

Date of issue: Tuesday, 20 June 2023

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Iftakhar (Chair), Manku, Carter, Gahir, Khawar, Mann, Naveed and Satti)
<b>DATE AND TIME:</b>	WEDNESDAY, 28TH JUNE, 2023 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	MADELEINE MORGAN 07736 629 349

NOTICE OF MEETING

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



**STEPHEN BROWN**  
Chief Executive

**AGENDA**

**PART 1**

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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**APOLOGIES FOR ABSENCE**

**CONSTITUTIONAL MATTERS**

- |    |                          |   |   |
|----|--------------------------|---|---|
| 1. | Declarations of Interest | - | - |
|----|--------------------------|---|---|

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



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Planning Committee Terms of Reference - To Note	1 - 2	-
3.	Guidance on Predetermination/Predisposition - To Note	3 - 4	-
4.	Minutes of the Last Meeting held on 24th April 2023	5 - 8	-
5.	Human Rights Act Statement - To Note	9 - 10	-

### PLANNING APPLICATIONS

6.	P/19443/009 - 30-32 Wexham Road, Slough, SL1 1UA  <i>Delegate to the Planning Manager for refusal</i>	11 - 42	Slough Central
7.	P/20153/000 - 46-56 High Street, Slough, SL1 1EL  <i>Delegate to the Planning Manager for approval</i>	43 - 94	Herschel Park

### MATTERS FOR INFORMATION

8.	Planning Appeal Decisions	95 - 106	
9.	Date of Next Meeting - 26th July 2023		

#### Press and Public

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

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

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

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

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<p>Planning Committee</p> <p>No Executive Member other than Lead Member for Neighbourhoods and Renewal</p> <p>Not Mayor</p>	<ol style="list-style-type: none"> <li>1. To exercise the powers and duties of the Council under the provisions of Parts III and IV of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, except the making of Revocation, Modification and Discontinuance Orders and Agreements relating to development or the use of land (Sections 97, 99, 102 and 106 of the Town and Country Planning Act 1990) where any payment by the Council is involved.</li> <li>2. To exercise the provisions of the Building Act 1984 and supporting Building Regulations with regard to the regulation of buildings, and to deal with plans and drawings submitted in connection therewith.</li> <li>3. To authorise the issue and service of Stop Notices to support Enforcement Notice proceedings.</li> <li>4. To consider “special urgency” applications which require a reply within 14 days, and to take appropriate action arising from planning applications submitted by government departments under Department of the Environment Circular 18/84 (Crown Land and Crown Development).</li> <li>5. To consider published planning policy guidance (PPG’s) and circulars/white papers etc for adoption subject to any issue of local policy being referred to the Council for determination.</li> <li>6. Confirmation of orders under Sections 198 and 201 of the Town and Country Planning Act 1990 for the preservation of trees in the Borough, where objections have been received.</li> <li>7. To exercise the functions contained within Part 8 of the Anti Social Behaviour Act 2003 relating to High Hedges.</li> </ol>	<p>1-7 (inclusive)</p> <p>Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</p>
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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

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

### Predisposition

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

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

### Pre-determination / Bias

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

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

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**Planning Committee – Meeting held on Tuesday, 25th April, 2023.**

**Present:-** Councillors Carter (Chair), Akbar, Dar, Gahir, Mann and Mohammad

**Apologies for Absence:-** Councillor Muvvala and S. Parmar

**PART I**

**78. Declarations of Interest**

None.

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

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

**80. Minutes of the Last Meeting held on 21st February 2023**

**Resolved** – That the minutes of the meeting held on 21<sup>st</sup> February 2023 be approved as a correct record.

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

The Human Rights Act Statement was noted.

**82. 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 by the Committee as follows:-

Application P/01223/047 – Langley Grammar School – a representative of the applicant addressed the Committee.

Application P/01223/047 – Langley Grammar School – Councillor Brooker, as a Ward Councillor, 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.

**Planning Committee - 25.04.23**

**83. P/01223/047 - Langley Grammar School, Reddington Drive, Slough, Slough, SL3 7QS**

Application
Construction of 14no flats with associated landscaping and parking following the demolition of former caretakers dwelling and garage.
Decision
Delegated to the Planning Manager for:  A) Approval subject to:-  1. the satisfactory completion of a legal agreement to secure  a) £3,000 financial contribution towards a Traffic Regulation Order for additional parking restrictions on Reddington Drive and restrictions/signage for the proposed loading bay on Reddington Drive; b) An area of wildflower meadow for net gains in biodiversity to be retained in consultation with our legal team.  2. Agreement of the pre-commencement conditions with the applicant/agent; finalising conditions, including an assessment of noise impact of the roller shutter door; and any other minor changes.  B) Refuse the application if the completion of the above had not been satisfactorily completed by 25 <sup>th</sup> October 2023 unless a longer period was agreed by the Planning Manager, or Chair of the Planning Committee.

**84. P/20054/001 - Bay 9-13 (building 1) Banbury Avenue, Slough Trading Estate, Slough, SL1 4LH**

Application
Construction of a Data Centre with ancillary office space together with hard and soft landscaping, associated plant, infrastructure and utilities, car parking, associated site clearance, demolition, engineering works, ground works, and site access via Dundee Road and Oxford Avenue.
Decision

## Planning Committee - 25.04.23

Delegated to the Planning Manager:

A) For approval subject to:

1. The satisfactory completion of a Section 106 Agreement to secure:
  - i. Financial contribution of £126,540 towards Local Employment Training and Business Promotion.
  - ii. Skills development programme for the construction phase.
  - iii. Travel Plan.
  - iv. Financial contribution of £3,000 Travel Plan Monitoring Fee.
  - v. Appropriate construction vehicle emission standards.
  - vi. Future connection to a district heating network.
  - vii. Car Park Management Plan including details of the use of car parking for the development that was provided off-site in consultation with our legal team.
  - viii. Require a condition for a maintenance plan for the building exterior.
  - ix. In consultation with the environmental health team, include a diary noise impact assessment of when generator testing takes place by condition.
2. A satisfactory updated Travel Plan and TRICS Survey.
3. Agreement of the pre-commencement conditions with the applicant/agent; finalising conditions; and any other minor changes.

Refuse the application if the completion of the above had not been satisfactorily completed by 24<sup>th</sup> November 2023 unless a longer period was agreed by the Planning Manager, or Chair of the Planning Committee.

### 85. Planning Appeal Decisions

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

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

### 86. Members Attendance Record

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

Chair

## **Planning Committee - 25.04.23**

(Note: The Meeting opened at 6.30 pm and closed at 7.35 pm)

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

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

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

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

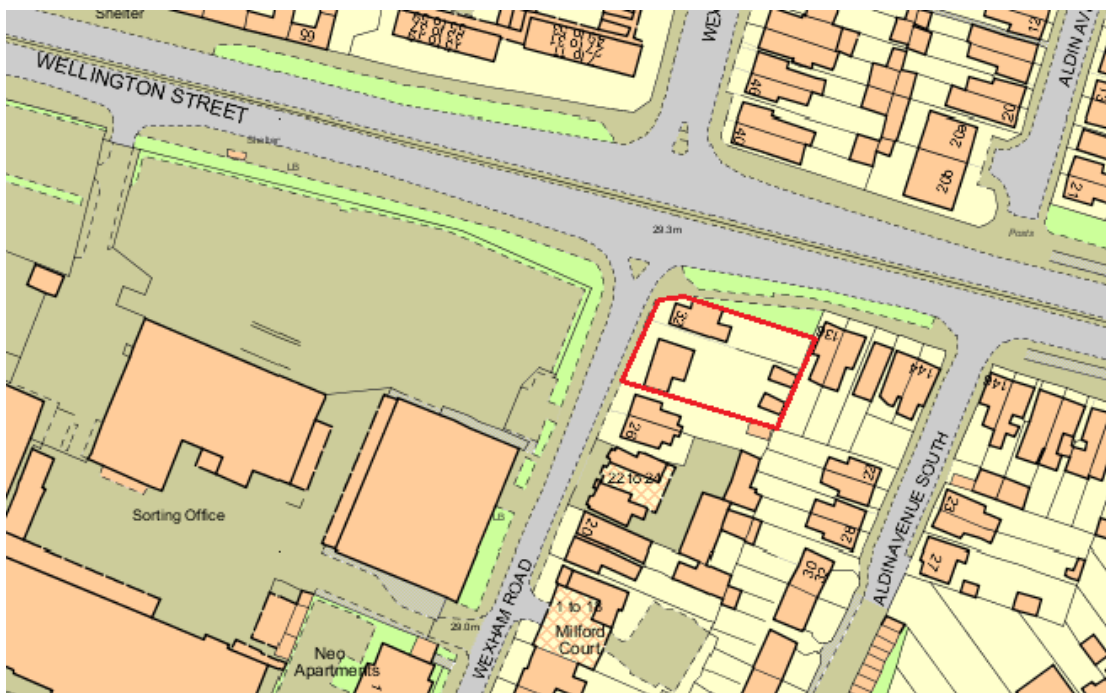
	<b>OLD USE CLASSES – Principal uses</b>
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel,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

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

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Registration Date:	23-Jan-2023	Application No:	P/19443/009
Officer:	Michael Scott	Ward:	Central
Applicant:	Wexham Construction Ltd.	Application Type:	Major
		13 Week Date:	24 April 2023 [EoT 09 June 2023]
Agent:	GA&A Design, Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	30-32, Wexham Road, Slough, SL1 1UA		
Proposal:	Demolition of the existing buildings and redevelopment of the site at 30-32 Wexham Road, Slough, SL1 1UA to create 27 new residential units (11no. 1 beds, 14no. 2 beds and 2no. 3 beds) with associated parking and landscaping.		

**Recommendation:** Delegate to the Planning Group Manager for Refusal



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, the representations received from all consultees and residents; as well as all other relevant material considerations, it is recommended that the application be refused for the following reasons:-

1 The proposed scheme by reason of its scale, height and massing would fail to respect or respond to the established character and appearance of the area and would constitute the overdevelopment of the site. The proposed scale and massing in close proximity to the neighbouring dwellings, in particular, at 28 Wexham Road and 136 Wellington Street, would result in an overwhelming sense of enclosure and overlooking. As a result, the proposed development would significantly harm the character and appearance of the area and the wider street scene, as well as, the amenities of the neighbouring occupiers. The proposal is considered to be contrary to the provisions of the National Planning Policy Framework (2021); Core Policies 7, 8 and 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policies EN1 and H13 of Slough Local Plan, 2004.

2 The applicant has not provided, by way of a Section 106 agreement, for affordable housing and for off-site infrastructure made necessary by the development including funding for education, the mitigation of impacts on Burnham Beeches Special Area of Conservation, and off-site affordable housing. As such, the application is contrary to Policies 4, 9 and 10 The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Slough Borough Council’s Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106), advice in the National Planning Policy Framework 2021 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

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

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 This is a full planning application for:



- Demolition of the existing residential accommodation comprising one family home (no.30) and four self-contained flats in the other property (no. 32).
- Construction of a part six/part five/part three-storey building.
- Provision of 27 self-contained residential units with a mix of:
  - 11no. 1-bedroom,
  - 14no. 2-bedroom
  - 2no. 3-bedroom flats
- Surface car parking providing 8 spaces (of which one would be designated for accessible use) – each to be provided with electric charging facilities.
- The provision of cycle parking facilities for future residents and visitors.
- Secure bin and recycling storage facilities.
- Redesigned and widened use of the vehicular access to the site from Wexham Road.

### 3.0 **Application Site**

- 3.1 The application site lies on the south-eastern corner of Wellington Street and Wexham Road. There are currently two detached residential buildings – no.30: a two-storey double fronted Victorian property comprises 4 self-contained flats; and no. 32: a two-storey bay-fronted Victorian property in use as a single-family dwellinghouse. Each has forecourt parking and its own rear garden space.
- 3.2 There are no particular changes in ground levels across the overall application site or between it and the adjacent sites.
- 3.3 To the south, between the site and the High Street are a series of two-storey dwellings, together with a three-storey block of flats at Milford Court and a four-storey block of flats at Neo Apartments.
- 3.4 Opposite to the west across Wexham Road, lies land used by BT for parking, which comprises part of much larger area identified in the Local Plan for future comprehensive residential development as Site SSA16.
- 3.5 To the east lies a series of two-storey domestic properties facing Wellington Street. The western boundary of no 136 abuts the eastern side of the application site.

- 3.6 Wellington Street (A4) is a significant arterial route separating the residential areas to the north from the application site, as such, the character and layout of that area affords little material consideration of these proposals.
- 3.7 Access for proposed development site would be taken from Wexham Road in a similar but redesigned position to that serving no.30.
- 3.8 For completeness, it should be noted: the site adjoins the boundary of the designated Slough Town Centre; does not lie in a conservation area and there are no heritage assets nearby; and it does lie in a Flood Zone. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.

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

- 4.1 The most relevant planning history for the site is presented below:

P/19443/000 Demolition of the existing buildings and redevelopment of the site at 30-32 Wexham Road, Slough, SL1 1UA to create 18 new residential units with associated parking and landscaping – APPROVED 06/01/2022.

P/19443/001 Submission of details pursuant to condition 5 (Construction Environmental Management Plan) of planning permission P/19443/000 dated 06/01/2022. Condition complied with - 07/10/2022

P/19443/002 Submission of details pursuant to condition 6 (tree protection measures) of planning permission P/19443/000 dated 06/01/2022. Condition complied with - 22/09/2022

P/19443/003 Non material amendment to application P/19443/000 dated 06/01/2022 involving the reconfiguration of internal layouts of flats, cycle storage and plant room areas. Approved 22/08/2022

P/19443/004 Submission of details pursuant to condition 9 (new surface treatments), 10 (landscaping) and 11 (boundary treatment) of planning permission P/19443/000 dated 06/01/2022. Approved 01/11/2022

P/19443/005 – Unregistered application for Demolition of the existing buildings at (30-32 Wexham Road, Slough, SL1 1UA) and, redevelopment of the site to construct 18 no. new residential units with associated parking and landscaping.

P/19443/006 Submission of details pursuant to condition 3 (New finishes to building works) of planning permission P/19443/000 dated 06/01/2022  
Condition complied with - 23/01/2023

P/19443/007 Submission of details pursuant to condition 4 (Drainage (SuDS)) of planning permission P/19443/000 dated 06/01/2022 Condition complied with - 23/01/2023

P/19443/008 Submission of details pursuant to condition 7 (Sound attenuation and ventilation) of planning permission P/19443/000 dated 06/01/2022 Condition complied with - 23/02/2023

## 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 two site notices were displayed – each on lampposts in the immediate vicinity of the site's location on Wellington Street and Wexham Road respectively on 08/02/2023. The application was advertised as a major application in the 17/02/2023 edition of The Slough Express.

## 6.0 **Consultations**

### 6.1 **Local Highway Authority**

#### **Introduction**

This document provides Slough Borough Council's (SBC) final consultation response regarding Highways and Transport for application P/19443/009 at 30 – 32 Wexham Road. A Transport Statement (TS) has been produced by Patrick Parsons, dated January 2023.

### Vehicular Access

SBC Highways and Transport have no objection to the proposed access arrangements for the site.

SBC Highways and Transport require the applicant to enter into a Section 278 agreement with Slough Borough Council to provide a speed table to reduce vehicle speeds on Wexham Road and a 'build out' to ensure appropriate setback for visibility. This is due to the proximity of the site access to the A4 Bath Road.

SBC Highways and Transport agreed the provision of a speed table as part of the previously approved planning application (Planning Ref: P/19443/000).

The speed table was required because the applicant was unable to demonstrate visibility splays of 2.4 metres x 43 metres in accordance with the Manual for Streets (MfS) requirements for a 30mph speed limit. Visibility had been measured from a setback of 1.8m, which did not accord with the minimum setback of 2.4m required by MfS.

Drawing No. 10229-101-Rev-P2, dated January 2023 demonstrates visibility splays of 2.4m x 33m to the left and 2.4m x 26m to the right. These visibility splays can only be achieved from an appropriate setback with the proposed build out and carriageway narrowing.

A speed survey was completed which recorded an 85<sup>th</sup> percentile speed of 24.9mph in the northbound direction and 14mph in the southbound direction. The required visibility based on the MfS standards for these speeds would be 2.4m x 16m to the right and 2.4m x 33m to the left. Therefore, the visibility splays are accepted only on the basis of the highway works the developer must deliver under a Section 278 agreement.

The NPPF requires that in assessing applications for development, it should be ensured that: *'Safe and suitable access to the site can be achieved for all users'* and that: *'Applications for development should create places that are safe...which minimise the scope for conflicts between pedestrians, cyclists, and vehicles'*.

### Access by Sustainable Travel Modes

The site can be considered an accessible location by sustainable travel modes. The nearest bus stops are 130m (2 minutes' walk) from the site on Wellington Street. The site is located approximately 900m (11 minutes' walk) from Slough Railway Station.

The Town Centre is 200m from the proposed development where a range of facilities and shops are available.

Due to the site's accessibility by sustainable travel modes, SBC Highways and Transport are willing to accept the provision of parking spaces below the adopted Slough Parking Standards.

### Trip Generation

SBC Highways and Transport do not wish to raise an objection to the proposed development based on trip generation. The trip generation is not expected to have a severe impact on the capacity of the surrounding road network.

The NPPF para 111 states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

A Transport Note produced by Patrick Parsons dated 11<sup>th</sup> August 2021 provides an updated forecast of the site's potential trip generation using TRICS, the National Trip Generation Database which holds trip survey data. The TS states that the 27 units would generate 8 two-way vehicle trips during the AM Peak Hour (0800 – 0900), including arrivals and departures. 9 two-way vehicle trips are forecast during the PM Peak Hour (1700 – 1800) and 79 two-way vehicle trips over a full day.

### Car Parking

Planning permission P/19443/000 granted planning permission for 18 residential flats with 9 car parking spaces which would provide a ratio of 0.5 car parking spaces per dwelling.

A total of 8 parking spaces are proposed for 27 flats, at a ratio of 0.30 car parking spaces per dwelling. One accessible parking space for disabled use is shown on the Proposed Site Plan (Doc. Number 19061-GAA-ZZ-XX-DR-T-2028-Rev-P02, dated 10/01/23).

Slough's Car parking standards allow for nil parking provision in the highly accessible town centre area to encourage low car use in close proximity to town centre facilities. The parking restrictions on surrounding roads make it unlikely that parked vehicles will overspill onto the surrounding roads.

Wexham Road is subject to parking restrictions between the A4 Bath Road and the High Street to the south. The eastern side is subject to a single yellow restriction which limits parking between 8am – 9pm, whilst the western side has double yellow parking restrictions and permit controlled parking bays.

The roads listed below also form part of a controlled parking zone with double yellow lines and permit controlled bays for residents only:

- A4 Bath Road;
- Wexham Road;
- Wellesley Road;
- Stratfield Road;
- Aldin Avenue North; and
- Princes Street.

The development is unlikely to cause overspill of parked vehicles onto the surrounding roads and cause residual cumulative impacts on the road network which could be considered severe as required by the NPPF. SBC Highways and Transport accept the low parking ratio.

### EV Charging

SBC Highways and Transport require the provision of electric charging points for all 8 car parking spaces and for the chargers to be connected to an appropriate power supply.

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of 1 EV Charger per dwelling where parking spaces are allocated/dedicated to each dwelling.

The National Planning Policy Framework Paragraph 112 requires applications for development to: *‘Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations’*. In addition, updated UK Building Regulations came into effect on 15<sup>th</sup> June 2022 which require the provision of an Electric Vehicle Charging Point for each new dwelling.

### Cycle Parking

40 secure and covered cycle parking spaces are proposed in the form of a two bike stores containing two-tier bike racks and 5 provided within bike cages. This is considered compliant with the requirements for residents cycle parking. The SBC Developer’s Guide requires the provision of 1 secure and covered cycle parking space per dwelling.

SBC request further details are submitted showing Sheffield stands as short-stay cycle parking for visitors.

The Slough Developer’s Guide – Part 3: Highways and Transport requires the provision of visitor cycle parking for flatted developments larger than 10 dwellings. The visitor cycle stand should be provided in close proximity to the main entrance lobby for convenience and to enable surveillance of the short-stay cycle rack.

### Deliveries, Servicing and Refuse Collection

The site layout remains unchanged from the previously approved layout. Swept path analysis was submitted which demonstrated a 4.6t

light van can ingress and egress the site in a forward gear. The applicant has provided a dedicated area for deliveries only which delivery vehicles will be able to turn in.

The NPPF Paragraph 112 states that applications for development should '*Allow for the efficient delivery of goods, and access by service and emergency vehicles*'. SBC Highways and Transport have no objection to the development based on deliveries and servicing provision.

### Summary and Conclusions

I confirm that I have no objection to this application from a transport and highway perspective, subject to a number of condition(s)/informative(s) as part of any consent that you may issue.

#### 6.2 **Thames Water**

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 a number of conditions and informatives be attached to this planning permission.

#### 6.3 **Lead Local Flood Authority**

We would advise that there is sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

We consider that if [the scheme is recommended for approval that] ... planning conditions are included as ..., the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding.

#### 6.4 **SBC Environmental Officer**

The following observations were received under P/19433/000, which are equally applicable in this current form of the proposals:

### **Air Quality Background**

Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated concentrations of Nitrogen Dioxide (NO<sub>2</sub>, annual average), including:

- Slough Town Centre
- M4
- Tuns lane
- Brands Hill
- Bath Road

While particulate matter concentrations do not breach EU Limit Values, levels in Slough are higher than both the national and regional averages and it is estimated that 1 in 19 deaths are attributable to PM2.5 in Slough (PHE).

SBC adopted the Slough Low Emission Strategy 2018-25 on the 17<sup>th</sup> September 2018. This application has been assessed in relation to air quality considerations in line with the Slough Low Emission Strategy Technical Report: 'Land-Use planning and Development Management' Guidance (Section 3.3). The LES Technical Report can be found on the SBC Low Emission Strategy web page - <http://www.slough.gov.uk/pests-pollution-and-food-hygiene/low-emission-strategy-2018-2025.aspx>

Where mitigation is required and refers to the 'Slough Electric Vehicle Plan' this can be found in Section 4.3 of the LES Technical Report.

The Slough Low Emission Strategy also includes a Low Emission Programme. Again, details can be found on the SBC LES web page.

### Air Quality

In line with the Low Emission Strategy Technical Guidance, the development is classified as having a minor air quality impact as the development consists of six additional parking spaces. However, as the development is within AQMA 4, an air quality assessment (AQA) has been prepared.

The AQA indicates that during the construction phase, there is a medium risk of dust soiling during the demolition phase. All other elements of the construction phase are considered low risk. For impacts to be considered not significant, the mitigation measures outlined in Table 12 of the AQA must be implemented as part of the CEMP.

Operational phase impacts have been predicted for a future 2023 opening year. Due to the low parking provision and predicted AADT from the Transport Assessment, the impact is low. This is accepted.

There was concern that due to the proximity of the development to Wellington Street, there was potential for exposure of future residents to high concentrations of NO<sub>2</sub>. However, data taken from passive and



continuous sites near the development indicate that air quality at the building façade is acceptable. As with all minor impact developments, the scheme requires the integration of Type 1 measures contained in the LES Planning Guidance, outlined below under Noise Comments.

Mitigation Requirements – secured via condition for the following:

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As the scheme includes 9 parking spaces (6 additional to existing spaces), 10% must have access to electric charging infrastructure.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It must include details of noise and dust mitigation, inclusive of those highlighted in Table 12 of the AQA.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report.
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.
- All heating systems shall meet the emission standards laid out in Table 7 of the LES Technical Report

### **Environmental Noise**

The noise survey which has informed the assessment was undertaken during the pandemic (18<sup>th</sup> – 19<sup>th</sup> February 2021). The report acknowledges the impact that the pandemic has had on noise levels due to reduced traffic, therefore the noise levels have been cross-referenced with strategic noise mapping software to inform a conservative assessment. It is noted that a lane closure on the roundabout where the A4 intersects the A412 may have also influenced traffic flows which further supports the need to utilise noise mapping data.

The noise survey was conducted in two locations, representative of the north and west façade to measure road traffic noise from Wellington Street (A4) and Wexham Road, respectively. The survey at Monitoring Position 1 (northern façade) considered of a 24 hour monitoring period, and the survey at Monitoring Position 2 (western façade) consisted of a 3 hour period, for the purpose of informing a CRTN shortened measurement calculation.

Results from Monitoring Position 1 indicate a daytime noise level of 64.8dB LAeq16h and a night time noise level of 62.3dB LAeq8h, representative of the northern façade. The CRTN shortened method was utilised to calculate road traffic noise incident on the western façade, resulting in 64.0dB LAeq16h and 59.3dB LAeq8h.

Comparing to the Extrium noise maps, daytime noise levels are typically higher than the recorded noise levels at this location, with the north-eastern façade experiencing 70.0 – 74.9dB. Therefore, a noise

level of 70dB LAeq16h has been used to assess façade insulation for the northeast section of the site. Although this is a higher noise level than the measured value, using the upper range value would support a more conservative approach.

The map presented in the report suggests that the north-western and eastern facades typically experience between 65.0 – 69.9dB, therefore it is not clear why the measured value of 64.0dB had been used to assess the façade insulation for these areas, as this does not support a worst case scenario approach.

The night time noise level on the Extrium noise maps is between 60.0 – 64.9dB and 55.0-59.9 dB, for the north and south of the site, respectively. The measured values fall within these ranges therefore using the measured values for the night time noise assessment is acceptable.

Regarding L<sub>Amax</sub> levels, WHO guidelines allow for exceedances of 45dB up to 10-15 times per night. The maximum measured L<sub>Amax</sub> level at Monitoring Position 1 was 99.6dB and it is agreed that mitigating up to this noise level is unrealistic. The 4<sup>th</sup> highest noise event of 88.5dB has been chosen to use in the assessment. The graphs presented in the Appendix suggest that the typical L<sub>Amax</sub> level is <80dB therefore providing insulation to mitigate up to 88.5dB would provide a high level of noise protection.

As no night time monitoring was conducted at Monitoring Position 2, the L<sub>Amax</sub> levels recorded during the 3 hour daytime period were used for the assessment of night time noise. In this case, the second highest L<sub>Amax</sub> noise level of 80.7dB was carried forward for the assessment, as the highest noise level was influenced by passing pedestrians. This approach is accepted.

For acceptable internal noise levels to be achieved, the following glazing specifications are recommended in the noise report:

- *Specification 1: Applicable to northern, eastern and western facades*
  - *Bedroom: double glazed unit and secondary glazing with 10mm glass / 20mm void / 6mm glass / 150mm void / 4mm glass, able to achieve 52dB Rw.*
  - *Living room: double glazed unit with 10mm glass / 12mm void / 6mm glass, able to achieve 36dB Rw.*
- *Specification 2: Applicable to all other facades*
  - *Bedrooms and living rooms: double glazed unit with 10mm glass / 12mm void / 6mm glass, able to achieve 36dB Rw.*

This glazing arrangement would provide a high level of sound protection for future occupants, however the internal noise levels would only be achievable if windows were closed. To allow future occupants to adequately ventilate their property without compromising compliance with internal noise levels, it is recommended that a ventilation system is

implemented. This should be secured via condition should the LPA be mindful to approve the application.

A specific ventilation strategy has not yet been produced for this application. In regards to noise transmission, the noise report recommends a mechanical system or acoustic wall vent such as Greenwoods MA3051 for all facades. However, no comment has been provided on overheating. As mechanical ventilation allows for temperature control, it is recommended that a mechanical ventilation system is installed. If an alternative ventilation system such as acoustic wall venting is used, an overheating assessment must be produced and submitted to the LPA and only installed if risk of overheating is low.

External amenity space is provided on this development in the form of winter gardens overlooking Wellington Street and Wexham Road. As the external noise levels are much higher than the external amenity guideline value of 55dB, balconies would not have been suitable. The report states that rooftop amenity space has been set back to provide 10dB attenuation provided by the structure of the building, although the expected noise level has not been specified. Nevertheless, due to the height of the building and that external amenity space can be used at the occupant's discretion, this is accepted.

Summary:

The noise assessment has been completed in reference to survey results and noise mapping software. Although a worst case approach had not been fully followed in the methodology, the recommended mitigation has been selected with the aim to protect against the L<sub>max</sub> noise levels and therefore would also protect from the upper range L<sub>Aeq</sub> noise levels.

As internal noise levels can only be achieved with windows closed, the submission of a ventilation strategy is required. It is recommended that a mechanical ventilation system is installed to mitigate against overheating. If an alternative ventilation system is used, an overheating assessment must be submitted to the LPA for approval.

A number of conditions relating to air quality and noise would be required to mitigate the impacts of the proposed development during construction and operation.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework and National Planning Policy Guidance:** Section 2: Achieving sustainable development

Section 4. Decision-making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 16: Conserving and enhancing the historic environment

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

Core Policy 1 – Spatial Strategy  
Core Policy 3 – Housing Distribution  
Core Policy 4 – Type of Housing  
Core Policy 7 - Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 9 – Natural, built and historic environment  
Core Policy 10 – Infrastructure  
Core Policy 11 - Social cohesiveness  
Core Policy 12 – Community Safety

7.3 The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design  
EN3 – Landscaping Requirements  
EN5 – Design and Crime Prevention  
H9 – Comprehensive Planning  
H13 – Backland/Infill Development  
H14 – Amenity Space  
T2 – Parking Restraint  
T8 – Cycle Network and Facilities  
T9 – Bus Network and Facilities  
OSC15 – Provision of Facilities in new Residential Developments

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

7.4 Slough Local Development Framework Site Allocations DPD (2010)

The Site Allocations DPD (2010) includes a number of Site Specific Allocations with detailed development proposals for selected sites. One of these sites is SSA14, the Queensmere and Observatory Shopping Centres.

- The proposed uses for the site are “Mixed: retail, leisure, restaurants/bars, car parking, residential and community.”

The stated Reasons for Allocation are:

- To establish the principles for the comprehensive redevelopment and/or reconfiguration of the Queensmere and Observatory shopping centres.
- To ensure that the future development of the shopping centres positively contributes to the wider regeneration proposals for the town centre particularly the Heart of Slough.
- To support development proposals that will encourage further retail investment in the town centre.

The Site Planning Requirements in the DPD are:

Redevelopment and/or reconfiguration proposals should:

- Improve the retail and leisure offer around the Town Square through change of use of key units and improved retail offer
- Link to the Heart of Slough through provision of a western entrance to the shopping centre and access to residential units above the centre.
- Create active frontages along the A4 Wellington Street and St Ethelbert’s Church frontage.
- Remove the service ramp to the Prudential yard in coordination with the Heart of Slough proposals in the area.
- Improve pedestrian links to the bus and railway stations via Wellington Street.
- Rationalise multi-storey car parking provision and its links to the centres and Wellington House.
- Redevelopment of the western end of the Queensmere Centre adjacent to St Ethelbert’s church, including improved retail units, residential accommodation above the centre and removing the toilet block.
- Transform Wellington Street frontage to create an urban boulevard with tree planting, improved north-south route connection to the town centre, active retail frontages and access to residential above the retail units.
- Aim to reduce the negative impacts of construction upon existing businesses and the quality of life for residents and users of the town centre by appropriate phasing and implementation.

#### 7.5 Centre for Slough Interim Planning Framework (2019)

The Interim Planning Framework was intended to demonstrate how comprehensive redevelopment and regeneration could take place within the Centre of Slough. It recognised that the town centre was

failing as a shopping centre and so promoted an “activity” led strategy which sought to maximise the opportunities for everyone to use the centre for a range of cultural, social, leisure and employment activities which are unique to Slough. In order to do this it promoted it as a major transport hub, identified the potential for it to be a thriving business area which could accommodate a large amount of new housing and recognised the aspiration to create a new cultural centre in Slough.

The Framework defined a “central area” within the centre of Slough which consisted of the High Street, Queensmere and Observatory shopping centres which together perform many of the traditional town centre functions. Within the context of a declining number of visitors to the town centre and a significant number of shop closures, the preferred strategy was to keep the High Street as the primary shopping area and redevelop the southern part of the Queensmere and Observatory centres as integral parts of the new High Street. This would then allow the Wellington High Street to be redeveloped for a mix of other uses including high rise residential.

#### 7.6 The Proposed Spatial Strategy (November 2020)

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This sets 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. As a result, it is relevant for the consideration of this application (but only very limited weight can be afforded to the specific and strategic guidance therein).

#### 7.7 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 (HRA) 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 Regulation 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).

#### 7.8 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 for schemes of 10 net additional homes.

#### 7.9 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 revised version of the National Planning Policy Framework (NPPF) was published in July 2021.

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in

accordance with the development plan, unless material considerations indicate otherwise.

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

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

7.10 The planning considerations for this proposal are:

- Principle of development (section 8.0)
- Impact on the character and appearance of the area (section 9.0)
- Impact on amenity of neighbouring occupiers (section 10.0)
- Housing mix (section 11.0)
- Living conditions for future occupiers of the development (section 12.0)
- Crime prevention (section 13.0)
- Highways and parking (section 14.0)
- Flooding & Drainage (section 15.0)
- Trees & Landscaping (section 16.0)
- Heritage issues (section 17.0)
- Land contamination (section 18.0)
- Environmental issues (section 19.0)
- S.106 Contributions (section 20.0)
- Presumption in favour of sustainable development (section 21.0)
- Equalities (section 22.0)

8.0 **Principle of development**

8.1 The National Planning Policy Framework (NPPF) 2021 encourages the effective and efficient use of land. These proposals involve the replacement of a single house and four flats and the formation of 18 new self-contained units of residential accommodation. As such, the proposals comply with the overall thrust of the NPPF.



- 8.2 Core Policies 1 and 4 which seek high-density, non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is expected to be predominantly family housing.
- 8.3 Whilst the site is located outside of the Town Centre, its immediate close proximity to the designated area justifies considering that flatted accommodation is more appropriate in this case, as it replaces four flats existing within the site.
- 8.4 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location as it benefits from access to public transport, education, retail, leisure, employment and community facilities.
- 8.5 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.6 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area
- 8.7 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.8 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.9 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes. The impact of the current proposals is considered in section 9.0 below.
- 8.10 Having regard to the National Planning Policy Framework 2021 and the Local Development Plan, there are no objections to the principle of flatted residential development on this site.
- 8.11 As a scheme that entails an infilling of the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development.

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

- 9.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policies 8 and 9 of the Core Strategy, and Local Plan Policies EN1 and H13.
- 9.2 As described above, the application site lies in that part of Wexham Road between the High Street and Wellington Street. This area is characterised by properties that are either flatted blocks or former dwelling houses converted to flats. As such, these proposals would reflect the character of this area. Furthermore, these proposals are for a three-storey flatted block, as such, the scheme would be not out-of-keeping with the general massing and scale of the area.
- 9.3 The proposals would replace a more domestic set of residential buildings with a contemporary block of flats. These current proposals match the design style of the approved scheme under P/19443/000, when it was noted that *“The design and use of materials would give the new building a fresh and modern style to enhance an approach to the town centre.”*
- 9.4 However, the current proposals represent a much enlarged form involving an increase in the overall height by some two-storeys and changes to the approved massing by bringing the higher elements of the bulk some 5800mm. closer to the adjacent two-storey property at no. 136 Wellington Street. Also, the changes entail those additional two storeys in height facing the boundary with no. 28 Wexham Road, which would feel overbearing.
- 9.5 These changes produce a significantly larger envelope of building, which is considered to be wholly out-of-keeping with the scale of its setting. Whereas the approved scheme was to be four storeys at the road junction, which then reduce to three storeys as it came closer to the neighbouring two-storey buildings, these current proposals would rise to six-storeys and five-storeys across a large part of the form and then reduce to three-storeys only a short distance from the neighbouring properties. It is considered that previously consent scheme was the maximum development parameters that could be achieved on the site, the proposed development push the envelope too far which results in an incongruous, dominant and prominent building to the streetscene. The scale and bulk therefore fails to respond to the character of the area and the proposal does not achieve a high quality of design which would enhance the quality of the built environment.
- 9.6 As such, it is considered that the proposed scale, bulk and massing demonstrates an overdevelopment of the site with a lack of respect of neighbouring relationships. The feel of the scheme is one of a sheer and

over-dominating form without the context or space to accommodate its presence. The proposed development does not take account of its adjacent building and the immediate context of scale and mass around the site.

- 9.7 The current application scheme retains the approved undercroft access from Wexham Road to a courtyard of parking at the heart of the layout.
- 9.8 As with the approved scheme, the site would be laid out with soft and hard landscaping but given the substantial change to the bulk and massing of these proposals there are concerns that this would not mitigate the sense of an overdevelopment of the site and so lead to harm to the general feel and visual amenities of the locality.
- 9.9 Based on the above, it is considered that these current proposals would have an unacceptable impact on the character and visual amenity of the area. The proposals therefore do not comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), Core Policies 8 and 9 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2021.

10.0 **Impact on amenity of neighbouring occupiers**

- 10.1 The National Planning Policy Framework 2021 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and H13.
- 10.2 Under the assessment of P/19443/000, it was noted *“the scheme entails a part-three/part-four storey block with the higher elements at the corner and the lower wings adjacent to the existing properties beyond on Wellington Street and Wexham Road. ... As the proposals would be a storey higher and the internal arrangement would be new, consideration must be made of the impact on the neighbouring occupiers’ amenities, in terms of any potential harm from overshadowing, overlooking and loss of privacy, as well as daylighting and sunlighting impacts. ... The adjacent residential properties at no. 28 Wexham Road and no. 136 Wellington Street, each have a blank flank wall facing the application site. There are rear additions to each of these properties with small openings that appear to serve non-habitable rooms. ... The massing of the proposed scheme in relation to the orientation and siting of the adjacent properties and those openings has been assessed in terms of daylight/sunlighting and potential overlooking. It is considered there would be no significant impact on the amenities of occupiers at these neighbouring properties.”*

- 10.3 These current proposals are for a part three/part five/part six storey building in a similar footprint, with a significant difference in height and massing, together with the substantial number of additional windows and balconies/terraces due the enlargement of the block.
- 10.4 The submitted Daylight & Sunlight Assessment sets out that there would be impacts exceeding the BRE guidelines in terms of the reduction in daylight (of over 20%) for existing occupiers at a limited set of windows at 28 Wexham Road and 136 Wellington Street. However, it draws attention to the source of mitigation that these particular windows are either secondary and/or serve bedrooms or kitchens. As such, BRE advice is that in a built-up urban area these impacts should be treated more flexibly. In conclusion, it is considered that these impacts alone would not warrant a Reason for Refusal.
- 10.5 More importantly it is considered that the proposed changes in bulk, scale and massing would significantly alter the balance of the impact on the neighbouring properties occupiers to their detriment, in terms of a harmful sense of enclosure and overbearing, as well as, the degree of overlooking.
- 10.6 The changes proposed increase the height and extent of the footprint at the higher floor levels leading to a significantly more fulsome infilling of the space between the neighbouring properties. The perception would be of a dominant and overbearing form, which would be the outcome from this overdevelopment of the site.
- 10.7 Overall, the proposal would result in a highly adverse manner on amenity for the neighbouring residential occupiers and therefore would fail to comply with local and national policies which requires development to protect the amenities of adjoining residential areas. Given the sheer scale and massing of the development, this detrimentally impacts the amenities of neighbouring occupiers which is a symptom of the site being overdeveloped
- 10.8 In conclusion, it is considered that there would be adverse harm for neighbouring properties and therefore the proposal is considered not to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and H13 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.
- 11.0 **Mix of housing**
- 11.1 The National Planning Policy Framework seeks to deliver a variety of homes to meet the needs of different groups in the community. This is largely reflected in local planning policy in Core Strategy Strategic Objective C and Core Policy 4.

- 11.2 The proposals would provide a mix of one, two and three-bedroom flats, as follows:

1 bed/1person = 1  
1 bed/2persons = 10  
2bed/3persons = 10  
2bed/4persons = 4  
3bed/5persons = 1  
3bed/5persons = 1

So, were the scheme to have been acceptable in all other terms, given the location of the site and its particular circumstances, it is considered that the mix would be appropriate and thus the mix would have been acceptable.

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

- 12.1 The National Planning Policy Framework 2021 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.
- 12.2 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards – Nationally Described Space Standards 2015 (as amended).
- 12.3 In terms of the levels of daylight, aspect, and outlook, it is considered that each unit would have satisfactory levels of amenity for future occupiers.
- 12.4 The proposed building would have a communal entrance on the Wexham Road side with a secondary access direct to/from the southern parking courtyard. One ground floor unit would have an independent access, which can be approached both from the car parking courtyard and from Wellington Street. The block would be provided with a lift.
- 12.5 Two of the three ground floor units would have a private garden. Whilst the upper units would have some form of amenity space either in the form of a roof terrace or a balcony. Those facing Wellington Street would be enclosed with glazing.
- 12.6 Further to the advice of the Council's Environmental Quality Officer, were the scheme to have been acceptable in all other terms, the proposed accommodation would have been provided with an appropriate specification of glazing and a ventilation system to mitigate the potential for traffic noise at this location. The EQ officer had

confirmed that with the enclosure of the terraces and balconies these could be satisfactorily used in these circumstances.

12.7 So, were the scheme to have been acceptable in all other terms, and based on the above, on balance, it would be concluded that the living conditions for future occupiers in this case would have been considered satisfactory and thus to have been in accordance with the requirements of the NPPF and Core policy 4 of Council's Core Strategy.

### 13.0 **Crime Prevention**

13.1 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.

13.2 The communal access would have a good level of natural surveillance within the site. So, were the scheme to have been acceptable in all other terms, a condition requiring details of the measures to be incorporated to reduce and prevent criminal activity would have been adequate to deal with this particular issue.

### 14.0 **Highways and Parking**

14.1 The National Planning Policy Framework states that planning should seek to promote development that is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians and where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8.

14.2 Paragraph 109 of the National Planning Policy Framework states that: *'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

14.3 It is noted that the site lies immediately adjoining the Town Centre and benefits from a high level of accessibility to a range of public transport and all the facilities for retail, entertainment, employment, education and health. The site is therefore considered to be sustainable.

14.4 There is an existing vehicular access from Wexham Road. This arrangement would persist with a modified details to ensure safety and visibility that is acceptable to the Highway Authority.

- 14.5 The proposed scheme would provide 8 parking spaces with EV charging points.
- 14.6 The Highway Authority (HA) is satisfied by the proposed arrangement, quantum and layout of the parking in terms of circulation and manoeuvrability and as the site lies immediately adjacent to the Town Centre, they consider that the provision would be satisfactory for this specific mix of accommodation.
- 14.7 Cycle storage facilities have been provided to the satisfaction of the HA.
- 14.8 The proposals include an enclosed bin and recycling facility, which is close to the highway.
- 14.9 So, were the scheme to have been acceptable in all other terms, and based on the above, and pursuant to conditions set out in the comments at 6.1 above, it is considered that the proposals would not lead to severe harm to highways users and thus it would have been considered to be in accordance with the requirements of policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

15.0 **Flooding & Drainage**

- 15.1 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.
- 15.2 According to the EA flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.
- 15.3 Changes in government legislation from April 2015, require major developments to provide measures that will form a Sustainable Drainage System. Sustainable Drainage Systems (SuDS) are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way. The National Planning Policy Framework states that the surface run-off from site cannot lead to an increase from that existing. Slough's Strategic Flood Risk Assessment states that surface water should be attenuated to Greenfield run-off rates. In the scenario where infiltration techniques are not possible, attenuation will be required in order to reduce surface water run-off.
- 15.4 Submission documentation setting out the applicant's drainage strategy has been forwarded to the Council's consultant, who acts as the Local

Lead Flood Authority. So, were the scheme to have been acceptable in all other terms, conditions as recommended by the Local Lead Flood Authority would have been sufficient to ensure the scheme meets with appropriate standards.

#### 16.0 **Trees & Landscaping**

16.1 The scheme entails a new residential block set in hard and soft landscaping, which would provide limited communal areas. There would be some scope for soft landscaping and two new trees would be provided, subject to careful consideration of the specific spacing and choice of species.

16.2 So, were the scheme to have been acceptable in all other terms, conditions seeking details of planting and boundary treatments, as well as, the measures to protect the health of the existing trees adjacent to the site, would have been sufficient to ensure the scheme enhanced the visual amenities of the locality.

#### 17.0 **Heritage Issues**

17.1 As reported above, there are no heritage assets nearby and the site does not lie in a conservation area.

#### 18.0 **Land Contamination**

18.1 Further to a review of Council records, the issue is not of particular concern in respect of the redevelopment of this site. Therefore, no further investigation is required. So, were the scheme to have been acceptable in all other terms, a suitable “watching brief” condition would have been sufficient to ensure any issues would be adequately handled.

#### 19.0 **Environmental Issues**

19.1 The application site is situated within an Air Quality Management Area (AQMA). As is fully set out above at 6.4, the Council’s Environmental Quality officer has concluded that there would be a minor risk of dust from demolition but a low risk to air quality during the construction phase. This could be controlled by a Construction Environmental Management Plan.

19.2 Electric charging points would have been sought in accordance with the Local Environmental Strategy, which seeks to mitigate air quality concerns from additional traffic and parking. The Low Emission Strategy



does not form part of the Local Development Plan, the presumption in favour of sustainable development within the National Planning Policy Framework applies.

- 19.3 As is fully set out in 6.4 above, the Council's Environmental Quality officer examined the proposals under P/19443/000 and concluded that the scheme was capable of being completed to a level that ensures future occupants would be able to satisfactorily occupy the accommodation. That conclusion would be applicable to the current scheme, which is higher, and were it to have been acceptable in other terms, it could have been subject to a controls on the glazing specification and the use of a ventilation scheme which would have been secured via condition.

20.0 **Infrastructure and Section 106 requirements**

- 20.1 The proposals entail the introduction of 27 new residential units in place of the five existing units of accommodation (resulting in a net increase of 22 residential units). As such, the scheme would trigger affordable housing and educational contributions under the Council's policies, as set out in the Developer's Guide.

- 20.2 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. 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.

- 20.3 Were the application to have been supported the following Section 106 financial contributions would have been required:

<b>Financial contributions</b>	
Education	£87,181
Burnham Beeches SAC mitigation	£15,390
<b>Total</b>	<b>£102,571</b>

**Affordable housing**

- 20.4 The NPPF requires that planning policies should specify the type of affordable housing required, and that in most cases this need should be met on-site.

- 20.5 Core Policy 4 provides for residential developments for 15 or more dwellings to have between 30% and 40% of the dwellings as social rented units, along other forms of affordable housing, with the affordable housing should to be secured by a section 106 planning obligation.

- 20.6 In the case of a net gain of 22 further units, the Developer's Guide recognises, for certain reasons, that when number of units required for affordable housing is small it may be impractical to provide this on site, and therefore, it sets out the possibility of having a financial contribution towards off-site provision of affordable housing in lieu.
- 20.7 In this case that would have equated to a sum of £233,946.
- 20.8 A Financial Viability Assessment (FVA) has been submitted with the application, which sets out that with no contributions to the LPA and all the units being sold at market rates the scheme would have a deficit of some £3,608,575.
- 20.9 Indeed the sensitivity analysis section of the FVA concludes that the assumed costs would have to be reduced by some 40% and the returns on sales improve by some 10% for the scheme to 'break-even'.
- 20.10 Given the consideration that the proposed form of development could not be supported, no further analysis and negotiation has been pursued regarding this matter.
- 21.0 **Presumption in favour of sustainable development/Tilted Balance**
- 21.1 The application has been evaluated against the Development Plan and the National Planning Policy Framework 2021 (NPPF) and the Local Planning Authority (LPA) has assessed the application against the core planning principles of the NPPF and whether the proposals deliver "sustainable development."
- 21.2 The LPA cannot demonstrate a Five-Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing, as set out in Paragraph 11 of the NPPF and refined in case law, should be applied.
- 21.3 This report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are is conflict with the NPPF and the Local Development Plan.
- 21.4 It is noted that the scheme would create employment at the construction stage and subsequently the occupiers of the proposed accommodation would help to support local facilities and services; so there would be economic benefits arising from the implementation of these proposals.
- 21.5 Therefore, in coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing a net gain of 22 no. further dwellings towards the defined housing need at a time where

there is not a Five-Year Land Supply within the Borough, as well as, some economic benefits.

21.6 However, the LPA considers that the potential adverse impact of the development upon the character and appearance of the area must be given substantial negative weight, to be applied to the planning balance.

21.7 Therefore, it is considered that the current scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the NPPF taken as a whole.

## **22.0 Equalities Considerations**

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

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

22.2 The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by those needing wheelchair access. Furthermore, were the scheme to have been acceptable in all other terms, a condition would have been set out to ensure level thresholds at any entrance to the block.

22.3 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development e.g.: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures under other legislation covering environmental health should be exercised as and when required.

22.4 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.

23.0 **PART C: RECOMMENDATION**

23.1 Having considered the relevant policies set out below, the representations received from all consultees and residents; as well as all other relevant material considerations, it is recommended that the application be refused for the reasons set out in full at 1.1 above.

24.0 **PART D: INFORMATIVES**

1 It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

2 The development hereby refused was submitted with the following plans and drawings:

- (a) Drawing No. 19061-GAA-ZZ-00-DR-T-0101 S2 Rev. P03; Dated 24/10/22; Recd On 23/01/2023
- (b) Drawing No. 19061-GAA-ZZ-XX-DR-T-0301 S4 Rev. P01; Dated 27/04/21; Recd On 23/01/2023
- (c) Drawing No. 19061-GAA-ZZ-XX-DR-T-0302 S4 Rev. P01; Dated 27/04/21; Recd On 23/01/2023
- (d) Drawing No. 19061-GAA-A3-GF-DR-T-2021 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (e) Drawing No. 19061-GAA-A3-01-DR-T-2022 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (f) Drawing No. 19061-GAA-A3-02-DR-T-2023 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (g) Drawing No. 19061-GAA-A3-03-DR-T-2024 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (h) Drawing No. 19061-GAA-A3-04-DR-T-2025 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (i) Drawing No. 19061-GAA-A3-05-DR-T-2026 S4 Rev. P02; Dated 12/09/22; Recd On 23/01/2023
- (j) Drawing No. 19061-GAA-A3-RF-DR-T-2027 S4 Rev. P01; Dated 07/09/22; Recd On 23/01/2023
- (k) Drawing No. 19061-GAA-ZZ-XX-DR-T-2028 S4 Rev. P02; Dated 10/01/23; Recd On 23/01/2023

(l) Drawing No. 19061-GAA-A3-XX-DR-T-2121 S4 Rev. P02; Dated 25/01/23; Recd On 30/01/2023

(m) Drawing No. 19061-GAA-A3-XX-DR-T-2122 S4 Rev. P03; Dated 25/01/23; Recd On 30/01/2023

(n) Drawing No. 19061-GAA-A3-XX-DR-T-2221 S4 Rev. P01; Dated 01/11/22; Recd On 23/01/2023

(o) Drawing No. 19061-GAA-A3-XX-DR-T-2320 S4 Rev. P03; Dated 25/01/23; Recd On 30/01/2023

(p) Air Quality Assessment by Gem ref. no. AQ2227; Dated December 2022; Recd On 23/01/2023

(q) Arboricultural Impact Assessment by Hallwood Associates ref. no. HWA10594\_APIII Version 1.0; Dated 14/04/2021; Recd On 23/01/2023

(r) Daylight & Sunlight Report by Jonathan Nash LLB (Hons) ref no. 1941/JN; Dated 6<sup>th</sup> September 2022; Recd On 23/01/2023

(s) Design & Access Statement by GAA ref no. 19061-GAA-XX-XX-DA-A-0001 S4 Rev. P03; Dated 24/01/2023; Recd On 30/01/2023

(t) Drainage Strategy by Patrick Parsons Limited ref: no. A20303; Dated 09.01.2023; Recd On 23/01/2023

(u) Environmental Noise Impact Report by Sound Testing ref. no. 14420 version 4; Dated 31/10/22; Recd On 23/01/2023

(v) Financial Viability Assessment by Aspinall Verdi ref. no. Report 230316 V2; Dated 16<sup>th</sup> March 2023; Recd On 23/01/2023

(w) Unnumbered Habitat Regulations Assessment by The Ecology Partnership; Dated May 2021; Recd On 23/01/2023

(x) Undated Landscape Masterplan by Studio Loci ref. no. 10374-GA-01 rev. P3; Recd On 23/01/2023

(y) Undated landscape Maintenance Plan document no. 10374-MP-01A by Studio Loci; Rec'd 23/01/2023

(z) Phase 1 Site Appraisal by Patrick Parsons Limited ref: no. A20303/DTS/Rev. 0; Dated 21/04/21; Recd On 23/01/2023

(aa) Planning Statement by KR Planning ref: no. 10229 v1.0; Dated January 2023; Recd On 30/01/2023

(bb) Surface Water Drainage Pro-forma completed by Patrick Parsons Limited; Dated 27/04/21; Recd On 23/01/2023

(cc) Transport Statement by Patrick Parsons Limited ref: no. 10229 v1.0; Dated 09/01/2023; Recd On 23/01/2023

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Registration Date:	15-Feb-2023	Application No:	P/20153/000
Officer:	Alex Harrison	Ward:	
Applicant:	Chris Connaught House (Slough) Limited (CHSL) and Oxford House (Slough) Limited (OHSL)	Application Type:	Major
		13 Week Date:	17 May 2023
Agent:	Chris Brown, Rolfe Judd Planning Rolfe Judd Planning, Old Church Court, Claylands Road, Oval, London, SW8 1NZ		
Location:	46-56, High Street, Slough, SL1 1EL		
Proposal:	Demolition and construction of an 8-storey mixed-use development comprising flexible retail (class E) and residential (Class C3) use with associated communal terraces, cycle parking, accessible car parking and waste storage		

**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 affordable housing, and infrastructure contributions, a viability review mechanism and highway works, including clarification and conclusion of adoption discussions relating to the unadopted part of Burlington Avenue.
- (ii) The satisfactory acceptance of Natural England over habitat impacts and mitigation.
- (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 January 2024 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 The application seeks full planning permission for the demolition of the existing buildings on site and the redevelopment to provide a new single building that provides 390sq.m of commercial floorspace which is subdivided into 4no units and 104 residential units. The building will range between 6 and 8 storeys in scale.

2.2 Accommodation will be provided in the following housing mix:

- 33no – 1 bed flats
- 69no – 2 bed flats
- 2no – 3 bed flats.

The proposed commercial floorspace would be occupied by Class E uses which is defined as:

*Use Class E – Commercial, Business and Service –*

*Use, or part use, for all or any of the following purposes—*



- a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) *for the provision of the following kinds of services principally to visiting members of the public—*
  - i. *financial services,*
  - ii. *professional services (other than health or medical services),*  
*or*
  - iii. *any other services which it is appropriate to provide in a commercial, business or service locality,*
- d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- e) *for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) *for—*
  - i. *an office to carry out any operational or administrative functions,*
  - ii. *the research and development of products or processes, or*
  - iii. *(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

2.3 The proposed building will be between 6-8 storeys and will effectively occupy the entire footprint of the site. The Building is proposed to be finished in predominantly brickwork with variations in materials proposed. Soft landscaping is provided through plants and communal garden areas.

2.4 Vehicle access to the site is gained via Burlington Avenue to a car park that provides 19 parking space, 5 of which are accessible. Pedestrian access to the commercial units are provided via the High Street and Burlington Avenue and pedestrian access to the residential units is also of Burlington Avenue through 2 entrance cores. The site will be serviced from Burlington Avenue with a new layby proposed for service vehicles and bins are located in a communal arrangement that can be accessed from the layby.

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

- Planning Statement
- Daylight/Sunlight Report
- Statement of Community Involvement
- Design and Access Statement
- Townscape and Visual Appraisal

- Energy Statement
- Overheating Statement
- Surface Water Drainage Strategy
- Transport Assessment
- Travel Plan
- Pedestrian Level Wind Desk-Based Assessment
- Preliminary Roost Assessment
- Landscape Concept Drawings
- Noise Assessment
- Air Quality Assessment
- Concept Fire Strategy
- Gateway 1 Fire Statement
- Phase 1 Desk Study for ground conditions
- Viability Assessment

Since first submission, the plans have been amended to accommodate comments relating to Fire Safety and the following additional reports were received:

- Amended Fire Safety Assessment
- Habitat Regulations Screening Assessment
- Amended Microclimate Study

2.6 The development proposed at this site has been subject to lengthy pre-application discussions with the applicant and the application is brought to the Committee under a Planning Performance Agreement that has committed the Council and applicant to pro-active working and a timely management and consideration of the application.

### **3.0 Application Site**

3.1 The application site is 46-56 High Street, a site that comprises two plots with two principal buildings that front the high Street to the north and had Burlington Road running down the west side. . At ground floor level the building house 4-5 commercial units. The 2 buildings vary between 3 and 4 storeys with the upper floors all having commercial uses. Generally, the buildings themselves are faced in a mixture of facing brick and concrete.

3.2 The application site lies within the designated town centre. The character of the area on this part of the High Street is sees a mix of building forms and scale, ranging from 3 to 7 storeys. To the east of the site is the recently completed Moxy Slough development which tops 9-10 storeys.

3.3 To the immediate east of the site is a 3 storey terrace building providing shops at ground floor level with what appears to be a mix of commercial and residential uses on the floors above. To the west is an office building on the other side of Burlington Road with a development of flats beyond that. To the south is a residential area with 2-3 storeys being the prominent scale of

development. To the north is Cornwall House which is a former commercial building converted to residential units.

3.4 The site lies in the designated Town Centre and in Flood Zone 1.

#### **4.0 Site History**

4.1 There is no planning history of relevance on this site.

4.2 The site has been subject to numerous applications over the last 2 years resulting in multiple decisions granting approval to change the use of the building to residential. For the benefit of Members the following provides a summary of consented development on the site at the time that this current application will be considered.

The building currently has extant consents for conversion to 98 units across the entire structure. These have not been implemented to date but the permissions have not expired either. The permissions were gained through the prior approval process that allows for the change of use of redundant office buildings to residential.

The units proposed in this current application would provide a further 45 units, totally a building that provides 143 flats overall.

#### **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 21/02/2023. The application was advertised in the 24/02/2023 edition of The Slough Express.

5.2 3 letters from neighbouring parties have been received raising the following comments pertaining to this application:

- Parking and congestion problems on the High Street and wider area, resulting in bad habits - blocking access roads, pavement parking, parking in traffic flow.
- No significant official space for deliveries to the flats/shops.
- Unless traffic flow is addressed and current behaviours then the additional flats will add to existing problems.
- Traffic going east and west on to the A4 from Windsor Road turns left down the narrow High Street causing congestion. Could William Street, be altered so that traffic could turn east/west directly onto the A4.

- High Street could be pedestrianised - cars access only, change of layout would improve area - allow for some outside spaces on the new pavements outside retail units under Novus.
- An 8 storey building will block light to Flat 21 Cornwall House, causing the property to be in shadow for the majority of the day until late evening. The flat's windows are tinted so the light level is already restricted.
- Concerns over the level of obstruction and noise to users of Regal Court.

## 6.0 Consultations

### 6.1 Highways and Transport

#### **Vehicle and Pedestrian Access**

The NPPF Para 110 and 112 requires that applications for new development ensure: *'Safe and suitable access to the site can be achieved for all users and 'create places which minimise scope for conflicts between pedestrians, cyclists and vehicles'*.

SBC Highways and Transport have no objection to the proposed development subject to agreement of a Section 106 contribution to allow improvements to the highway.

SBC require the applicant to provide a Section 106 contribution of £25,000 towards the adoption of the private access road adjacent to the site's western boundary. The contribution will guarantee long term maintenance of the road and ensure residents, refuse vehicles and delivery vehicles will be able to egress the development for the perpetuity of its operation. The amendment of the kerbline is also required to allow a refuse vehicle to egress the site without crossing the kerb.

The site forms a boundary with a small section of public highway on Burlington Road which is one-way. However, to exit the site residents and employees pass over a private road to join Slough High Street and therefore the contribution is required to ensure the road does not fall into disrepair.

SBC also require provision of a speed bump to reduce vehicle speeds on approach to the site access given the visibility of oncoming vehicles is restricted by the wall for Regal Court (visibility has not been drawn to the nearside kerb by the agent).

The access is wide enough for two vehicles to pass each other and the gate is setback 5m from the back of the footway to allow vehicles to wait clear of the highway. Swept path analysis demonstrates a large estate car 4.85m long can enter and exit the development; with suitable turning space provided inside the development.

The proposed development offers an on-street loading bay which will ensure delivery vans do not need to enter the site and land for a new footway along the eastern side of Burlington Road providing an improved pedestrian route between Burlington Road and Slough High Street.

### **Section 38 Agreement**

SBC Highways and Transport require the developer to enter into a Section 38 agreement for the adoption as public highway of the new footway, streetlighting and loading bay proposed on the site's western boundary.

### **Section 106 Contributions**

SBC require the following Section 106 contributions towards transport improvements:

- £30,000 towards the creation of Slough's Car Club scheme;
- £25,000 towards the adoption and upgrade of the private road;
- £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
- £3,000 towards Travel Plan Monitoring

### **Deliveries and Servicing**

SBC Highways and Transport are satisfied that deliveries and servicing can be completed under the proposed arrangements.

An on-street loading bay is proposed on the eastern side of Burlington Road which measures 16 – 20m in length. The Transport report includes swept path analysis which demonstrates that a 10m rigid truck and refuse lorry can ingress the loading bay but may mount the kerb on egress from the loading bay.

Therefore, minor amendment of the kerblines on the private access road will be made to ensure vehicles do not mount the kerb and can pass with 300mm clearance. The amendment will be made using the Section 106 contribution from the applicant.

### **Car Parking**

SBC Highways and Transport have no objection to 20 car parking spaces proposed on site and do not expect there to be parking overspill onto the surrounding roads.

Slough's Car Parking Standards allow Nil Car Parking Provision within the defined Town Centre Area, with the Slough Core Strategy and Slough Local Plan stating that: *'Maximum restraint will be applied to parking for residential schemes in the town centre'* and *'Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems,*

*protect the amenities of adjoining residents, and not result in and adverse visual impact upon the environment’.*

The applicant has agreed to allocate 12 car parking spaces to the proposed dwellings and 8 to the 4 proposed retail units which will be used solely by staff. The provision of 12 parking spaces for 104 dwellings is equivalent to a ratio of 0.11 car parking spaces per dwelling.

There is no likelihood of car parking overspill onto roads surrounding the development which are subject to double yellow parking restrictions preventing car parking 24 hours a day. The town centre is subject to regular patrols by Slough’s Parking Enforcement officers.

Visitor car parking can be accommodated in pay and display parking bays along the site frontage and within nearby public car parks on Burlington Road, Buckingham Gardens and Herschel Street.

### **Access by Sustainable Travel Modes**

There is high potential for residents to travel by walking, cycling and public transport. The site is located 350m (5 minutes’ walk) from the centre of Slough High Street, 550m from Slough Railway Station (7 minutes’ walk) and 600m from Tesco Extra.

There are 6 trains per hour to London Paddington and Reading during the AM Peak and PM Peak Hours. Residents can reach Reading in 25 minutes, Paddington in 35 minutes and Canary Wharf in 49 minutes train journey.

The Library Bus Stops (E and F) are 100m (1 minute walk) from the site. Bus Services No. 4, 5, 6, 83, 103, X74 and 6 offer services to Heathrow, High Wycombe, Hedgerley, Maidenhead, Wexham Court and Cippenham.

A walking distance of 200m to bus stops within town centres is deemed a reasonable walking distance by the Chartered Institute of Highways and Transport (CIHT) within their document: *‘Planning for Walking and Cycling, 2015’*.

The Chartered Institute of Highways and Transportation also advises that: *‘Walking neighbourhoods typically characterised as having a range of facilities within 10 minutes’ walking distance (Around 800 metres)’* and that people will walk up to 800 metres to access a railway station, reflecting it’s greater perceived quality and the importance of rail services.

### **Trip Generation**

The NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Transport Assessment forecasts trip generation from the proposed development. During the peak hour, the development is forecast to generate 12 single occupancy car trips, 62 walking trips, 44 bus trips, 44 rail trips, and 12 bike trips.

SBC Highways and Transport do not expect the proposed development to have a noticeable impact on the capacity of the surrounding road network.

### **Travel Plan**

As previously requested, SBC require amendment of the Travel Plan to state that a TRICS SAM survey will be completed 1 year after first occupation of the development. The results of the Travel survey should be uploaded to the TRICS database.

This is required to ensure effective monitoring of Travel Plan progress and the effectiveness of low car parking provision in this location. Monitoring is important to allow introduction of other Travel Plan measures.

### **Electric Vehicle Parking**

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking. The National Planning Policy Framework Paragraph 112 requires applications for development to: *'Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations'*.

In addition, updated UK Building Regulations came into effect on 15<sup>th</sup> June 2022 which require the provision of an Electric Vehicle Charging Point for each new dwelling.

### **Cycle Parking**

SBC have no objection to the proposed cycle stores. The cycle stores proposed on site include 117 cycle parking racks with 111 cycle parking spaces for residential dwellings and 6 cycle parking spaces for the commercial units.

The Slough Developers' Guide – Part 3: Highways and Transport (2008) requires the provision of 1 secure and covered cycle parking space per dwelling to encourage the uptake of cycling within the borough. The developers guide requires visitor cycle parking for flatted developments of more than 10 dwellings.

### **Summary and Conclusions**

I can confirm that I have no objection to the proposed development on highways and transport grounds. I would recommend that planning permission is subject to conditions

## 6.2 Lead Local Flood Authority

We would advise that there is **sufficient information** available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

We consider that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding.

### **Condition**

Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, and attenuation structures
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which will include a 10% allowance for urban creep.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
- v) Confirmation of site-specific soil conditions to confirm or exclude use of infiltration solutions.

### **Reason**

To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for Slough Borough Council by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

### **Condition**

No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the



Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g., open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls.

Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

**Reason**

To ensure the future maintenance of drainage systems associated with the development.

**Condition**

No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Sustainable Drainage Strategy, Ref. P/20153/000(006) SURFACE WATER DRAINAGE STRATEGY has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the surface water drainage system is free from defects, damage, and foreign objects
- f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place

**Reason**

To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site

6.3 Thames Water

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning

permission. "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 sewerage 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 sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. 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. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should

you require further information please contact Thames Water.  
Email:developer.services@thameswater.co.uk

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

#### 6.4 Environmental Quality

##### **Air Quality Comments**

An air quality assessment has been prepared by NRG Consulting in support of this application.

The introduction describes the scope of the assessment. It is noted that only NO<sub>2</sub> and PM<sub>10</sub> have been modelled, and impacts of PM<sub>2.5</sub> have been omitted. Although it is unlikely that PM<sub>2.5</sub> air quality guidelines will be exceeded as a result of this development, the resultant contribution should have been considered due to the associated health impacts. It is noted however that sustainable practices such as the use of air source heat pumps in place of gas fuelled boilers is likely to result in reduced PM<sub>2.5</sub> emissions.

The report explains that short-term impacts of NO<sub>2</sub> and PM<sub>10</sub> emissions have not been modelled. This is accepted on the basis that annual mean concentrations do not exceed 60ug/m<sup>3</sup>, which is typically used as an indicator of short term exceedances.

Sections 2 and 3 provide a summary of the pollutants considered and associated legislation, policy and guidance. There is no mention of Slough's Low Emission Strategy in this section. The Slough Low Emission Strategy should be referred to when discussing impact and mitigation, as there are certain triggers for the implementation of specific mitigation. For example, due to the proximity of this scheme to the Town Centre AQMA (AQMA) and exceeding the number of units which trigger the need for a Transport Assessment, this development would be considered a major scheme and would need to provide Type 1, 2 and 3 mitigation in line with the Strategy.

The following section provides a summary of the assessment methodology, starting with the operational phase traffic emissions. Considering that the scheme involves the demolition of the existing buildings and construction of a large scale development, it is very likely that dust impacts will arise if not adequately mitigated. This should have been assessed in the report, with mitigation measures suggested to reduce the dust impacts. Nevertheless, it is likely that any dust impacts arising from the proposed development can be mitigated through implementation of measures outlined within IAQM guidance, represented within a Construction Environmental Management Plan. A full dust assessment and CEMP will be required via condition.

In regards to the operational methodology, the detail provided is acceptable. Information has been provided on the scenarios to be modelled, the model choice and justification, and the use of 2019 emission factors to support a worst case scenario. Consideration has also been given to the Covid-19 impact on background concentrations, and a model verification exercise has been completed. When discussing significance, the report makes reference to the Air Pollution Exposure Criteria (APEC), which provides A, B or C categories to describe a developments impact on air quality and provides a recommendation for each.

The above methodology is used in the next section which provides the resultant impact of vehicle emissions on NO<sub>2</sub> and PM<sub>10</sub>. Table 9 shows predicted NO<sub>2</sub> concentrations in 2021 and 2026, however it is not clear what the columns labelled as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> for each year represent. Nevertheless, the highest concentration of NO<sub>2</sub> is in 2026, at 34.61ug/m<sup>3</sup>. As this is below the air quality objective of 40ug/m<sup>3</sup>, and does not fall within 10% of the air quality objective, this is not considered to be a significant impact. The report however states that the annual mean objective would be breached at all of the facades of the location, at each floor, and every receptor would be categorised as APEC-C categorisation, which recommends refusal on air quality grounds. This conflicts with the information provided in Table 9 and is clearly an error.

Table 10 shows PM<sub>10</sub> concentrations in 2021 and 2026. Similarly to above, this is subdivided into 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> concentrations however there is no information provided to explain what this represents. Nevertheless, concentrations are considerably lower than the objective level and therefore impact is expected to be low.

The assessment report concludes that for both NO<sub>2</sub> and PM<sub>10</sub>, the ADMS predictions for annual mean concentrations in 2021 and 2026 would not exceed air quality objectives along any of the facades of the new development and concentrations at receptors fall within APEC Category A. As a result, the report states that there is no need to consider building mitigation. This does not align with the requirements of the Low Emission Strategy.

In line with the Slough Low Emission Strategy, the scheme is considered to have a medium impact on air quality. As such, the scheme requires the integration of Type 1 and 2 Mitigation measures, contained in the LES Planning Guidance and replicated below:

### ***Mitigation Requirements***

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. Electric vehicle charging points should be provided for 10% of parking spaces (2 spaces) and provide passive provision for the remaining spaces.
- A full dust impact assessment must be completed. The required mitigation to control dust must be included within a Construction Environmental Management Plan (CEMP) which shall be produced and submitted to SBC for approval prior to commencement of works. The CEMP must also provide details of noise control.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report
- As stated in the Transport Assessment, one car club space should be provided with the development. The second car club space should be provided within 5 years of the scheme opening. The first occupants of the development will be provided with 3-years Car Club membership. The car club should have access to electric vehicle charging to support the Slough Car Club programme.

### **Environmental Noise Comments**

An environmental noise assessment has been prepared by NRG Consulting in support of this application. The assessment aims to determine the suitability of the site for residential development, informed by a noise monitoring survey completed on 18<sup>th</sup> and 19<sup>th</sup> October 2022, with MP1 representing noise on the northern façade (12m above ground level), and MP2 presenting noise on the south/west facades (4m above ground level). The dominant noise sources audible on site include road traffic noise

from Wellington Street and the High Street, and other nearby smaller roads, in addition to overhead aircraft noise.

The assessment considers the impact of existing road traffic noise on the proposed development, but has not considered potential noise impacts arising from the commercial uses, or the impact of the construction phase on nearby noise sensitive receptors. Once the commercial element has been confirmed, an additional assessment may be necessary dependent on the proposed use. Prior to commencement of the development, a construction noise assessment should be completed to determine suitable mitigation to reduce noise levels at nearby residential receptors.

## Results

The assessment has been completed in reference to BS8233 when discussing internal noise levels, and BS4142 when discussing plant noise. This methodology is accepted. The table below summarises the results of the assessment:

Measurement Position	Period	Noise Level, dB			
		L <sub>Aeq,T</sub>	L <sub>Amax</sub>	L <sub>A10</sub>	L <sub>A90</sub>
MP1	Day 07:00 – 23:00	65	85	65	58*
	Night 23:00 - 07:00	58	77	60	43*
MP2	Day 07:00 – 23:00	58	80	59	51*
	Night 23:00 - 07:00	52	73	52	42*

\* Typical Background Sound Level – Calculated from Statistical Analysis. See Appendix B.

The results indicate that the required sound level difference at MP1 and MP2 is 32dB and 28dB, respectively. This sound reduction level would ensure that L<sub>Amax</sub> noise levels are reduced to meet the BS8233 limit to not exceed 45dB 10-15 times per night. However, it is not clear whether lower floors (below the 12m measuring point) would require stronger mitigation due to being closer to the noise source. This clarification is required from the applicant.

## Mitigation

On the basis that the noise levels recorded at MP1 are representative of the whole northern façade, the minimum glazing requirements outlined within Table 7 of the report would be acceptable. The chosen ventilation and glazing specifications chosen for the development should be supplied to the LPA, secured via condition.

In regards to external amenity, the measured noise levels indicate that the external noise levels will exceed the upper guideline provided within BS8233. To mitigate this, the applicant has incorporated noise reduction measures to balcony areas, such as solid balustrades installed along the balcony front creating partial screening, and use of winter balcony screens for those which overlook the High Street. It is expected that this mitigation would reduce noise levels by 5-10dB. It is likely that some balconies will still exceed external amenity guideline noise levels, however it is acknowledged

that there are other external amenity areas (rear roof terrace) that provide lower noise level and balconies can be used at the occupants discretion.

### **Additional Noise Sources**

The proposal is expected to include air source heat pumps at roof level, and plant on the ground floor, however details on plant type and quantity is not yet available. To control plant noise, a plant noise limit will be set via condition. The report suggests a plant noise limit based on the background noise levels obtained at measurement location MP2 which is considered adequate to represent the nearby identified receptors. The suggested plant noise limit is 10dB below background during the day and night at 41dB and 32dB respectively, to ensure that the risk of noise creep can be reduced and ensures character corrections can be taken into account. This approach is accepted and these specific limits will be set via condition.

### **Summary**

To conclude, the noise assessment adequately demonstrates that noise can be controlled on site and the development proposal should not be refused on noise grounds. To ensure that the development is acceptable in terms of noise, the following clarification needs to be addressed, and conditions attached to the permission.

#### 6.5 Contaminated Land Officer

No comments received

#### 6.6 Crime Prevention Design Advisor

No comments received.

#### 6.7 Natural England

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

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

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.

A mitigation strategy or equivalent will be required for Slough to avoid adverse impacts at the SAC. We advise the strategy should build upon the plans for creation and enhancement of habitats and facilities at Upton Court Park, providing an alternative open space of Suitable Alternative Natural Greenspace (SANG) quality that will draw visitors reducing the recreational impact upon the Beeches.



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 28I (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 Page 3 of 6 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 HSE Fire Safety

Drawings for the upper and lower ground floor levels show stair cores A and B, being the only escape route from a flat connect with ancillary accommodation including places of special fire hazard, such as a covered car park, plant rooms and cycle stores (likely to contain lithium-Ion batteries).

The cited fire safety standard states that where a staircase forms part of the only escape route from a flat, it should not also serve any covered car park, boiler room fuel storage space or other ancillary accommodation of similar fire risk. Resolving this issue is likely to affect land use planning considerations such as the design, layout and appearance of the development.

Following the submission of amended plans

No issues raised.

## 7.0 **Policy Background**

## 7.1 Slough Local Development Plan and the National Planning Policy Framework (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 20<sup>th</sup> 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, December 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.

#### 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 Regulation 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 100 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
- Landscape
- Impacts on neighbouring residential amenity
- Impacts on amenity of future occupiers of the development
- Transport, Highways and parking
- Drainage
- Energy and Sustainability
- Air Quality
- Crime Prevention
- Affordable Housing and Infrastructure
- Habitat Impacts
- 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 site is located within the designated town centre and is in a central location close to existing shops, services and transport links. It is not currently in residential use but it is considered a suitable location for a higher density development in accordance with Core Policy 4. The application description does not specify a number of residential units but the scheme proposes 104. The applicant refused to include the number of units in the description of development and therefore it would be necessary to limit the number of units through condition.
- 9.5 The proposal does result in a loss of existing commercial floorspace which comprises a mix of retail and office space. The proposal does propose retail units to the ground floor frontage onto the High Street which is considered acceptable in this central location. The size of the units is reflective of the nature of small units that currently form the run of commercial units to the immediate east of the application site.
- 9.6 On the basis of the above, 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 period between 2020 and 2041. The Council's objectively assessed local housing need (as at April 2022) is 847 dwellings per annum. This equates to a figure of about 18,000 new homes over the plan period in order to ensure local housing need is met.
- 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 104 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.

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

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

- 33no – 1 bed flats
- 69no – 2 bed flats
- 2no – 3 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 2-bed units which would be a preferred arrangement for a scheme that proposes smaller units in general. The scheme also includes the provision of 2no 3-bed units which is considered beneficial. While the housing mix would be improved with the inclusion of larger units, the town centre location is suited for smaller properties and no objection is raised.

## **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 The existing scale of development at the site shows a maximum of 4 storeys at the High Street Frontage. The scale of development within the immediate context of the site ranges from between 2 and 8 storeys and the wider context rises further to 10 storeys with The Moxy (to the northeast)

being a point of reference here. The redevelopment of the site will result in a larger scale of building that varies between 6 and 8 storeys. The footprint of the development occupies the full application site which also results in a significant increase in bulk and massing of built form on the site. The applicant has been engaged with the Council with numerous pre-application proposals that have seen alterations made to the scale, mass and bulk of the scheme. Officers previously raised concerns over early iterations due to there not being appropriate considerations to the lower scale elements of the streetscene in this location and the overall highest of development not reflective of the character of the area.

- 11.3 The scale and bulk of the application proposal is considered to have taken account of Officer feedback at the pre-application stage. The High Street elevation shows the scheme has incorporated a 'step' in scale that shows a rise from the 3 storey scale to the east up to the larger scale to the west. It also ensures there is no stark jump in building scales in the streetscene. The design also incorporates set backs at the upper floor levels to reduce the extent of scale and bulk from the High Street. In spite of being 8 storeys which is the same as Mosaic House to the west, the overall height of the building is taller than this due to increased floor to ceiling heights within the development proposed and the building sits higher than its neighbours as a result. The application is accompanied with a townscape assessment that considers the impact of the overall scale on the area. The incorporation of set backs at the upper floors and variations in external materials means that the proposed development is unlikely to be overly out of scale in the area. From the public realm, at street level around the site the top most floor of the building would not be visible in the immediate vicinity of the site and would not be prominent from further afield. Longer views would be seen in the context of larger buildings and would not be out of character.
- 11.4 When viewed from the south the context of the area changes to one of suburban character rather than town centre. The proposal would represent a notable increase in built form however it would be viewed in context with existing building and, while bringing bulk closer to these low scaled dwelling, would not result in an adverse impact on its character. The scheme also incorporates a step down to the south to aid the transition. As a result the proposed scale and bulk of the development are not considered to have an adverse impact on the character of the area.
- 11.5 The proposed scheme retains the ground floor frontage of the site and provides a consistent form to the development. As the proposal turns into Burlington Avenue a new frontage is created to serve the proposed residential use. The frontage incorporates a new footway and service layby and this is considered to contribute positively to the character of the area. Burlington Avenue is a well-used route for pedestrians in the town and the proposed scheme will enhance this area. The scheme has evolved to amend the service areas and include planting and detailing that generates visual interest and the resultant impact is considered to be acceptable in design terms.

11.6 The design details of the scheme have been emphasised from an early point by the Council. Often the difference between high quality and ordinary development lies in the detail and implementation of the scheme. This proposal seeks to incorporate variations in brick type and include variations in brickwork such as soldier courses and recesses to achieve contrast. Secondary materials include render and metalwork which breaks up the brickwork. The approval of specific materials to be used on the development would be reserved by condition but the details in the application suggest that the scheme can be regarded as a high-quality development if well implemented.

11.7 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 **Landscaping**

12.1 The proposal includes some street landscaping and a communal podium garden within the scheme for the use of occupiers of the proposed residential units.

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

12.3 The existing site is devoid of landscaping features and therefore the proposals represent a gain in landscaping value at the site. The gains are minimal however they are considered to be acceptable from the perspective of a town centre location. Detailed landscaping proposals will need to consider soft landscaping that will be effective given the scale of the building and the effects it would have on light levels to the communal garden.

## 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 Polies EN1 and EN2.

13.2 The site is located close to existing residential properties to the east and south of the site. There are properties to the north as well that are separated by highways and, in respect of the west, by existing non-residential buildings. There has been objection received from the occupier of Cornwall House, Flat 21, to the north of the site on the grounds of loss of light to their flat.

- 13.3 The application was submitted with a daylight/sunlight assessment that considered the impact of the scheme on the light to neighbouring residents. The assessment considered the impact on all windows at Cornwall House that face toward the site. The assessment concludes that the windows of this building, the building known as being to the rear of 58 High Street and those of the rear of 56 High Street and to neighbours on Beechwood Crescent to the south. The results show that the development does not result in a significant adverse impact on the level of daylight to the rooms that they serve. All windows are able to retain over 80% of their existing value or have an acceptable 'Vertical Sky Component' which indicates suitable light levels will be achieved. The assessment does use an outdated criteria for assessing light levels as the use of vertical sky components was removed from the 2022 BRE Guidance but it is not so far out of date that it should be objected to if included in schemes that have been devised during the period it was relevant. On the basis of the findings of the assessment it is considered that there would not be an adverse impact to neighbouring daylight and sunlight that would warrant a reason to refuse planning permission.
- 13.4 In terms of overbearing impact the proposed development will be visible from the rear windows of neighbouring residents however this does not entail that new development is overbearing as a result. The scheme has been designed to ensure it is not dominant from the outlooks of neighbouring residents and while visible, will not be overbearing from within the units that are close by.
- 13.5 In terms of noise impacts there would be a negligible impact from the residential units and antisocial noise impacts can be addressed under Environmental Health Legislation. The ground floor commercial uses would not have any increased noise impact over what would currently be experienced from existing uses at the site.
- 13.6 There is always a risk of amenity impacts during the construction phase of the development however the practices can be controlled through conditioning a construction management plan that would seek to consider issues such as noise impacts and dust dispersion to neighbouring sites. These impacts are, in any case, only ever temporary and are not apparent once the scheme is built. The recommendation includes the need for a construction management plan to be submitted for approval which is considered to be appropriate.
- 13.7 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 The submitted details show that the proposed units will be compliant with the nationally described space standards for accommodation which is considered to be acceptable.
- 14.4 Each unit will have its own private balcony or terrace which affords private amenity space for the whole development. The successful incorporation of integral balconies means that there are no concerning circumstances where the balconies and terraces are closely related or adjacent to each other, resulting in potential amenity impacts within the development. The proposal also include the provision of a communal podium garden area and rooftop garden area which would be accessible to all residents. The amenity space provision for the development is therefore considered to be acceptable.
- 14.5 In respect of daylight/sunlight provision, the application was submitted with an assessment to consider the light levels to the proposed unit as well as the communal amenity space. The assessment concludes that the development will receive levels of daylight that exceed the guidance requirements for new developments. The communal garden has impacts due to its relationship with the building that affects its sunlight provision however it does exceed the minimum standards and can be considered acceptable. It would be necessary for the landscaping scheme to ensure that any planting proposals utilises species that can thrive in their location relative to the amount of light they will or will not receive.
- 14.6 With regards to environmental noise impacts, the application included a Noise Assessment that has been reviewed by the Environmental Quality Officer. The assessment identified that the dominant noise sources audible on site included road traffic noise from Wellington Street and the High Street, and other nearby smaller roads, in addition to overhead aircraft noise. The assessment concludes that there would be impacts n amenity levels through noise but that these can be addressed through the implementation of appropriate glazing and mechanical ventilation to the proposed units. This is not uncommon for development on busy roads within the Borough such as Wellington Road and Bath Road and these details can be secured and considered through appropriately worded conditions. The use of mechanical ventilation will be considered against the merits of incorporating natural ventilation as part of the energy strategy (para 17.2) for this development to ensure an appropriate balance is achieved.

14.7 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 application was accompanied with a Transport Assessment and travel Plan which has been considered by the Highways Officer and no objections are raised in highways terms. The change in vehicle trip rates is considered to be acceptable for a town centre location and the impact of traffic movements from the development on the local area is considered to be negligible.

15.3 The proposal shows 20 parking spaces provided with the proposal. Discussions have been held with the applicant to finalise the allocation of spaces to the development and it was agreed that 12 spaces would be provided to the residential development and 8 spaces to the 4 commercial units. This split is secured by way of a proposed condition. In accordance with the parking standard, flat developments in the town centre have a parking requirement of 0 spaces due to its sustainable location and closeness to services and public transport. This scheme provides 12 residential spaces in spite of this and the provision of these spaces is considered to be a benefit.

15.4 The proposal shows the provision of 117 cycle parking spaces with 111 being allocated to the flats and 6 to the commercial units. These are securely provided. Visitor cycle spaces are also provided on the Burlington Avenue frontage and the level of cycle parking and the nature of its design are considered to be acceptable.

15.5 The proposal is proposed to be serviced from Burlington Avenue and the scheme includes the provision of a layby on the western side of the site that would allow delivery and service vehicles to pull into and not congest the road itself and this layby is technically acceptable and would ease potential issues on High Street with such vehicles accessing the site.

- 15.6 The layby provision does not compromise pedestrian access on Burlington Avenue as the footway is realigned as part of the works.
- 15.7 The Highways Officer has made a number of requests for S106 contributions associated with the development which are addressed in detail from para 20.0 onwards. In summary the following contributions are required:
- £30,000 towards the creation of Slough's Car Club scheme;
  - £25,000 towards the adoption and upgrade of the private road;
  - £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
  - £3,000 towards Travel Plan Monitoring
  - Provision of a speed bump on Burlington Avenue
- 15.8 There is also a requirement for the applicant to enter into a legal agreement to dedicate the new layby and footway as adopted highway to ensure its long-term maintenance and access by waste vehicles. Additionally, there is a section of Burlington Avenue to the west of the site that is unadopted highway to which the £25,000 requested contribution relates. Currently the Highways Officers and applicant are proactively working together to establish practicalities of having this area dedicated as adopted highway and if this can be secured through this application as part of the legal agreement. At the time of drafting this report there is no conclusion and Members will be updated. It is not anticipated that this matter will affect consideration of the planning merits of this application.
- 15.9 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 and Flood Risk**
- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. No drainage information was submitted with the application.
- 16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to conditions. The LLFA similarly has no objections subject to conditions, all of which are included in the recommendation.
- 16.3 There are no objections in respect of drainage and flood risk as a result.
- 17.0 Energy and Sustainability**

- 17.1 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.
- 17.2 The application included an energy statement which concludes that the proposal can achieve the required minimum of 30% reduction in CO2 emissions over the baseline figures of Building Regs Part L 2021. This is achieved through the inclusion of high levels of thermal insulation, incorporation of LED lighting and air permeability through the development.
- 17.3 The residential units proposed will have heating and hot water provided through a combination of air-source heat pumps and water sourced heat pumps. This proposal is acceptable.
- 17.4 The energy proposals are 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.
- 18.0 **Air Quality**
- 18.1 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. The 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.
- 18.2 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.
- 18.3 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.



- 18.4 An Air Quality Assessment was submitted as part of the application and no objection is raised by Environmental Quality. There are identified areas where there could be a temporary impact during the construction phase however these can be mitigated through the approval of a construction management plan. Mitigation is required through the provision of EV charging points which can be secured by condition. There is a request for the provision of car club space within the development as part of the mitigation which aligns with the request for a contribution towards such a space from Highways. The request is noted however there is limited space within the site for an accessible car club space and that, in this instance the car club consideration should be limited to considerations of a financial contribution only, which is considered at para 20.0 onwards.
- 18.5 On the basis of the above considerations there are no objections in respect of air quality impacts.
- 19.0 **Crime Prevention**
- 19.1 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.
- 19.2 No comments have been received from the Crime Prevention Design Advisor at the time of writing this report. Members will be updated of any comments made via the Amendment Sheet and, in anticipation of comments being received, a condition requiring the development to achieve a secured by design accreditation is included as part of the recommendation.
- 19.3 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.
- 20.0 **Affordable Housing and Infrastructure**
- 20.1 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.
- 20.2 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.
- 20.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which claims that the development would not be viable if it were required to provide full infrastructure contributions and affordable housing in line with the Developer's Guide.

20.4 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 104 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an affordable housing requirement of 35% which equates to 37 units from this development.

#### Education

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

1-bed units – 33no x £903  
2+-bed units – 71no x £4,828

Total = £372,587

#### 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

The following contributions have been sought.

- £30,000 towards the creation of Slough's Car Club scheme;
- £25,000 towards the adoption and upgrade of the private road;
- £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
- £3,000 towards Travel Plan Monitoring
- Provision of a speed hump on Burlington Avenue

20.5 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.*

20.6 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. The Council's consultant has reviewed the information and as part of their assessment had identified areas of disagreement with the applicant's viability appraisal although the disagreements were minor in terms of affecting the overall conclusions. Where differences were discovered, the consultant recalculated viability using more appropriate figures. For this proposal the assessment by the Council's consultant concluded that there would be a deficit of approx £3.6M as opposed to a concluded deficit from the applicant of approximately £4.1M.

- 20.7 In spite of the viability issues, the applicant has proposed a number of contributions which are listed as follows (for ease the offered amounts have been set next to the required figures)

<b>Contribution</b>	<b>Amount required</b>	<b>Amount offered</b>
Education (overall)	£372,587	£372,587
Slough Car Club (Highways)	£30,000	£30,000
Affordable Housing	37 units within the development	5 units within the development (amounting to 4.8%)
Adoption and upgrade of the private road on Burlington Avenue	£25,000	£25,000
TRO costs for a loading bay, car club bay and amended parking restrictions	£6,000	£6,000
Travel Plan Monitoring	£3,000	£3,000
Provision of speed hump on Burlington Avenue		To be secured through TRO

- 20.10 In terms of the financial contributions and highways related works, the applicant had confirmed that they are able to meet the requirements as set out in the table above in spite of the viability issues at the site. On this basis the contributions are considered to be acceptable, and they are regarded as a benefit to the development that will be afforded proportionate weight as part of the planning balance.

- 20.11 The affordable housing proposal is notably less than the figures set out in the developer's guide. The viability circumstances with this proposal are such that the development could not afford to provide any affordable housing without resulting in a deficit. The offer of 5 units on site is made in spite of the viability circumstances. The Council has been able to secure some form of affordable housing contribution or provision on the vast majority of schemes that are proposed with viability issues. The offer here proposes less than has been achieved on some sites but more than others. The offer should be considered on its individual merits and the offer of 5 on site units, while less than the developer's guide target and a small provision in general, should be regarded as a benefit of the development and attributed appropriate positive weight.

20.12 It will be required that the applicant agrees to review mechanisms in a Section 106 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 in the future. Such obligations have been secured in other proposals and is considered to be consistent with other decisions. It is recommended that the initial review is undertaken prior to the commencement of development with the second 'late-stage review' taking place at an appropriate point. As the affordable housing proposal provides on-site units the viability review should be looking principally to secure further units. On this basis it is recommended to Members that the second review is required relatively early in the sales process, at 30%. This is a trigger point that is recommended by the Council's viability consultant a giving the optimum opportunity for securing additional units on this development and it is recommended that it is adopted.

## **21.0 Habitat Impacts**

21.1 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.

21.2 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.

21.3 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

21.4 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.

21.5 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.

- 21.6 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.
- 21.7 The applicant has submitted a Habitat Screening Assessment as part of the application which has concluded that an appropriate assessment is required however at the time of drafting this report they have not undertaken such an assessment. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park for development such as this where an appropriate assessment identifies a requirement for such mitigation. The issue regarding mitigation therefore remains outstanding but it is considered that the matter can be linked to the completion of a section 106 agreement if payment is identified. Therefore the recommendation includes a requirement for the applicant to undertake and submit the appropriate assessment to resolve the outstanding issues.

## **22.0 Fire Safety**

- 22.1 The building exceeds 6 storeys in scale which makes it a 'relevant building' in respect of requiring a fire safety assessment. The Health and Safety Executive (HSE) were consulted on the application and requested additional information to be submitted as the applicant's fire assessment was incomplete.
- 22.2 The comments from the HSE highlighted an area where there would be concerns regarding fire safety. In response to this the applicant submitted amended plans to alter the layout to ensure the issues identified were addressed.
- 22.3 At the time of drafting this report the plans are still under consideration from the HSE and Members will be updated via the amendment sheet. It is assumed that, in principle, the matter will be resolved.

## **23.0 Neighbour Representations**

- 23.1 Three neighbour letters have been received through the course of this application. The report has specifically addressed impacts on neighbouring residents and highways as part of considerations.

23.2 With regards to highways disturbance during construction, this is a valid point and the recommendation requires the approval of 2 construction management plans, relating to highways matters and amenity matters, that would be approved via condition prior to works commencing. This is a standard practice for development and the Council would look to ensure there would be no unacceptable access and amenity disruption during the construction phase.

## **24.0 Equalities Considerations**

24.1 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.

24.2 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.

24.3 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.

24.4 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.

24.5 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.

24.6 The proposal would provide new residential accommodation. The applicant has advised that 5% of the proposed units will be constructed to meet Part M of Building Regs requirements to provide units for wheelchair users. Access from the public footway to the building is considered appropriate and units can be safely accessed directly from the disabled parking spaces at the rear via a lift. The proposed commercial units are shown to have a level threshold access and all floorspace is at ground floor level.

24.7 In relation to the car parking provisions, the plans show the provision of disabled spaces that are closely located to access points to the building. Internal corridors are designed to accommodate the needs of residents and visitors with disabilities

24.8 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.

24.9 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.

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

25.1 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.

25.2 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.

25.3 In the application of the appropriate balance, it is considered that there are some benefits from the scheme.

- The provision of 104 residential units in a sustainable location should be given positive weight although this weight is slightly reduced through not meeting the desired housing mix. Nevertheless, it is recommended that this benefit be given substantial positive weight.
- 5 of these flats are proposed as affordable housing units which are offered in spite of viability issues with the site. The offer is lower than required through the Developer's guide, coming in at 4.8% but it is something that should be afforded positive weight and in this instance it is recommended to apply moderate positive weight.
- The application includes the provision of some financial contributions towards infrastructure and these are considered to be positive benefits that should be given considerable positive weight.
- The parking provision is considered to be a moderate positive impact given the location of the site.

In terms of impacts the development will result in a significant bulk increase in the streetscene and the building will be notably higher than its adjacent neighbours. While the design has been through pre-application processes to address these issues there remains an impact which is not significant adverse and should be afforded negligible weight as an impact.

25.4 As is the case with proposals when para 11 of the NPPF is engaged, the application does present a balanced case. The significant benefits of housing provision, considerable benefits of infrastructure contributions and moderate benefits of the affordable housing provision and parking spaces are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.

## **26.0 PART C: RECOMMENDATION**

26.1 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 Section 106 Agreement to secure habitat and infrastructure mitigation contributions, a viability review mechanism and highway works and the following conditions listed below.

## **27.0 PART D: CONDITIONS**

### **27.1 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 222035/PA/001, dated 02/2023, received 15/02/2023
- b) Drawing Number 222035/PA/010, dated 02/2023, received 15/02/2023
- c) Drawing Number 222035/PA/110, dated 02/2023, received 15/02/2023
- d) Drawing Number 222035/PA/120 Rev A, dated 26/04/2023, received 02/05/2023
- e) Drawing Number 222035/PA/121, dated 02/2023, received 15/02/2023
- f) Drawing Number 222035/PA/122, dated 02/2023, received 15/02/2023
- g) Drawing Number 222035/PA/123, dated 02/2023, received 15/02/2023
- h) Drawing Number 222035/PA/130, dated 02/2023, received 15/02/2023
- i) Drawing Number 222035/PA/131 Rev A, dated 26/04/2023, received 02/05/2023
- j) Drawing Number 222035/PA/132, dated 02/2023, received 15/02/2023
- k) Drawing Number 222035/PA/133, dated 02/2023, received 15/02/2023
- l) Drawing Number 222035/PA/134, dated 02/2023, received 15/02/2023
- m) Drawing Number 222035/PA/140, dated 02/2023, received 15/02/2023
- n) Drawing Number 222035/PA/141, dated 02/2023, received 15/02/2023
- o) Drawing Number 222035/PA/142, dated 02/2023, received 15/02/2023

In respect of the development hereby permitted, it shall provide no more than:

- 104 residential units (Class C3)
- 390 sqm of commercial (Class E) uses at ground floor level

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 include 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. 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.

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. 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.

12. The windows in the shop front elevations for the E class 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.

13. 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 - 2066.

14. Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, and attenuation structures
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which will include a 10% allowance for urban creep.

- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
- v) Confirmation of site-specific soil conditions to confirm or exclude use of infiltration solutions.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for Slough Borough Council by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

15.No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g., open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls.

Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: To ensure the future maintenance of drainage systems associated with the development.

16.No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Sustainable Drainage Strategy, from RMB Consultants (Civil Engineering) Ltd, dated 02/2023 has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

- e) CCTV Confirmation that the surface water drainage system is free from defects, damage, and foreign objects
- f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site

17. 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 sewerage 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 sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

18. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

19. No part of the development shall be occupied commence until bin storage has been 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

20. No part of the development hereby approved shall be occupied until an amended Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the development shall operate in accordance with the agreed Travel Plan. The Travel Plan shall specify initiatives to be adopted by the operators of the site to encourage access to the site by a variety of non-car means. It shall set targets and shall specify

a monitoring mechanism to ensure compliance with the Travel Plan objectives. The Plan shall identify the travel plan coordinator and outline their responsibilities in pursuing the objectives of the Travel Plan; it should also state who the Travel Plan Co-ordinator will report to. Should the targets within the Travel Plan not be met, the operator should undertake whatsoever measures, as may first have been agreed in writing by the Local Planning Authority, as are necessary to cause a reduction in the number of car borne trips to ensure the targets are achieved. The Plan shall set out a five year plan with measures introduced within three months of receiving approval from the Local Planning Authority. The Plan shall be under constant review with further surveys every two years thereafter. An Annual Report providing a review of progress towards targets and of the implementation of the Travel Plan shall be sent to the Local Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway, to reduce travel by car in accordance with Policy T15 of the Slough Local Plan 2004 and to meet the objectives of the Slough Integrated Transport Strategy.

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

22.Prior to the development hereby approved first being brought into use, 12 no. car parking spaces shall be provided and made available for use in connection with the residential development and 8 no. car parking spaces shall be used in connection with the 4 no. retail units. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON: In the interests of ensuring that the use benefits from satisfactory car parking provision in the interests of the amenities of the area in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008`.

23.Prior to the first occupation of each unit, the residential car parking provision for the development shall be provided, including 1 electric vehicle charge point per dwelling – and a total of 12 electric vehicle charging points. The residential electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.



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

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**REPORT TO: PLANNING COMMITTEE**

**DATE: June 2023**

**PART 1**

**FOR INFORMATION**

Planning Appeal Decisions

*Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.*

**WARD(S)**

**ALL**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
2020/00713/ENF	32 Furnival Avenue, Slough SL2 1DW  Without planning permission, the unauthorised construction of the outbuilding and its use as a self-contained dwelling	Appeal Dismissed with variation  14 <sup>th</sup> April 2023
2020/00418/ENF	48, Furnival Avenue, Slough, SL2 1DW  The conversion of the outbuilding and its use as a self-contained dwelling	Appeal Dismissed with variation  14 <sup>th</sup> April 2023
P/19883/001	6, Bader Gardens, Slough, SL1 9DN  Construction of a first floor side extension with two velux windows.	Appeal Dismissed  19 <sup>th</sup> April 2023
P/19089/004	47A, Lowestoft Drive, Slough, SL1 6PB  Construction of 1no new dwelling	Appeal Granted  12 <sup>th</sup> May 2023
P/19377/001	46, Parsons Road, Slough, SL3 7GU  Construction of a two storey rear extension  Officers considered that the first floor rear extension would not have complied strictly with the RESPD guidelines, minorly breaching the 45 degree line and the increase in depth substantially exceeding these guidelines, particularly given that the previously approved extension was already in breach of this. The further increase of this was considered to be excessive from a design perspective in terms of the additional bulk and volume added to the original dwelling. The Inspectorate has considered that given it would not visually prominent public viewpoints, that the extension would not be harmful to the character of the house and area, as well as not having a significantly harmful impact on the living conditions of neighbouring occupiers.	Appeal Granted  6 <sup>th</sup> June 2023

P/12815/001	29, Stoke Poges Lane, Slough, SL1 3NX  Construction of a first floor rear extension, raising of roof height to accommodate loft conversion with 10no roof lights.	Appeal Dismissed  6 <sup>th</sup> June 2023
P/15049/002	377, Farnham Road, Slough, SL2 3AF  Retrospective application for an outbuilding	Appeal Granted  6 <sup>th</sup> June 2023
P/15162/002	30, Castleview Road, Slough, Slough, SL3 7NQ  Hip to gable loft conversion with rear dormer, installation of french doors with juliet balcony, new gable end window and 4no. front roof lights.	Appeal Dismissed  6 <sup>th</sup> June 2023
P/02350/004	7, Autumn Close, Slough, SL1 5DH  Construction of 2no 4 bedroom dwellings with link detached garages; formation of a new access and construction of parking area with hard and soft landscaping.	Appeal Dismissed  16 <sup>th</sup> June 2023



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## Appeal Decision

Site visit made on 23 March 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> May 2023

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### Appeal Ref: APP/J0350/W/22/3309721

#### 47A Lowestoft Drive, Slough SL1 6PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Lucy Pickering against the decision of Slough Borough Council.
  - The application Ref **P/19089/004**, dated 31 December 2021, was refused by notice dated 27 April 2022.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at 47A Lowestoft Drive, Slough SL1 6PB in accordance with the terms of the application, Ref P/19089/004, dated 31 December 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Produced 9 December 2021; 20-06-01; 20-06-02; and 20-06-03.
  - 3) No works above damp proof course shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) The dwelling hereby permitted shall not be occupied until details of hard and soft landscaping, including means of enclosure and boundary treatment have been submitted to and approved in writing by the local planning authority. In relation to the boundary treatment, details will include position, external appearance, height, and materials. Development shall be carried out in accordance with the approved details.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, buildings or enclosures other than those expressly authorised by this permission shall be constructed.
  - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

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revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on any elevation.

### **Preliminary Matters**

2. During the appeal process, the appellant has prepared some plans in support of the appeal. Although these were not considered by the Council when determining the application, they do not appear to materially change the proposed development as indicated on the submitted plans, but rather illustrate points made by the appellant in their appeal statement and I have considered them on that basis.

### **Main Issues**

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - highway safety.

### **Reasons**

#### *Character and appearance*

4. The appeal site is located in a residential cul-de-sac where most properties are two-storey terraced houses on relatively small plots. Rear gardens surrounding the appeal site are typically subdivided by close boarded fencing. The proposed house would be attached to an existing bungalow of modest scale which is set back from the turning head of the cul-de-sac.
5. The Council has granted planning permission for an extension to the bungalow. I am satisfied that there is greater than a theoretical possibility that the extension proposal might take place and I attach significant weight to the existence of this extant planning permission. The proposed new dwelling has very largely adopted the same design, with the only significant differences being the introduction of an additional window and front door to the front elevation at ground floor level.
6. The proposed dwelling would result in an intensification of use compared to the extended bungalow as although the number of bedrooms would be the same, a new dwelling would increase comings and goings and would result in the introduction of additional domestic paraphernalia, such as waste bins and would also result in the introduction of an additional parking space. However, these are common features associated with a residential property and bearing in mind the proposed dwelling would be located in an established residential area, the intensification related to the introduction of a modest one bedroom house and associated elements would not cause harm to the character and appearance of the area.
7. Existing properties in the area are predominantly terraced houses on relatively small plots and gardens separated from neighbours by close boarded fencing are a common feature. The overall plot size would be similar to other properties in the area and the introduction of the proposed dwelling with a private garden would not appear incongruous or cramped. Further, the size of the garden would be similar in size to other gardens, would provide adequate private amenity space for future residents and would be separated from

surrounding properties, including the existing bungalow in a coherent way that would be compatible with its surroundings.

8. I therefore conclude that the proposal would not harm the character and appearance of the area and it would accord with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 adopted in December 2008 (SLDFCS) and Saved Policy EN1 of the Local Plan for Slough (LPS) adopted in March 2004 which amongst other things seek to ensure high standards of design and that that proposals should be compatible with and respect their surroundings and reflect the street scene and local distinctiveness of the area. The proposal would also accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character. In their reasons for refusal the Council cited Saved Policy EN2 of the LPS which relates to extensions and is therefore not relevant.

*Highway safety*

9. The proposal would involve the provision of an additional parking space which would be one of three communal spaces that would serve the appeal property and the existing bungalow. This would be adequate to serve the proposed dwelling. The introduction of an additional space would make parking somewhat tight in that part of the Lowestoft Drive. However, I am satisfied that the proposed new space would not prevent cars from using the existing spaces.
10. I accept that cars entering or exiting the three spaces serving the existing bungalow and proposed dwelling would at times reverse into or out of these spaces. However, this would not result in an unacceptable impact on highway safety as these parking spaces and others serving neighbouring properties are located adjacent to the turning head of the cul-de-sac which allows vehicles to turnaround and where vehicles would not be travelling at excessive speeds.
11. Further, even if vehicles reversed into or out of spaces, this would not be an unexpected manoeuvre in a cul-de-sac and wouldn't cause a significant inconvenience to existing or future residents.
12. I therefore conclude that the proposal would not have an adverse impact on highway safety. Therefore, it would accord with Core Policy 8 of the SLDFCS and Saved Policy T2 of the LPS which seek to ensure that proposals will be accessible and that a level of parking appropriate to its location will be provided which will overcome road safety problems. The proposal would also accord with the National Planning Policy Framework (Framework) which seeks to ensure that safe and suitable access to a site can be achieved for all users and that development should only be refused if there would be an unacceptable impact on highway safety.

**Other Matters**

13. The proposal would not result in family housing as defined in the SLDFCS. However, Core Policy 4 sets out that in areas such as this, residential development will predominantly consist of such housing and therefore doesn't preclude all non-family housing. Further, the proposal would result in an additional dwelling to add to the existing housing supply which is of some limited benefit.



14. The Council suggests that an unsuccessful application to reinstate permitted development rights at 47A indicates that the appellant knows that the site is cramped and unsuitable for a dwelling. There is no information before me to support that this represents the appellant's view. I have considered the proposal on its individual merits and the fact that a previous application for an entirely different proposal has been submitted does not alter my conclusions.
15. Neighbours have highlighted that the parking situation is already unacceptable as the existing property is never used as a residential dwelling, the existing property causes disturbance, and the proposal would result in the loss of privacy. I am dealing with a proposal for an additional dwelling next to the existing property and I have limited information about how the existing property is used, but in any event that matter does not materially affect my consideration of the planning merits of this appeal. In terms of the parking situation, for the reasons set out above, I consider that the provision of an additional space is adequate and overall, I have found that the proposal would not have an adverse impact on highway safety.
16. The only difference between the proposal and extant permission for an extension to 47A is the provision of an additional window and front door at ground floor level. As a result, the proposed dwelling would not result in an unacceptable loss of privacy. Similarly, the introduction of a one bedroom dwelling into an established residential area would not cause a harmful level of disturbance to surrounding residents.

### **Conditions**

17. I have had regard to the conditions suggested by the Council and considered whether the tests set out in the Framework for conditions are met.
18. In addition to the standard time limit condition, in the interest of certainty I have imposed a condition requiring that the development is to be carried out in accordance with the approved plans. To protect the character and appearance of the area, it is necessary to impose conditions requiring that details of materials to be used and hard and soft landscaping, including boundary treatment are submitted for approval and the development is implemented in accordance with those approved details. Also, to protect the character and appearance of the area it is necessary to restrict permitted development rights in relation to extensions, buildings, and enclosures.
19. To protect the living conditions of neighbouring residents a condition is necessary to prevent new window openings, other than those expressly authorised. However, given the scale of the proposal and other conditions to be imposed, it is unnecessary to impose a condition related to vehicle access gates, roller shutter doors or other vehicle entry barriers.

### **Conclusion**

20. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

*S Rawle*

INSPECTOR





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## Appeal Decision

Site visit made on 10 May 2023

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> June 2023

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**Appeal Ref: APP/J0350/D/23/3317043**

**46 Parsons Road, Slough SL3 7GU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Davesh Chauhan against the decision of Slough Borough Council.
  - The application Ref P/19377/001, dated 2 October 2022, was refused by notice dated 9 January 2023.
  - The development proposed is a 2 storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a 2 storey rear extension in accordance with the terms of the application Ref P/19377/001, dated 2 October 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, CHAUHAN/PLAN/002B, CHAUHAN/PLAN/004A, CHAUHAN/PLAN/005B and CHAUHAN/PLAN/007A.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Preliminary matter

2. The Council based its decision on amended plans submitted during the application process. I have also based my decision on those plans, as listed above. During the course of the appeal, the Council provided 2 different versions of drawing CHAUHAN/PLAN/005B, both dated 20 December 2022. Only one of these is consistent with the other submitted drawings and the extracts shown in the Council's report. This is the version to which this decision refers.

### **Main issues**

3. The main issues are the effects of the proposal on:
  - i) The character and appearance of the house and the local area; and
  - ii) Living conditions at the next door property, No 48, in terms of light and outlook.

### **Reasons**

#### *Character and appearance*

4. 46 Parsons Road is a 3 storey detached house of fairly recent construction and formal design, on an estate of similar houses. The proposal is to build a 2 storey extension across the whole back of the house. The appeal application follows on from the approval of a slightly smaller 1 and 2 storey rear extension. The single storey element would be the same, but the depth of most of the first floor element would increase from 4m to 5m (excepting a small section next to the boundary with No 48). The extension would connect to an existing single storey garage building at the back.
5. The Council's Residential Extensions Guidelines Supplementary Planning Document (SPD) advises at EX27 that the maximum permitted depth for a 2 storey rear extension will generally be 3.3 metres although deeper extensions may be allowed where site circumstances allow. The Council also refers to SPD EX24, which states that for single storey rear extensions, pitched roofs should be at least 150mm below any first floor window cill. The same principle could perhaps be said to apply to the 2 storey extension in this case, though that is not stated in the SPD. The SPD further confirms that each planning application will be considered on its own individual merits.
6. In this case, the extension would be low for a 2 storey structure and would not extend out so far to the rear that it would appear disproportionate with this sizeable building. The low profile roofs, although not complying with the numerical requirement set out in SPD EX24, would not interfere with the house's second floor windows or otherwise harm the appearance of the house. This would be a subservient structure, much lower and smaller than the main house, and discreetly sited where it would hardly be visible from Parsons Road or any other public vantage point.
7. I conclude that the proposal would not harm the character or appearance of the house or the local area. It accords with the shared aims of Core Strategy (CS) Core Policy 8, Local Plan for Slough (LP) policies EN1 and EN2 and the SPD, to secure high quality design for extensions, which should be compatible with the original structure and respect its surroundings.

#### *Living conditions*

8. The Council's concern here is that the extension would affect the light and outlook from a small first floor rear window at No 48 next door. The amended plans indicate that the extension would not break a 45 degree angle drawn from that window, so that there would not be any clear conflict with the 45 degree code set out at SPD EX26. Any infringement of the 45 degree line would be marginal and the window is high enough up so that it would continue to have views and receive light over the top of the extension. This window,

moreover, appears to be obscure glazed. The floor plans for No 48 submitted by the appellant indicate that it serves an en suite bathroom, which is not a considered to be a habitable room requiring protection of its light and outlook.

9. I conclude that the proposal would not significantly affect living conditions at No 48 next door, in terms of light or outlook. It accords with the shared aims of CS Core Policy 8, LP policies EN2 and H15 and the SPD, to ensure that extensions cause no significant adverse impact to the amenity of adjoining occupiers.

*Conditions*

10. I impose a condition specifying the relevant plans to provide certainty. A further condition requiring the use of matching materials is needed to ensure that the extension complements the character and appearance of the house.

**Conclusion**

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR



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## Appeal Decision

Site visit made on 10 May 2023

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> June 2023

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### Appeal Ref: **APP/J0350/D/23/3316430**

#### **377 Farnham Road, Slough SL2 3AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Anantpal Bhandal against the decision of Slough Borough Council.
  - The application Ref P/15049/002, dated 11 October 2022, was refused by an undated decision notice.
  - The development proposed is an outbuilding (retrospective application).
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### Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in accordance with the terms of the application Ref P/15049/002, dated 11 October 2022, subject to the following conditions:
  - 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location plan (unnamed), Block plan (unnamed) and PD756.
  - 2) The development hereby permitted shall only be used for purposes incidental or ancillary to the residential use of the dwelling known as 377 Farnham Road.
  - 3) No access shall be provided to the roof of the development hereby permitted by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.
  - 4) Notwithstanding the terms and provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no windows, other than hereby approved, shall be formed in the western flank or rear walls of the development hereby permitted.

### Preliminary matters

2. Both the Council and the appellant advise that the decision on the appeal application was issued on 19 December 2022, but there is no date on the copy of the decision notice provided to me. The text of that notice is the same as in

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<https://www.gov.uk/planning-inspectorate>

the officer report dated 18 December 2022, so I am content that it does accurately set out the Council's reason for refusal of the application.

3. The proposal has been fully constructed so that I could see it at my site visit. Although the description of the proposed development is given as an 'outbuilding', it is physically connected to the house so could be more accurately described as an extension, albeit one with no internal connection to the house.

#### **Main issues**

4. The main issues are:
  - i) The effect on the character and appearance of the local area;
  - ii) The effect on living conditions at the next door property, 375 Farnham Road; and
  - iii) Whether the proposal is tantamount to the provision of a separate new dwelling, and if so whether satisfactory living conditions would be provided for future occupiers of both No 377 and the new dwelling.

#### **Reasons**

##### *Character and appearance*

5. 377 Farnham Road is an end of terrace 2 storey house, positioned side on to Farnham Road. The proposal is for a (recently constructed) single storey flat roofed rear extension to the building, running along the boundary with the next house in the terrace – No 375. The remainder of the garden and some other gardens in the immediate vicinity are enclosed by high walls. These walls almost completely screen views of the extension from the street, so that it can only really be seen from the back of No 375 and from the upper floors of nearby houses.
6. The extension itself forms a typical rear single storey wing. It is low in height and modest in scale and leaves sufficient outdoor space within the garden area. It is therefore in character with its surroundings and has at most a minimal impact on the local street scene. I note that this extension is much deeper than the 3.65m maximum permitted depth for single storey rear extensions to terraced houses advised by EX20 of the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD). That guidance, however, makes it clear that it must be applied in light of site considerations. In this case the extra depth has no significant visual impact on the local area.
7. I conclude that the proposal does not harm local character and appearance. It accords with the shared aims of Core Strategy (CS) Core Policy 8, Local Plan for Slough (LP) policies EN1, EN2, H14 and H15, the SPD and the National Planning Policy Framework (the Framework), to secure high quality design for extensions, which should be compatible with the original structure and retain sufficient space.

##### *Neighbours' living conditions*

8. The appeal structure stretches the full length of the side boundary with No 375, but is not much taller than the existing garden walls. SPD EX20's guidance regarding the depth of rear extensions also states that the impact of the development on the amenity of neighbouring residents must be taken into



account. In this case the Council has not drawn attention to any specific harm to living conditions at No 375 and the occupiers have not objected to the application. I find that the proposal is low enough that it avoids any significant effects on the outlook from No 375 or the light to that property. There is no impact on privacy.

9. I conclude that the proposal does not significantly affect living conditions at No 375. It accords in this respect with the shared aims of CS Core Policy 8, LP policies EN1, EN2 and H15, the SPD and the Framework, to avoid significant adverse impact on the amenity of adjoining occupiers.

*Tantamount to a new dwelling?*

1. The extension has no internal link to the house. The door and windows face out onto the modestly sized rear garden. Access is through the garden both from the house and from the street, via a pathway alongside the house. The extension has an open interior plan, with kitchen facilities built in at one end. The Council's concern is that due to the separate access and the provision of internal facilities, the extension could be lived in separately, leading to a situation where occupiers of both No 377 and the new dwelling would have inadequate privacy and garden space.
2. The proposal is not for a separate dwelling and the plans clearly state that it is for the incidental enjoyment of the householder at No 377. Despite the presence of a kitchenette, the extension is not provided with full facilities for independent living and there would be little room for such facilities in this small structure. Even if they were to be provided, the extension is closely associated with the house, being physically connected and sharing a garden and garden access. This would make it difficult to use the extension as a separate dwelling and such a use can be restricted by condition. I find no strong reason to support the Council's contention in this case.
3. I conclude that the proposal is not tantamount to the provision of a separate new dwelling. As the extension would be used by occupiers of the house, the Council's issue regarding living conditions does not arise. The proposal accords with the aims of CS Core Policy 8, LP policies H14 and H15, the SPD and the Framework, to ensure that appropriate levels of rear garden space and amenity are provided.

*Conditions*

4. As the development has already been carried out, the standard condition requiring a start within 3 years is not relevant. I impose a condition specifying the relevant plans to provide certainty. Further conditions restricting the use of the extension, the use of its roof and the normal permitted development rights to install windows and doors, are needed to protect living conditions at Nos 375 and 377 Farnham Road, in terms of privacy and garden space.

**Conclusion**

5. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR