Vehicular Access

SBC Highways and Transport have no objection to the planning application based on the proposed vehicle access arrangement, which remains unchanged from the consented scheme P/03079/017.

However, SBC Highways and Transport do request the amendment of the gate set back to 7m from the edge of the public highway to ensure that there is space for a long wheelbase van to wait clear of the public highway whilst waiting for the gates to open.

Vehicle access is proposed from Park Street via a common rear access / service way with 186 – 188 High Street. Some amendments to the access way were recently approved as part of planning application P/01914/034 for 186-188 High Street.

Access by Sustainable Travel Modes

The site is considered to be situated in a highly sustainable location due to the close proximity of facilities on the High Street, The Curve Library (400m), Tesco Extra (500m), Slough Bus Station (650m) and Slough Railway Station (650m). The Public Transport Accessibility (PTAL) rating for the site is 5 which is considered high. PTAL ratings in Slough range from 1a to 5.

Trip Generation

SBC Highways and Transport have no objection to the proposed development due to the impact of vehicle trips on the road network. The number of vehicle trips generated is expected to be minimal given there are only 5 parking spaces proposed.

However, the applicant's forecast of trip generation is not accepted. The Transport Statement suggests that sites with similarly low car parking ratios are not available in TRICS but does not provide the parking ratios of the TRICS sites used. It is understood a range of site's within TRICS with low parking ratios are available.

However, regardless of flaws with the trip generation calculation, the development is not expected to have a severe impact on highway capacity.

The Transport Statement includes a forecast of the site's trip generation which is based on trip survey data obtained from the TRICS database. The TRICS database is the national trip generation database.

Car Parking

SBC Highways and Transport have no objection to the proposed development due to the low level of car parking provision proposed on site. The adopted Slough Borough Council Parking Standards (2008) allow for nil car parking provision in the Town Centre Area. The proposed development offers 5 car parking spaces, consisting of 3 general parking spaces and 2 disabled parking spaces.

The site is well located in relation to a range of facilities and Slough Railway Station and therefore the potential exists for residents to live without owning a car.

SBC previously consented P/03079/017 which provided only 5 parking spaces for 61 dwellings. This proposed scheme for 46 dwellings and 5 parking spaces provides an improved level of parking compared to the consented scheme.

SBC Highways and Transport do not accept the use of 2011 Census data. The Transport Assessment includes 2011 Census data to provide an estimate of typical car ownership levels within the surrounding area. It should be noted that SBC do not accept the use of 2011 Census data to justify low parking levels due to 2011 Census data being outdated and unlikely to reflect the current car ownership levels and travel patterns within Slough Borough. However, SBC do not object to the low level of car parking provision as stated above.

Car Club Contribution

SBC Highways and Transport request a Section 106 Contribution is made towards the operation of Slough Borough Council's Car Club. A contribution of £23,000 is requested.

SBC request car club contributions where low parking ratios are proposed in order to support low levels of car ownership in accessible areas by providing residents with flexible access to a car at sites where car parking provision is limited.

On-Street Parking

There is no on-street parking available on the surrounding streets and it will not be possible for residents to own a car by parking it on the surrounding streets.

Park Street is subject to a double yellow line parking restriction which prevents parking or loading at any time and only restricted loading bays are available at the northern end of Park Street.

All of the surrounding streets are also subject to on-street parking restrictions, meaning that residents will not be able to park a vehicle on the surrounding roads in the event that they wish to park a vehicle nearby on the surrounding roads.

Chapel Street is subject to a single yellow line parking restriction which restricts parking between 8am – 7pm. Herschel Street, Alpha Street North and Church Street are subject to double yellow line parking restrictions which do not allow on-street parking at all. Victoria Street and Hencroft Steet North also have parking restrictions and permit only parking bays.

Electric Vehicle Parking

SBC Highways and Transport request that all 5 parking spaces are fitted with Electric Vehicle Charging Points.

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking. In addition, updated UK Building Regulations came into effect on 15th June 2022 which require the provision of an Electric Vehicle Charging Point for each new dwelling.

Cycle Parking

The proposed site plans display three secure, covered cycle stores, accessed through the building. One cycle store contains 5 Sheffield Stands, providing parking for 10 bicycles, one provides 12 Sheffield Stands with parking for 24 bicycles and a third provides 8 Sheffield stands providing parking for 16 cycles.

SBC Highways and Transport have no objection to the proposed cycle parking which is in accordance with the requirements of the Slough Developers' Guide – Part 3: Highways and Transport (2008).

Deliveries, Servicing and Refuse Collection

SBC Highways and Transport have no objection to the proposed development due to the proposed delivery and servicing arrangements, which are unchanged from the consented scheme.

Swept path analysis has been provided which demonstrates that a goods vehicle upto 3.5 tonnes in size which will be able to ingress in a forward gear, unload/load and then egress in a forward gear. Vehicles larger than 3.5 Tonnes would need to use the loading bay opposite the site access.

SBC Highways and Transport require the gate for the proposed development to be set back at least 7.0m from the public highway to allow a long wheelbase delivery van to wait clear of

SBC Highways and Transport require a Delivery Servicing Plan to be secured by planning condition.

Summary and Conclusions

Subject to the applicant providing the requested information to allay my concerns, I can confirm that I have no objection to the proposed development on highways and transport grounds.

6.2 Thames Water

Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid

potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

6.3 Landscape/Tree Officer

No comments received.

6.4 Environmental Quality

Air quality:

The development is not expected to contribute to a worsening of air quality and due to the developments location, exposure will not be an issue. In line with the LES, Type 1 mitigation is applicable to this development (EV charging provision, submission of a CEMP by condition and low NOx heating systems). Each parking space should have access to an EV charger.

Noise:

The noise report is based off a survey period from 13th Oct 2020 to 14th Oct 2020 (24 hrs from 11:30), with measurement positions representative of Park Street (nearby road – P1) and rear car park (P2). The highest noise levels during the day were 59dB at position 1 (road) but at night highest at the car park (47dB). Noise levels are likely to be acceptable after mitigation is applied, however:

- The survey was not attended so it is not clear what the noise levels are caused by – it is assumed to be road traffic as that was audible when setting up. It is not clear whether there was any audible plant or commercial operations during the survey, and the survey coincided with the pandemic. As such, I recommend a verification survey is completed to check that the measured results from the survey are accurate and that commercial noise, if present, is included (to be conditioned).
- It is not clear if there is any plant proposed with the scheme, however a noise limit can be set by condition based on the background noise levels from the survey, should any plant scheme come forward. Plant limits are: 47dB day, 39dB night.

Internal noise levels are exceeded with windows open, therefore a ventilation scheme is required. Full details of the glazing and ventilation scheme (with details of acoustic attenuation) is required by condition.

6.5 Lead Local Flood Authority

Comments awaited and will be reported on the Amendment Sheet.

6.6 Crime Prevention Design Advisor

The National Planning Policy Framework 2021 demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. (Ref. paragraphs 92b, 112c and 130 f). With this in mind it is important to consider all appropriate crime prevention measures when viewing the proposals to safeguard the community, its occupant and prevent the development negatively impacting police resources.

Whilst it is good to see the applicant has included a section in the DAS relating to 'Secured By Design', there are some aspects of the design which would make it difficult to achieve the standard. I highlight the following points and ask that these are addressed either through additional documentation and/or amendments prior to planning permission being granted.

Furthermore I ask that the following or similarly worded condition is placed on the applicant;

No development shall commence until the applicant has demonstrated how the principles of 'Secured By Design' will be incorporated within the development including the submission of an 'Access and Security Strategy'. Details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Comments to note:

It is unclear who the parking bays are proposed for and whether any commercial vehicle access for the purpose of loading and unloading or indeed staff parking is being proposed in the under-croft. This undercroft is particularly vulnerable to crime and anti-social behaviour due to the location of the development. Looking to mitigate some of this risk it would be appropriate to provide access only to residents.

There appears to be access into the under-croft from the commercial corridor. It may be that this is only proposed to be accessed by residents but I cannot see how this can be prevented. Similarly there should be no need for residents to access the commercial corridor. The access and

egress door from the commercial corridor into the under-croft should be removed. It may be that the applicant is proposing to access control the door highlighted, however without an access and security strategy detailing the proposed positioning of entry systems this cannot be confirmed. Jo Haley Crime Prevention Design Advisor for Wycombe, Aylesbury, South Bucks & Chiltern Districts 25 August 2022 Regardless, the current door position would impede the vehicle access creating safety concerns.

Whilst the DAS (as above) shows a vehicle gate, the floor plans do not. A vehicle gate must be present to prevent unauthorised access into this area.

The residents on Level 1 are being potentially provided with a reduced level of physical security to residents located on other floors. Level 1 incorporates a merged core which can support criminal activity. All residents will require access to this floor to enable get to and from the cycle stores therefore the dwellings located on this floor are likely to be adversely affected by the increased noise and activity. Formal surveillance could help to mitigate some of the risk associated with this layout.

Electronic fob access controls must be present. These access controls should be programmed to allow residents permissive access only to areas of the development they have a need to access. For example the resident of flat 37 should have access into residential stair core 1 but should only be able to exit on level 1 (to facilitate accessing stair core 2) or level 3 where there dwelling is located or level 5 where the roof garden is located. As the lift sits outside the stair core on the residential stair core 1, the lift itself would need to access controlled. For residential stair core 2 the lift sits within the core providing the option to access control the door out of the stair core onto the floor plate.

Ref Section 27.29 (Security compartmentation of developments incorporating 25 or more flats, apartments, bedsits or bedrooms), Homes 2019 – Secured By Design

Access controls should be present at both pedestrian entrances. To aid the applicant access controls and visitor entry systems must include the following attributes to address both the location and size of this mixed use development.

- Access to the building via the use of a security encrypted
- Vandal resistant external door entry panel with a linked camera
- Ability to release the primary entrance door set from the dwelling o Live audio/visual communication between the occupant and visitor
- Ability to recover from a power failure instantaneously
- Unrestricted egress from the building the event of an emergency or power failure
- Capture and store images for at least 30 days, with information available for the police within 3 days of a request
- All visitor and resident activity on the visitor door entry system to be recorded and stored for at least 30 days, with information available for the police within 3 days of a request
- Systems must comply with GDPR

Ref Section 27 (Access control and additional security requirements for buildings containing multiple dwellings or bedrooms), Homes 2019 – Secured By Design.

6.7 Natural England

Original comments requested a Habitat Regulations Assessment

following submission of the assessment -

This application is supported by a HRA (dated September 2022). Although Natural England are broadly supportive of the direction of the HRA, we are not in a position to agree with the conclusions as yet.

The Strategic Access Management and Monitoring Scheme (SAMMS) is the adopted mitigation strategy for development coming forward within Buckinghamshire Council (formally Chiltern and South Bucks Councils).

However, Upton Court Park could function as the mitigation for this development with contributions Page 2 of 6 made towards its improvement. This is dependent on whether there is sufficient capacity for the development within the Phase 1 mitigation for Upton Court Park. Natural England are yet to formally agree and sign off the use of Phase 2 of this SANG.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology in 2019, Natural England recognises that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.

The 5.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. These impacts, which have the potential to adversely affect its interest features, include:

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;

- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

In March 2020 Buckinghamshire Council (formally Chiltern and South Bucks Councils) produced the now adopted Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) for Burnham Beeches. The SPD requires net dwellings within 5.6km of Burnham Beeches to make financial contributions towards the Strategic Access Management and Monitoring strategy (SAMM). Development in accordance with the Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

As we have discussed above, a mitigation strategy or equivalent will be required for Slough Borough Council to avoid adverse impacts at the SAC.

However, development proposals which are not in accordance with the above would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects. In accordance with Regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development on the SAC, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the Atlantic acidophilous beech forest habitat.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

6.8 Conservation Consultant

The application site comprises a three-storey mid 20th century building with retail at ground floor and ancillary retail use above. The site is located on the south side of Slough's High Street with The Observatory and Queensmere Shopping Centre opposite the site.

To the east of the site are 3 buildings all included on the 'Local List' for their architectural merit, referred to on the Local List (Appendix 5 of the Local Plan) as 194 - 198 High Street Slough and 200 - 202 High Street Slough. These 19th century properties are of merit and a reminder of the mix of earlier buildings along the High Street, before large parts of it were redeveloped in the 20th century. Under the NPPF these are 'non-designated heritage assets'. There are no statutory listed buildings or other designated heritage assets in the vicinity of the site which could be impacted via the proposed scheme.

A previous application for redevelopment of the site was approved. This latest scheme is for extension to the existing building, not its complete redevelopment - the scale of extensions has been reduced.

In accordance with the NPPF, para. 194 a Heritage Statement has been submitted in support of the application.

The existing mid 20th century property on the site is of no special architectural merit and its proposed extension / increase in height is considered proportionate in relation to the adjacent properties and new / proposed development locally, the upper floor will be set back reducing any impact within the street scene. The proposed street elevation, if well-detailed and using high quality materials represents an opportunity to enhance the High Street.

NPPF paragraph 203 advises:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The increase in scale of the proposal to the frontage could be considered to detract slightly from the setting of the non-designated heritage assets

immediately adjacent to the site. However, the development will result in a better-quality street facing elevation upon the High Street. It is acknowledged that the locally listed buildings will not be directly impacted via the adjacent development and, as such, the proposal is considered to preserve their significance. No objection.

7.0 Policy Background

7.1 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 current version of the National Planning Policy Framework (NPPF) was published on 20th July 2021. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant paragraphs of the NPPF are outlined below. However, before doing so officers first identify the relevant policies in the Development Plan which is the starting-point of an assessment of the application consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

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.

The weight of the harm and benefits are scaled as follows:

- Limited
- Moderate
- Considerable
- Substantial

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 National Planning Policy Framework 2021:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 6: Building a Strong Competitive Economy
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies 2008:

- Core Policy 1 (Spatial Strategy)
- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- Core Policy 5 (Employment)
- 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 12 (Community Safety)

Local Plan for Slough March 2004 policies (saved policies 2010):

- EN1 (Standards of Design)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- H14 (Amenity Space)
- T2 (Parking Restraint)
- T8 (Cycling Network and Facilities)
- OSC17 (Loss of Community, Leisure or Religious Facilities)

Other Relevant Documents/Statements

- Slough Borough Council Developer's Guide Parts 1-4
- Slough Local Development Framework Proposals Map (2010)
- Technical Housing Standards – nationally described space standards.
- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

7.3 Emerging Preferred Spatial Strategy for the Local Plan for Slough

The emerging Preferred Spatial Strategy has been developed using 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.

This site is not allocated for development within the emerging Spatial Strategy. Protecting the built and natural environment of Slough's suburban areas is one of the key elements in the emerging Spatial Strategy.

7.4 National Planning Practice Guidance (NPPG)

The NPPG was first published in 2014 and is iterative web-based guidance that is designed to complement the NPPF across a range of topics.

7.5 Fire Safety Provisions - DLUHC Guidance - Fire safety and high-rise residential buildings (from 1 August 2021)

The Department for Levelling Up, Homes and Communities (DLUHC) has brought in changes to the planning system whereby HSE Gateway One are a statutory consultee on specified planning applications. The DLUHC Guidance states that the changes are intended to help ensure that applicants and decision-makers consider planning issues relevant to fire safety, bringing forward thinking on fire safety matters as they relate to land use planning to the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety.

7.6 The Proposed Spatial Strategy (Nov 2020)

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This set out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough.

The consultation document contained a revised Local Plan Vision which supports the Council's vision for Slough as a place where people want to "work, rest, play and stay."

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues.

7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals as set out in Section 24 of this report.

7.8 Written Ministerial Statement (2021) – First Homes

The WMS (2021) states that First Homes should account for at least 25 per cent of affordable housing units delivered through planning obligations, which is a material consideration for decision making from 28th June 2021. First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.

Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

The transitional arrangements set out in the Written Material Statement and Planning Practice Guidance confirm that the First Homes requirement will not apply to sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021 or applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022. In this instance First Homes is not engaged as the site has an extant consent.

7.9 Habitats Regulations Assessment of Projects, Natura 2000 and European Sites

Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive.

Since 31st December 2020, the UK requirements for Habitat Regulations Assessments is set out in the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019). Together, the National Site Network of the UK comprises over 25,500 sites and safeguards the most valuable and threatened habitats and species across Europe and the UK; it represents the largest, coordinated network of protected areas in the world.

HRA employs the precautionary principle and Reg 102 ensures that where a project is 'likely to have a significant effect' (LSE), it can only be approved if it can be ascertained that it 'will not adversely affect the integrity of the European site'. Burnham Beeches is designated a SAC under this Directive which is located to the north of Slough.

The development 'project' has been screened (as part of the Habitat Regulations Assessment) and it has been identified that LSE cannot be ruled out at this stage. An Appropriate Assessment is therefore required to determine whether mitigation measures are required to ensure the project will not adversely affect the integrity of the European Site (Burnham Beeches SAC)

7.10 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

Buckinghamshire Council adopted (in November 2020) a Supplementary Planning Document (Burnham Beeches Special Area of Conservation – strategic Access Management and Monitoring Strategy) which requires developers to make a financial contribution per dwelling for mitigation irrespective of dwelling type or size in a zone between 0.5km and 5.6km from Burnham Beeches. The threshold, in terms of the size of development, when a contribution will apply is understood to be for schemes of net additional homes.

7.11 Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the 1990 Act imposes a general duty on the Council as respects listed buildings in the exercise of its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

- Principle of Development
- Supply of housing
- Design and impact on the character and appearance of the area
- Heritage Impact
- Impacts on neighbouring residential amenity
- Impacts on amenity of future occupiers of the development
- Transport, Highways and parking
- Drainage
- Contamination
- Landscape
- Energy and Sustainability
- Air Quality
- Affordable Housing and Infrastructure
- Habitat Impacts
- Crime Prevention
- Equalities Considerations
- Neighbour representations
- Presumption in favour of sustainable development

9.0 **Principle of Development**

9.1 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built-up area, predominately on previously developed land. The policy seeks to ensure high density housing

is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings.

- 9.2 Core Policy 4 again emphasises that high density housing should be located in the Town Centre area and that outside the Town Centre the development will be predominately family housing at a density related to the character of the area. In particular, in suburban residential areas, there will only be limited infilling consisting of family houses which are designed to enhance the distinctive suburban character and identity of the area. The site is not identified as a development site within the Slough Local Development Framework Site Allocation Document DPD.
- 9.3 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non family type housing to be located in the town centre or urban areas. As the site is located within the town centre and the proposal would be similar in scale and density to the surrounding buildings, the proposal for accords with these objectives
- 9.4 The existing site is currently used for retail purposes at ground floor (A1 Use Class) in two separate units with the first floor as ancillary space to the retail. There would be a minor loss in retail space at ground floor level to accommodate the access, parking, servicing and stairwell to the proposed flats. A further loss would also occur at first floor level as the storage space will be removed. As these would be relatively small areas compared to the existing floor areas, and the remaining floor space at each unit would still be large enough for the shops to continue their use, no objections are raised regarding the loss of retail space in this instance.
- 9.5 The previous planning permission is a material consideration which allowed for a higher density development than is being proposed in this scheme. The site benefits from an extant permission for 63 flats in a taller building and the report will demonstrate how this amended scheme has less of an impact than it the last proposal.
- 9.6 Having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site.

10.0 Supply of Housing

- 10.1 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.

10.2 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.

10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 43 residential units would make a contribution to the supply of housing, it is unclear as to how quickly the units could be built out which lessens the weight the units are afforded. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.

10.4 In terms of housing mix, the recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

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

10.5 This housing mix for the scheme proposed is as follows:

- 6no – Studio units
- 22no – 1 bed flats
- 14no – 2 bed flats

10.6 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance it is considered that a scheme to provide a mix of predominantly 1 and 2 bed units is not in line with Core Policy 4 which seeks out of town centre sites to comprise family housing. However it is closely located to the town centre and other services and a number of other high density schemes have been allowed and implemented in the area. The scheme proposes a majority of 1-bed or studio units which is an unfortunate housing mix proposal. While the housing mix would be more preferable to include an increased number of larger units, the town centre location is suited for smaller properties and no objection is raised. The housing mix as proposed will act to reduce the extent of positive weight that

the supply of housing is provided on this scheme as part of the planning balance.

11.0 Design and Impact on Appearance and Character of the area

- 11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.2 In terms of scale the principal block that fronts the High Street will extend to 5 storeys with the topmost floor set back from the front wall, effectively adding a further storey to the existing building. The height is an increase over the existing building and will sit taller than both buildings either side (the difference to the building to 186-188 High Street would be negligible from street level) however it would be comparable to the height of the approved development at the former BHS site. It would also be comparable to the height of the building opposite to the north that forms part of the Queensmere building.
- 11.3 The scale of the building would run consistently across the site. The southern part of the site would extend to 5 storeys, continuing the brick façade of the existing building with new openings created to the existing and proposed façade to serve the units. The scale of development is comparable to the area and would be lower than other consented development such as the BHS scheme to the east and is considered to be acceptable as a result.
- 11.4 In terms of detailing the proposed High Street elevation is considered to result in an enhancement to the site. The new façade would be more contemporary in appearance and moves away from the functional appearance of the existing building. The inclusion of a residential entrance to the front elevation reduces the extent of retail frontage at the site but it is not considered to do so to the extent that it would adversely affect the character of the High Street or the retail hierarchy. The development overall includes variety on the faces through window openings, terraces and balconies and with a high-quality palette of external materials, the detailing of the design can be considered to not harm the character and appearance of the area.
- 11.5 The scheme includes the provision of a rooftop garden area on which would be accessible for all residents. This is considered to be a positive aspect of the development as flat proposals in central locations often do not have communal amenity space due to site constraints but this scheme provides additional space for the benefit of residents.

11.6 On the basis of the considerations above the scheme is considered to be acceptable in light of policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF. The impact will be appropriately weighted as part of the planning balance.

12.0 **Consideration on future development of surrounding land**

12.1 In considering the previous application, P/03079/017, concerns were raised over the nature of development and its impact on surrounding land in respect of future development.

12.2 The applicant undertook a massing assessment to demonstrate a possible development scenario for the land to the south and it showed that suitable distance can be achieved with a development that would front Park Street and Herschel Street. The details submitted were sufficient to placate the concerns raised and it is considered that a comprehensive redevelopment of the and to the south can be achieved if this development is permitted.

12.3 No such details have been provided with this current application but the considerations remain. The proposed development is lesser in scale than the extant scheme. It sits on the same footprint as the previous and has the same relationship with adjacent sites, albeit on a notably lesser scale. The reduced scale of this current application is considered to result in a reduced impact on the potential for redevelopment of neighbouring sites and no objections are raised as a result.

12.4 There are rear service areas to the east of the site, the rears of 194-198 High Street and 200-202 High Street. These areas are not considered to carry much potential for redevelopment of larger scale due to the locally listed nature of the buildings and there are no concerns with this relationship as a result.

13.0 **Impact on neighbouring amenity**

13.1 The National Planning Policy Framework 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 Policies EN1 and EN2.

13.2 The existing building immediately west of the site provides new residential accommodation and would be impacted on by the proposal. It is in a 'c' shape as it allows for a small atrium style area which allows light to inwardly facing windows that serve bedrooms or non-habitable rooms of the adjacent units.

13.3 The applicant has submitted a daylight/sunlight assessment that considers the impact on these neighbouring windows. The report demonstrates that the development would still enable suitable light levels to be reached by the

central windows, all of which serve either non-habitable rooms or bedrooms.

- 13.4 There is a residential occupation to the west at what appears to be the rear of 202 High Street. The development would be visible from this property but given its scale and distance, it is not considered to have a significant adverse effect on amenity.
- 13.5 The development is not considered to be overbearing to any other neighbouring residents and the nature of the approved BHS redevelopment scheme is such that the scheme would not have any perceived adverse impact on those approved units either.
- 13.6 As a result of the above assessment, the proposal is considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan. This will be considered as part of the planning balance.

14.0 Living conditions for future occupiers of the development

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 14.2 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."
- 14.3 It is noted that all the units meet and exceed the requirements of the national space standards for residential units which creates a good level of space for residents. All units are provided with their own terrace or balcony and the scheme also includes a rooftop garden which is accessible to all residents. This would provide soft and hard landscaping and provides private outdoor space for all residents.
- 14.4 Considerations were had to the outlooks that the proposed units would have. The southern facing units would have an outlook over the carpark and service yard associated with the units on Park Street although many are at a height that would view over this land. This is not an ideal outlook for potential residents however it is acknowledged that this is a relatively common scenario for town centre developments due to the wider range of uses in a closer relationship than sites outside of centres. While it is not ideal, the outlook from the proposed units is not considered to result in substandard living conditions for residents.
- 14.5 There are no concerns regarding daylight/sunlight provision to the proposed units with all properties considered to achieve suitable levels subject to the inclusion of a condition requiring a noise verification report to determine that levels have been achieved.

14.6 Based on the above considerations the proposal is considered to provide a suitable level of amenity for all occupiers of the development and the scheme is therefore acceptable in light of the goals of the NPPF, Core Policy 4 of Council's Core Strategy, and Policies EN1 and EN2 of the Adopted Local Plan.

15.0 Highways and Parking

15.1 The National Planning Policy Framework states that planning should seek to development 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. 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 111 of the National Planning Policy Framework 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'.

15.2 The Highways Officer has considered the proposal and raised no objections. The proposal sees the rear undercroft area proposed as a shared spaces between residential and retail with parking provided alongside space for servicing vehicles associated with both uses. The undercroft area also houses the cycle parking stores and bin stores.

15.3 The proposal provides 5no parking spaces, 2 of which will be accessible. The number of parking spaces at the site is considered to be acceptable given the highly sustainable location of the site. The parking number is the same as the previously approved scheme but due to the reduced number of units proposed the parking ratio has improved as a result. The town centre location of the site allows for a low provision of parking. The Highways Officer has requested that all of the parking spaces are fitted with EV charging points and this is considered an acceptable request and can be secured by condition. The applicant has agreed to the provision. The scheme provides an acceptable number of cycle parking spaces.

15.4 One matter raised by the Highways Officer was a requirement to set proposed gates back into the site to allow pace for a delivery lorry to pull clear of the highway while it is being opened. The concern refers to a primary set of gates adjacent to the highway which would allow entry to the access up to a second set of automated gates at the undercroft. The applicant submitted an amended layout to show the relocated gates and no objection is raised.

15.5 There are no objections to the servicing and waste arrangements of the scheme and they reflect the previously approved proposal.

15.6 Subject to conditions, the scheme is not considered to have an adverse impact on highway safety and convenience and the scheme is therefore considered to be acceptable in light of Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

16.0 Drainage

16.1 The site is located within flood zone 1 and therefore flood risk is minimal. The application is accompanied with a drainage strategy and we are awaiting comments from the Local Lead Flood Authority.

16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to informatives.

17.0 Landscape

17.1 Landscaping principally takes the form of the provision of a roof level communal area that would serve all the units proposed. This is different from the previous scheme which linked two larger blocks through a lower garden level. The space proposed in this scheme is considered to be suitable for a town centre location and no objections are raised as a result.

17.2 Detailed landscape proposals are not submitted with this application, and they will need to be secured by condition as a result.

17.3 The Landscape Officer has not provided comments on this application but previously raised no objections. The similarity in concepts is given due consideration and no objections are raised subject to conditions.

18.0 Energy and Sustainability

18.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes new residential buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

18.2 The application included an energy and sustainability statement. The statement advises that with the inclusion of a number of sustainable technologies as part of the development the scheme can achieve a carbon saving of 15% relative to Part L of the Building Regulations and of that, a maximum of 9% will be achieved via PV panels.

18.3 This is considered to be acceptable in planning terms subject to a condition that would require development to be implemented in accordance with the proposals in the applicant's submitted statement.

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 The application site is not situated within an Air Quality Management Area (AQMA). Therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development.

19.4 No objection is raised by Environmental Quality subject to conditions for construction management and EV charger provision which are included as part of the recommendation.

20.0 Crime Prevention

20.1 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

20.2 The Crime Prevention Design Advisor has provided detailed comments relating to the proposal and raised a number of areas that need attention. It is important to note their concluding recommendation is for a condition which would enable the points raised to be addressed.

20.3 As a result, a condition is included in the recommendation that will require the development to achieve a secured by design accreditation and no objections are raised as a result.

21.0 Heritage

- 21.1 The existing building is not considered to be of any merit that would make it worthy of retention. However the buildings to the immediate east are locally listed as identified in Appendix 5 of the Local Plan. Individually these sites are regarded as 194-198 High Street and 200-202 High Street and the proposed development will affect their setting.
- 21.2 The application was accompanied with a Heritage Assessment which has been reviewed by the Council's consultant.
- 21.3 No objections are raised to this revised proposal which shows a relationship on the High Street that is reduced in scale when compared to the previously approved application and given that the taller proposal was found to be acceptable it is anticipated that the impact on the setting of the locally listed buildings will not be detrimental.
- 21.4 Historic England were previously consulted to consider the scheme in light of any impact on the setting of Windsor Castle and no objections were raised. This is a lower scaled scheme to the previous consultation and it is considered that there are no objections in this respect again.
- 21.5 No objections are raised from a heritage perspective.

22.0 Affordable Housing and Infrastructure

- 22.1 Core Policy 1 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.
- 22.2 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.
- 22.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which concluded that the scheme would not be viable is required to provide infrastructure contributions and affordable housing in line with the Developer's Guide.
- 22.4 Without prejudice, in accordance with the Developers Guide, this scheme would, in principle, result in the following contributions being sought:

Affordable Housing

The application proposes 46 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an

affordable housing requirement of 25% which equates to 12 units from this development.

Education

On the basis of the housing mix proposed, the following contributions towards education will be required:

1-bed units – 28no x £903	= £25,284
2+-bed units – 14no x £4,828	= £67,592

Total = £92,876

Recreation/Open Space

No contribution is sought in this instance as the proposal provide private amenity space for all units as well as soft landscaped community space.

Highways

A contribution is requested for £23,000 towards the implementation of the Council's Borough Wide Car Club.

22.5 In respect of viability, the NPPF states, at para 58:

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

22.6 The viability assessment has been considered by the Council's consultant. The applicant's position is that the scheme is not viable with the requirement to provide affordable housing and infrastructure contributions and none are proposed as a result.

22.7 The consultant has considered the appraisal and confirmed that the development would result in a deficit if implemented with the fully commitment of required contributions and affordable housing provision.

22.8 In spite of the viability issues, the applicant has proposed a contribution of £25,000 towards off site affordable housing provision within the borough. This contribution is accepted and will be secured via S106. However it will not negate the need to include a viability review mechanism in as part of the S106 agreement that would allow two opportunities reappraise of the site in the future to determine if viability has changed and therefore obligations could be secured. The review mechanism was secured on the previous consent on this site.

22.9 Viability issues with development proposals cannot be considered to amount to an adverse impact. The Council would not be able to get full contributions for infrastructure categories set out in para 22.4 and it is not reasonable to consider this circumstance to be an adverse impact in planning terms. It is reasonable to acknowledge that the scheme is unable to demonstrate benefits of the scheme through the provision of infrastructure contributions.

23.0 Habitats Impacts

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 180 of the NPPF 2021 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for 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 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

23.4 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.

23.5 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.

23.6 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.

- 23.7 The applicant has submitted a Habitat Regulations Assessment as part of the application. Natural England has considered the assessment but returned the view of an objection on the basis that the Council does not have an adopted mitigation strategy in place. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park. The applicant has agreed to pay this fee which amounts to a total of £26,220 and it can be secured through Section 106 agreement. The contribution is considered to be a benefit that can be given moderate positive weight due to the payment being a legislative requirement and the concerns of Natural England are considered to be addressed as a result.

24.0 Neighbour Representations

- 24.1 No neighbour objections have been received through the course of this application. The report has specifically addressed impacts on neighbouring residents as part of considerations.

25.0 Equalities Considerations

- 25.1 The Council is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.
- 25.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 25.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.

- 25.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.
- 25.5 Throughout this report, regard has been had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 25.6 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings and none have been proposed. Access from the public footway to the building is considered appropriate and units can be safely access directly from the disabled parking spaces at the rear via a lift.
- 25.7 In relation to the car parking provisions, 2no spaces proposed as disabled spaces and should be allocated for those requiring an accessible space which is considered appropriate.
- 25.8 It is considered that there would 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 eg: 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 would have 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 could be secured by condition should the scheme be acceptable.
- 25.9 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.
- 26.0 Presumption in favour of sustainable development**
- 26.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means

that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

26.2 In consideration of whether or not development is sustainable, para 8 of the NPPF set out 3 objectives that should be met in order for a scheme to be considered sustainable development; the economic, social and environmental objective.

26.3 In the application of the appropriate balance, it is considered that there are significant benefits and impacts from

- The provision of 46 residential units in a sustainable location should be given positive weight although this weight is reduced through an unfortunate housing mix proposing a heavy reliance on 1 bed units which does not accord with the Council's recommended housing mix. It is recommended that this benefit be given considerable positive weight.
- As confirmed through viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. An offer of £25,000 towards off site provision is accepted and can be afforded limited positive weight.
- No other infrastructure contributions are secured from the development. While this is not an adverse impact, it is not one that is considered to be positive either.
- The mitigation payment towards Upton Court Park improvements is a positive aspect that can be given moderate weight due to the payment being a legislative requirement.
- The shortfall of parking provision is considered to be a neutral impact. The provision of disabled parking at the site should be afforded moderate positive weight.
- The impact on habitats is noted as being significant but mitigation proposals have been agreed with and therefore this is considered to be a neutral impact.
- The impact on the setting of non-designated heritage assets is considered to be a neutral impact.

26.4 In applying the planning balance, the significant benefits of housing provision are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.

27.0 PART C: RECOMMENDATION

27.1 Having considered the relevant policies set out above, comments from consultees as well as all relevant material considerations it is recommended the application be delegated to the planning manager for approval subject to the completion of a S106 agreement to secure habitat mitigation contributions and a viability review mechanism and the following conditions:

28.0 PART D: CONDITIONS

28.1 CONDITIONS

1. The development hereby permitted shall be commenced within three years from the date of this permission.

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 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

(a) Drawing Number JM063_PL_0001, Dated 03/09/2020, Recd on 12/05/2022

(b) Drawing Number JM063_PL_1100 Rev 1, Dated 11/07/2022, Recd On 11/07/2022

(c) Drawing Number JM063_PL_1100_5, Dated 23/03/2022, Recd On 12/05/2022

(d) Drawing Number JM063_PL_1101, Dated 23/03/2022, Recd On 12/05/2022

(e) Drawing Number JM063_PL_1102, Dated 23/03/2022, Recd On 12/05/2022

(f) Drawing Number JM063_PL_1103, Dated 23/03/2022, Recd On 12/05/2022

(g) Drawing Number JM063_PL_1104 (Proposed Fourth Floor Plan), Dated 23/03/2022, Recd On 12/05/2022

(h) Drawing Number JM063_PL_1104 (Roof Plan), Dated 23/03/2021, Recd On 12/05/2022

(i) Drawing Number JM063_PL_1200 Rev A, Dated 27/06/2022, Recd On 29/06/2022

(j) Drawing Number JM063_PL_1201 Rev A, Dated 27/06/2022, Recd On 29/06/2022

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.

3. Prior to the commencement of any above ground works, details of all facing materials, including render colours, glazed facades, timber louvres and metal framework framing to be used on the relevant block on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be displayed on site for inspection prior to works commencing on the relevant

part of the development. No part of the development shall be used or occupied prior to the implementation of the approved details. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 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).

4. No part of the development hereby permitted shall be occupied until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design Gold Award' accreditation will be achieved has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of Secured by Design accreditation has been submitted to the Local Planning Authority. The approved security measures shall be retained thereafter.

REASON In order to minimise opportunities for crime and anti-social behaviour in accordance with Policy EN5 of The Adopted Local Plan for Slough 2004 and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2021.

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary/barrier treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. details of irrigation system for soft landscaping aftercare
- e. details of equipment storage for the care and maintenance of the roof terrace.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. None of the uses hereby approved shall commence until a landscape management plan, which includes the maintenance regime for drainage, has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the landscape areas shown on the approved landscape plan, and should include a time scale for the implementation and be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local Plan for Slough 2004.

7. No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

REASON In the interests of safeguarding the amenities of neighbouring properties and to provide safer access to the cycle store 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, and the requirements of the NPPF 2021.

8. If the proposed construction works include piling, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

9. No development shall begin until details of a scheme (Construction and Environmental Management Plan) to control the environmental effects of

construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations

The development shall be carried out in accordance with the approved scheme or otherwise, as agreed by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance set out in the National Planning Policy Framework (2021).

10. Prior to the occupation of any residential unit hereby approved, details of the proposed system of Mechanical Filtered Ventilation (including proposals for overheating mitigation) within each flat shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in full accordance with the approved details prior first occupation and retained as such at all times in the future. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

REASON to ensure existing and future residents are not subjected to unacceptable levels of pollution 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, and the National Planning Policy Framework 2021.

11. The surface water control measures shall be carried out in accordance with the Indicative Surface Water Drainage Assessment from RSK ref: 13397-R1(0)-ISWDS dated October 2020 and the following drawings:

- Drainage Layout 133974-RSK-ZZ-XX-DR-C-01- Feb 2021
- Green Roof Layout 133974-RSK-ZZ-XX-DR-C-02
- Drainage Construction Details 133974-RSK-ZZ-XX-DR-C-03

The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in

accordance with Policy 8 of the adopted Core Strategy 2006 - 2026, and the requirements of the NPPF 2021.

12. No part of the development shall be occupied until refuse storage has been provided on the ground floor and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

REASON: To ensure that adequate refuse storage is provided to serve the development

13. No windows (other than those hereby approved) shall be formed in the development hereby approved without the prior written approval of the Local Planning Authority.

REASON To protect the privacy of the neighbouring property and to ensure no overlooking to the car park site to help ensure that these would not prejudice wider redevelopment in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and H9 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2021.

14. The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2021.

15. The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy Statement produced by Ensphere, reference 20-E110-004 dated April 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To ensure that the development provides sustainable energy benefits to the development in the interests of Policy 8 of the Core Strategy 2006 - 2026.

16. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved plans

and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

17. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.

REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough LDF 2006-2026.

19. No construction or development shall commence on site until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority. The CTMP shall include a site set up plan and details of:

- hours of construction, duration of construction,
- hours of deliveries,
- traffic management measures,
- construction traffic routing, wheel washing facilities,
- storage of materials,
- provision to be made to accommodate all site operatives,
- visitors and construction vehicles loading (to a minimum Euro 6/VI Standard),
- off-loading, parking and turning within the site and machinery to comply with the emission standards in Table 10 in the Low Emissions Strategy Guidance.

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

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

20. 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 provisions to :

- a) 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) Ensure spaces are not permanently linked to dwellings.
- c) State how 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) 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 and electric vehicle parking spaces shall be in accordance with the approved scheme.

REASON to provide mitigation towards the impacts on the adjacent Air Quality Management Area and 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.

21. No part of the development shall be occupied until secure cycle parking store has been provided in accordance with the standards set out in the Slough Developers Guide. Once laid out and constructed that area shall not thereafter be used for any other purpose.

REASON: To ensure that adequate and convenient cycle storage is provided to accord with the standards set out in the Slough Developers Guide.

22. None of the residential units hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Specifications of the proposed windows and glazed door installations. The details shall demonstrate that the proposed windows/glazed doors ensure that internal noise levels in line with BS8233:2014 are not exceeded

b) Details of the proposed mechanical ventilation including details of ventilation noise outputs along with a noise assessment in accordance with any mitigation in accordance with ProPG: Planning and Noise Guidance and BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.

c) If the proposed system of ventilation does not include temperature control, an overheating assessment must be submitted that sets out specific mitigation measures to ensure residents will not be subject to overheating in the residential units hereby approved.

The development shall then be carried out in full accordance with the approved details prior to first occupation of the development hereby approved. Each Mechanical Ventilation unit shall then be used and maintained in accordance with the manufactures requirements for the lifetime of the development.

REASON to ensure future residents are not subjected to unacceptable temperature 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, and the National Planning Policy Framework 2021.

23. No part of the development hereby permitted shall be occupied until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery management plan shall demonstrate how service and delivery vehicles will access the site without comprising parking provision and security and without causing an obstruction on the highway.

The development shall be carried out in full accordance with the approved details on first occupation be retained at all times in the future.

REASON: to ensure the delivery vehicles serving the proposed development do not cause an obstruction on the adjoin or surround highway 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.

24. Notwithstanding the details in the approved plans, each parking space created on the development hereby approved shall be fitted with an Electric Vehicle Charging point, details of which shall be submitted to and approved in writing prior to first occupation. The electric vehicle charging points must have a 'Type 2' socket and be rated to at least 7.4kW 32amp 22kW 32amp single or 3 phase. Works shall be carried out in accordance with the approved details and be in place prior to first occupation of the residential units hereby approved and thereafter be retained.

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.

25. Permitted Development Restricted

Notwithstanding the provisions within the Use Classes Order (2021) as amended changes of Use under Class MA, Part 3, Schedule 2, (General Permitted Development) (England) Order 2021 from Class E (all sub-classes) to Class C3 (residential) will not be permitted, without express planning permission from the Local Planning Authority.

Reason: To restrict and limit the loss of retail, shopping, food and drink and other commercial and office uses within the Town Centre in order to protect and safeguard the Town Centre Primary Shopping Area and Secondary Shopping Areas, to promote employment uses within the Town Centre, and to ensure the additional impact on socio-economic infrastructure (education, healthcare, leisure, community uses and facilities) is minimised (in accordance with the Environmental Statement) in accordance with policies EMP2 and OSC15 of The Adopted Local Plan for Slough 2004, Core Policies 1, 5 and 6 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).

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. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

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

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.

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.

3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

MEMBERS' ATTENDANCE RECORD 2022/23
PLANNING COMMITTEE

COUNCILLOR	25/05	29/06 Cancelled	26/07	29/09	25/10	30/11	21/12	24/01	21/02	29/03	25/04
Carter	P		P	P							
J Davis	Ab		Ap	P*							
Akbar	P		Ap	P							
Dar	P		P	P							
Gahir	P		P	P							
Mann	P		P	P							
Mohammad	P		P	P							
Muvvala	P		Ap	P							
S Parmar	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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