

Date of issue: Tuesday, 19 September 2023

MEETING	PLANNING COMMITTEE (Councillors Iftakhar (Chair), Stedmond (Vice Chair), Carter, Gahir, Khawar, Mann, Naveed and Satti)
DATE AND TIME:	WEDNESDAY, 27TH SEPTEMBER, 2023 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	MADELEINE MORGAN 07736 629 349

NOTICE OF MEETING

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



STEPHEN BROWN
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

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.



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PLANNING APPLICATIONS

5.	P/00490/055 - American Golf, 175 Bath Road, Slough, SL1 4AA	13 - 52	Cippenham Village
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Officer's Recommendation: Delegate to the Planning Manager for Refusal

MATTERS FOR INFORMATION

6.	Planning Appeal Decisions July (deferred)	53 - 58	-
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Press and Public

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

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

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



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

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PREDETERMINATION/PREDISPOSITION - GUIDANCE

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

Predisposition

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

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

Pre-determination / Bias

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

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

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Planning Committee – Meeting held on Wednesday, 26th July, 2023.

Present:- Councillors Iftakhar (Chair), Manku (Vice-Chair), Carter, Gahir, Khawar, Mann, Naveed and Satti

Also present under Rule 30:- Councillors I. Ahmed, Ajaib, Akram, Muvvala, Smith and Tomar

Apologies for Absence:- None.

PART I

11. Declarations of Interest

No declarations were made.

12. Guidance on Predetermination/Predisposition - To Note

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

13. Minutes of the Last Meeting held on 28th June 2023

Resolved - That the minutes of the meeting held on 28th June 2023 be approved as a correct record.

14. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

15. 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/19443/009 -30-32 Wexham Road – The Agent; a Slough Central ward member, Councillor Tomar; and Councillor Akram, addressed the Committee.

Application P/20153/001 – 46-56 High Street, Slough – The Agent; and a Herschel Park ward member, Councillor Ajaib, addressed the Committee.

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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.

16. P/19443/009 - 30-32 Wexham Road, Slough, SL1 1UA

Application
<p>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.</p> <p><i>(At the meeting held on 28th June 2023 the Committee had deferred this application for a site visit. The site visit had taken place on 24th July 2023 and was the application was therefore re-presented to the Committee for determination)</i></p>
Decision
<p>The Officer's recommendation to Delegate to the Planning Group Manager for Refusal was put to the vote by members, noting an amendment to reason for refusal 1 to remove the contravention with Core Policy 7. A member requested a recorded vote, the result of which was as follows:</p> <p>Those in favour of the Officer's recommendation...3 (Councillors Carter, Gahir and Mann)</p> <p>Those against the Officer's recommendation... 4 (Councillors Khawar, Manku, Satti and Iftakhar)</p> <p>Those abstaining on the Officer's recommendation... 1 (Councillor Naveed)</p> <p>The Officer's recommendation was therefore not carried.</p> <p><i>(The meeting was adjourned between 8.26pm and 8.49pm)</i></p> <p>The Committee deliberated and the following proposal was put to the meeting:</p> <p>"On the basis that the harm identified by the officers in relation to height, scale and massing in relation to the character of the area and the impact on neighbours is not so significant as that it warrants refusal. The benefits associated with the development outweigh any negative. Therefore the Chief Planning Officer be authorised, in consultation with the chair and the Monitoring Officer, to approve the application subject to agreed conditions and the Section 106 agreement to secure affordable housing, education</p>

Planning Committee - 26.07.23

and all other infrastructure that is required to mitigate the impact of development on Burnham Beeches and that the Section 106 agreement be concluded within 6 months otherwise it shall return to the Planning Committee for further consideration.”

A member requested a recorded vote, the result of which was as follows:

Those in favour of the proposal...4 (Councillors Khawar, Manku, Satti and Iftakhar)

Those against the proposal... 3 (Councillors Carter, Gahir and Mann)

Those abstaining on the proposal... 1 (Councillor Naveed)

Resolved – That the Chief Planning Officer be authorised, in consultation with the chair and the Monitoring Officer, to approve the application subject to agreed conditions and the Section 106 agreement to secure affordable housing, education and all other infrastructure that is required to mitigate the impact of development on Burnham Beeches and that the Section 106 agreement be concluded within 6 months otherwise it shall return to the Planning Committee for further consideration.

17. P/20153/000 - 46-56 High Street, Slough, SL1 1EL

Application
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.
Decision
It was proposed by Councillor Khawar and seconded by Councillor Manku that the application be deferred for a site visit to enable Members to understand matters including the parking and highway issues of the site location. This proposal was carried with 4 votes in favour, 3 against and 1 abstention.

18. Remaining Business of the Meeting

In accordance with Procedure Rule 8 of the Council’s Constitution, the Committee agreed it would be unable to complete the remainder of its business by the set time of 10.30pm and therefore agreed to defer the remaining agenda items to a future meeting.

Resolved – That the remaining business be deferred to a future meeting of the Committee.

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19. P/09811/002 - Jupiter House, Horton Road, Poyle, Slough, SL3 0BB

The application was deferred to a future meeting of the Committee.

20. Former Langley Police Station, Langley, Slough

The pre-application presentation was deferred to a future meeting of the Committee.

21. Former Merrymakers Pub site, Meadow Road, Slough

The pre-application presentation was deferred to a future meeting of the Committee.

22. Planning Appeal Decisions July 2023

Deferred to a future meeting of the Committee.

23. Members Attendance Record

Deferred to a future meeting of the Committee.

24. Date of Next Meeting - 27th September 2023

The next scheduled meeting of the Committee was due to be held on 27th September 2023.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.59 pm)

Planning Committee – Meeting held on Wednesday, 6th September, 2023.

Present:- Councillors Iftakhar (Chair), Carter, Gahir, Khawar, Mann, Naveed, Satti and Stedmond

Also present under Rule 30:- Councillors I Ahmed, Muvvala and Smith

Apologies for Absence:- None.

PART I

25. Declarations of Interest

No declarations were made.

26. Guidance on Predetermination/Predisposition - To Note

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

27. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

28. Urgent Item to appoint a Vice Chair

The Chair noted that since the agenda had been published on 29th August, Councillor Manku had submitted his resignation from the Committee. Councillor Stedmond had been appointed to the vacant position on the Committee under the relevant procedure in the Council's constitution. The Chair welcomed Councillor Stedman to the Committee, and noted for the record that Councillor Stedman had completed the mandatory planning training required to sit on the Committee.

The Chair proposed an urgent item of business to propose the appointment of Councillor Stedman as Vice Chair of the Committee, Councillor Satti seconded the proposal. There were no other nominations offered and Councillor Stedmond was appointed Vice Chair of the Committee.

29. 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:-

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Application P/20153/001 – 46-56 High Street, Slough – The Agent addressed the Committee.

Application P/09811/002 – Jupiter House, Poyle, Slough - The Agent addressed the Committee.

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

30. P/20153/000 - 46-56 High Street, Slough, SL1 1EL

Application
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.
Decision
<p>The officer's recommendation to delegate to Planning Managers for Approval was upheld, subject to amendments agreed by members to the approval conditions.</p> <p>Delegated to the Planning Manager for:</p> <p>A. Approval subject to:</p> <ul style="list-style-type: none">(i) The satisfactory completion of a Section 106 Agreement to secure affordable housing; and infrastructure contributions; mechanism to secure and retain a provider for the nursery use, which will include a fallback clause requiring the applicant to pay a financial education contribution if no provider is found and retained; a two stage viability review mechanism and highway works, including clarification and conclusion of adoption discussions relating to the unadopted part of Burlington Avenue. In addition, should mitigation be required in relation to criterion (ii) (below), appropriate financial (or other) obligation shall be secured to mitigate any potential impact of the development on protected habitats(ii) The satisfactory acceptance of Natural England over habitat impacts and mitigation, including securing mitigation if and when identified.(iii) Finalising conditions (including the amendment of condition 22 to

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include the requirement a car park management plan) 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, or Chair of the Planning Committee.

31. P/09811/002 - Jupiter House, Horton Road, Poyle, Slough, SL3 0BB

Application

Demolition of the existing buildings (Valerie House and Jupiter House) and the development of a commercial building with flexible general industrial and storage and distribution employment floor space, with associated service yards, car parking and landscaping.

Decision

Delegate to the Planning Manager:

A) For approval subject to:

- 1) receiving the consultation from the Environment Agency and addressing any issues raised that would not result in any substantive changes to the proposal;
- 2) the satisfactory completion of a Section 106 agreement to secure the following:
 - a) To enter into a highways agreement for the highway works
 - b) Dedication of private land as public highway if required by the Local Highway Authority
 - c) To secure and monitor the Travel Plan

3) agreement of the pre-commencement conditions with the applicant/agent;

4) finalising conditions; and any other minor changes.

B) To return the application to the Planning Committee in the event that addressing any issues raised by the Environment Agency would result in any substantive changes to the proposal.

C) Refuse the application if the above have not been finalised by 19 March 2024 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

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32. Pre-Application Presentations

2 pre-application presentations were given to Committee Members.

For both applications, the agent presented the Agent presented the proposals.

A Langley Marish ward member, Councillor Muvvala, also addressed the Committee on both proposals.

Members of the Committee asked questions of the agent and officers related to points of fact or clarification. No decisions were made on pre-applications.

33. Former Langley Police Station, Langley, Slough

Location
Former Langley Police Station, Langley, Slough
Proposal
The demolition of the existing structure to facilitate the erection of a new two storey plus loft space building and three storey plus loft space building to provide of 29 residential units comprising 4 x three-bed cluster homes, 2 x two-bed coach homes and 23 x self-contained apartments, with associated car parking, amenity spaces, balconies, refuse/cycle storage and access.

34. Former Merrymakers Pub site, Meadow Road, Slough

Location
Former Merrymakers Pub site, Meadow Road, Slough
Proposal
Redevelopment of the vacant site to provide 53 new residential dwellings, associated car parking, and landscaping.

35. Date of Next Meeting - 27th September 2023

The next scheduled meeting of the Committee was due to be held on 27th September 2023.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.20 pm)

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

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

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

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

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

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

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Registration Date:	06-Feb-2023	Application No:	P/00490/055
Officer:	Alex Harrison	Ward:	Cippenham Village
Applicant:	G Seller	Application Type:	Major
		13 Week Date:	8 May 2023
Agent:	Christopher Whitehouse, NextPhase 2a, Bore Street, Lichfield, WS13 6LL		
Location:	American Golf, 175 Bath Road, Slough, SL1 4AA		
Proposal:	Demolition of existing building and the construction of a part 4, part 5 and part 6 storey apartment block comprising 19 x one bedrooms, 19 x two bedrooms and 12 x three bedrooms including basement level parking and landscaped open space		

Recommendation: Delegate to the Planning Manager for Refusal



1.0 SUMMARY OF RECOMMENDATION

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

1. The proposed development would result in the loss of safeguarded employment land in an Existing Business Area and the applicant has failed to demonstrate that there are no viable options, the loss will be irreversible and would impact the job market. Furthermore, it has not been demonstrated how the proposal would not prejudice adjacent sites from being comprehensively redeveloped. The built form of development results in overdevelopment that would not achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policy EN1 of the Local Plan for Slough March 2004 and Core Policies 1, 5 and 8 of the Local Development Framework Core Strategy 2008 and the requirements of the National Planning Policy Framework 2023.

2. The proposed development will result in residential accommodation that fails to achieve appropriate levels of natural daylight and sunlight and result in windows immediately abutting the public footway, resulting in a substandard level of amenity for future occupiers of the development to their detriment. The proposal is therefore contrary to policies EN1 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 National Planning Policy Framework 2023.

3. The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted would lead to additional on-street car parking which would obstruct the access, turning heads, visibility splays, cause pavement parking or obstruct access by emergency vehicles which would be detrimental to the users of the highway including pedestrians. The development is contrary to Slough Borough Council Local Plan Policy T2 which requires that: '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'. The additional on-street parking would create a highway safety problem the proposals could also be contrary to the Paragraphs 110 and 112 of the National Planning Policy Framework 2023 which requires that: 'Safe and suitable access to the site can be achieved for all users' and requires developments to: 'Minimise the scope for conflicts between pedestrians, cyclists, and vehicles'.

4. The proposal would, if acceptable in other respects, be required to legally secure affordable housing units, provide for necessary infrastructure by way of appropriate financial contributions, and to secure a late stage financial viability review in respect to on-site and / or off-site affordable

housing contributions, all of which would need to be secured by the completion of a section 106 agreement. No such agreement has been completed, contrary to Policies 4, 9 and 10 of the Slough Local Development Framework Core Strategy 2006 - 2026, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106) and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

- 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 building on site and the redevelopment to provide a new single building that provides 50 flats with associated landscaping and parking.

- 2.2 Accommodation will be provided in the following housing mix:

- 19 No. 1 bed apartments (38%)
- 19 No. 2 bed apartments (38%)
- 12 No. 3 bed apartments (24%)

- 2.3 The proposed building will be between 4 and 6 storeys and will occupy the majority of the footprint of the site. The building is proposed to be finished predominantly in brickwork with variations achieved through using three brick types. Soft landscaping is provided through 2 no roof gardens on the building.

- 2.4 Vehicle access to the site is gained via Wellcroft Road to a basement car park that provides 27 parking spaces. Of these spaces, 5 are proposed as accessible spaces and 6 are proposed to be given as car club spaces. All spaces will be fitted with electrical charging (EV) chargers. 58 cycle parking spaces are proposed within the building, closely suited to the two entrance cores at ground floor off the Bath Road sub-road. 6 visitor cycle parking spaces are shown close to the entrance cores.

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

- Planning Statement
- Daylight/Sunlight Report
- Design and Access Statement

- Energy Statement
- Sustainable Surface Water Drainage Strategy
- Transport Statement
- Travel Plan
- Habitat Regulations Assessment
- Noise Assessment
- Air Quality Assessment
- Financial Viability Assessment

Since first submission, the plans have been amended to accommodate comments from Officers and the following additional technical reports were received:

- Amended Design and Access Statement
- Highways Response Note

2.6 Prior to submitting the application, the applicant engaged with the Council for pre-application discussions.

3.0 Application Site

3.1 The application site is 175 Bath Road which contains a detached retail unit currently occupied by American Golf. The building is single storey in scale although there is a basement area accessed to the rear. The existing building is a brick-built structure with grey cladding to its principal façade which fronts Bath Road. The site falls outside of the Town Centre boundary and is located in flood zone 1.

3.2 The site has no dedicated parking and access is gained to the rear from Wellcroft Road which directly joins to Bath Road. The service access appears to be shared with 20 Wellcroft road and 171 Bath Road. Visitors tend to park on the service road that runs to the north of the site, adjacent to Bath Road which is not subject to any on street parking controls.

3.3 The site lies within a designated Existing Business Area which is an allocation of safeguarded employment land and commercial units. The immediate area is characterised through a number of larger scale office buildings. Those immediately adjacent to the site at 20 Wellcroft Road and 171 Bath Road are in commercial use, all units on Wellcroft Road to the south are in commercial use. Recently some have been redeveloped for other uses; including a school use 183-187 Bath Road to the west and residential use at 163 Bath Road. The wider area includes residential properties but these are not part of the Existing Business Area allocation.

4.0 Site History

4.1 The following applications account for the relevant planning history of the site:

P/00490/054

To create a new entrance to the front elevation

Approved 13/07/2020

The following accounts for recent planning history to the site to the immediate south, 20 Wellcroft Road:

P/00490/052

Convert the existing unit into two separate units under A1 use and creation of no.21 new parking spaces to achieve no.27 spaces, including no.4 disabled parking spaces and soft landscape at the front of the property
Withdrawn before determination.

F/00490/051

Prior approval for the change of use from offices (B1a) to (C3) residential (20no. flats comprising of 5 x 1bed & 15 x 2bed)

Refused 05/09/2015

The reason for refusal off prior approval reads as follows:

Due to the harmful impact on the highway network, the proposal would not comply with the limitations and conditions set out within Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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 1/02/2023. The application was advertised in the 27/01/2023 edition of The Slough Express.

5.2 2 letters have been received from a single neighbouring landowner, raising the following comments pertaining to this application (objections summarised below):

- Concerns regarding the relationship of the proposed development with the existing building at no. 20 Wellcroft Road (the significant number of windows and balconies) and concern regarding the scale of development prejudicing the future development of the wider site.

- Would sit as an isolated residential development in the trading estate and prejudice the redevelopment of the adjacent site to the immediate south, 20 Wellcroft road.
- The proposal does not amount to a comprehensive redevelopment scheme.

The second letter was received as a result of the plans being amended and confirmed that the amendments submitted did not address the previously arranged concerns.

6.0 Consultations

6.1 Highways and Transport

Pre-application Advice

Pre-application comments regarding Highways/Transport matters were issued on 22nd February 2022. SBC advised that car parking should be provided in accordance with the adopted Slough Parking Standards and that 30 spaces for 36 flats (as per the preapp scheme) would be unacceptable. SBC advised there are high levels of on-street parking and car ownership at Thirkleby Close, Cranborne Close and Pearl Gardens nearby.

Vehicle Access

The NPPF requires that applications for development ensure: *'Safe and suitable access to the site can be achieved for all users and the design of streets, parking areas, other transport elements reflects current national guidance'* (Paragraph 110).

SBC Highways and Transport consider the proposals compliant with the NPPF and would have no objection to reuse of the existing vehicle access junction on Wellcroft Road. Swept path analysis has been provided which demonstrates.

The applicant has demonstrated that a visibility splay of 2.4m x 25m is available from the site access junction with Wellcroft Road. The 2.4m x 25m visibility splay accords with Manual for Streets guidance for a 20mph speed limit. This level of visibility is considered acceptable as a speed survey was completed over 7-days which recorded 85th percentile vehicle speeds of 18.1mph and 17.4mph for vehicles travelling past the site access.

However, SBC require the proposed development to provide resurfacing of Wellcroft Road and the footway to consider the development acceptable.

Car Parking Provision

SBC Highways and Transport recommend refusal of the application due to a large shortfall of 51 car parking spaces. 27 Car Parking spaces are proposed on site which is 0.54 car parking spaces per dwelling for 50 dwellings. 78 car parking spaces are required for a residential development of this scale in a Predominantly Residential Area of Slough.

The under-provision in car parking would cause an overspill in car parking with a high likelihood that cars will park illegally blocking footways, turning heads and visibility splays.

Such a large shortfall in parking provision would clearly be contrary to the NPPF Paragraphs 110 and 112 of the National Planning Policy Framework which requires that: *'Safe and suitable access to the site can be achieved for all users' and requires developments to: 'Minimise the scope for conflicts between pedestrians, cyclists, and vehicles'.* The development is also contrary to Local Plan Policy T2 which requires that: *'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'.*

Car Parking Standards

There is a shortfall of 51 parking spaces given that 78 spaces are required by Slough's Parking Standards and parking is significantly below recorded Car Ownership levels of 1.11 and 1.37 cars per dwelling recorded in the 2021 Census for the areas (Slough 008 and Slough 008B) surrounding the development site.

Transport officers have also observed high existing levels of on-street parking on surrounding roads on Wednesday 8th February 2023 including Pearl Gardens, Thirkleby Close, Pitts Road and Cranborne Road as indicated by Google Satellite imagery.

Slough's Car Parking Standards are provided in the table below:

Table 1: Slough Borough Council Parking Standards (Predominantly Residential Area)		
	Spaces Required (Communal)	Car Spaces
1-Bedroom Dwelling x19	1.25	24
2-Bedroom Dwelling x19	1.75	33
3-Bedroom Dwelling x12	1.75	21
Total Car Parking Spaces		78

Source: Slough Developers Guide: Part 3 – Highways and Transport.

Therefore, the proposed development is likely to result in the overspill of parked vehicles onto the surrounding road network where there are high levels of on-street parking. Any additional on-street parking could lead to parked cars blocking footways, turning heads or visibility splays to the detriment of highway safety.

Lastly, Homes England guidance ‘Streets for a Healthy Life’ advises that: *‘Reducing car parking should not be used as a way of reducing levels of car use and ownership. Designers should anticipate realistic levels of car parking demand, guarding against displaced and anti-social parking’.*

2021 Car Ownership Data

In considering realistic levels of parking demand, the 2021 car ownership data for Slough 008B and Slough 008 is presented in Table 2 below:

Table 2: Car and Van Availability for Slough MSOA 008 and LSOA 008B		
Number of Cars and Vans	Slough LSOA 008B	Slough MSOA 008
Total: All Households	829	4731
Total Cars and Vans	918	6487
Cars per Dwelling	1.11	1.37

Source: Office for National Statistics 2023. Datasets TS045 and CT21_007.

The 2021 Census Data can therefore be used to forecast that residents of the proposed development would own between 55 – 69 cars/vans if residents had 1.11 – 1.37 cars/vans per dwelling as per recorded car ownership levels.

There could be an overspill of 28 - 42 cars onto the surrounding roads given only 27 car parking spaces are proposed at the development.

Section 106 Contributions

The Transport Statement offers Section 106 contributions towards sustainable travel measures and parking restrictions; however, the viability assessment (produced by NextPhase) states that the development would not be financially viable with a deficit of £2.931 million (prior to consideration of affordable housing).

It is therefore unclear if the developer will be able to afford Section 106 contributions towards the measures necessary to prevent parking overspill from the site including: parking restrictions, a car club, improved cycle routes and bus service frequency.

The pre-application advice made it clear that Section 106 contributions would be required towards Slough Car Club, improved bus services and cycling routes identified within Slough’s Planning Policies if a shortfall in car parking provision were to be proposed.

Access by Sustainable Travel Modes

Slough Borough Council (SBC) do not consider the site and surrounding facilities accessible enough by sustainable travel modes to encourage residents to live car free, as would be required by the low car parking.

Slough High Street and Slough Railway Station are located approximately 2000m from the site (25 minutes' walk and 10 minutes cycle). Burnham Railway Station is located 2300m (29 minutes' walk) from the proposed development).

This is before the distance most people will walk to a rail station according to the Chartered Institute of Highways and Transport document 'Planning for Walking' advises 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'*.

The CIHT and Manual for Streets advise that a walkable neighbourhood is characterised by having a range of facilities within 800 metres (10 minutes' walk).

However, there is not a high number of facilities within 800m of the site and no supermarket or food shops within walking distance and SBC Highways and Transport do not consider the range of facilities great enough to ensure 50% of residents live car free.

Car Ownership data from the 2021 Census indicates average car ownership levels of less than 1 car per dwelling are only recorded within 800m walking distance of Slough High Street where there is a high density of facilities and on-street car parking is heavily restricted.

The nearest bus stops are on the A4 Bath Road at Twinches Lane which are 200m and 350m from the site. The No. 4 bus provides 2 buses per hour to Slough Town Centre, Salt Hill and Maidenhead Sainsbury's.

Trip Generation

SBC Highways and Transport would not object to the site due to the number of vehicle trips forecast from the proposed development and impact on queue lengths, although the forecast is likely to be an underestimate given it is based on a survey site of a development with 0.5 car parking spaces per dwelling.

The Transport Statement forecasts an increase of 12 two-way vehicle trips during the AM Peak Hour and a decrease of 9 two-way vehicle trips during the PM Peak Hour. The forecast is based on survey data from the TRICS database.

Cycle Parking

The proposed site plan now proposes 56 secure and covered cycle parking spaces in the form of stacked racks in a basement store.

SBC would require submission of further details of cycle store design and stand type, however the principle of this cycle parking provision is acceptable.

Deliveries and Servicing

The NPPF states that applications for development should: *'Allow for the efficient delivery of goods, and access by service and emergency vehicles'*.

SBC Highways and Transport would require an amended refuse collection strategy for the site which could be secured by condition through a servicing plan. Swept path analysis has been provided which shows a refuse vehicle turning on the access ramp, however this access ramp often experiences on-street parking associated with nearby offices. The access ramp appears to be within the ownership of a neighbouring building.

The applicant has proposed an off-street loading bay to accommodate delivery vehicles without blocking the public highway. This was requested by SBC officers. The proposed loading bay is displayed on PBA Drawing No. 502.0164-0004-Rev-P01, titled *'Delivery Vehicle Layby Tracking'*.

Swept path analysis has been completed which demonstrates a 7.21m long panel van will be able to ingress/egress the proposed loading bay in a forward gear.

The applicant would be required to enter a Section 278 agreement with Slough Borough Council to modify the public highway and provide the loading bay.

Summary and Conclusions

SBC Highways and Transport recommend refusal of the planning application for the following reasons:

Car Parking Provision

The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted would lead to additional on-street car parking which would obstruct the access, turning heads, visibility splays, cause pavement parking or obstruct access by emergency vehicles which would be detrimental to the users of the highway including pedestrians.

The development is contrary to Slough Borough Council Local Plan Policy T2 which requires that: *'Residential development will be required to provide a level of parking appropriate to it's location and which will overcome road safety problems, protect the amenities of adjoining residents'*. The additional on-street parking would create a highway safety problem the proposals could also be contrary to the Paragraphs 110 and 112 of the National Planning Policy Framework which requires that: *'Safe and suitable access to the site can be achieved for all users' and requires developments*

to: 'Minimise the scope for conflicts between pedestrians, cyclists, and vehicles'.

6.2 Lead Local Flood Authority

Raised no objections subject to conditions relating to detailed drainage design, maintenance and verification.

6.3 Thames Water

Raised no objections subject to a condition seeking confirmation that the development would be served by suitable foul water infrastructure.

6.4 Environmental Quality

Air Quality Comments

The Air Quality Assessment (AQA) has been prepared by STM Environmental Consultants Ltd in support of this application. As outlined in the Transport Statement (TS), the development is expected to generate 125 vehicle trips across a 12 hour period, compared to 134 for the existing development. As such, a detailed AQA is not required.

An assessment of dust impacts resulting from the construction of the scheme has been completed, which concludes that dust soiling and human health impacts are medium risk, with all other stages considered low or negligible. It is expected that with the implementation of a Construction Environmental Management Plan, impacts will be negligible.

In line with the Slough Low Emission Strategy, the scheme is considered to have a minor impact on air quality. An assessment of exposure risk has also been completed which concludes that the development is at low risk of exposure to poor air quality. As such, the scheme only requires the integration of Type 1 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 each parking space.
- As specified within the TS, 6 car club spaces will be provided. It is expected that each of these spaces will have access to EV charging infrastructure to support the Council's Electric Car Club Programme.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It should include noise and dust controls.
- 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
- The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure

Environmental Noise Comments

The environmental noise assessment was completed by Build Energy, to assess the suitability of the site for residential development following ProPG guidance. The assessment was informed by a monitoring survey completed Wednesday 14th – Friday 30th September 2022, with one monitoring position on the northern boundary of the site to represent road traffic noise (MP1), and another on the southern boundary to represent traffic noise and ventilation units associated with nearby commercial sites (MP2).

The results from the monitoring survey indicate that noise levels are highest at the northern boundary, measuring at 62dB LAeq16h and 59dB LAeq8h. During the night, the 10th highest L_{Amax} is 77dB. In contrast, noise levels at the southern boundary are much lower at 53dB LAeq16h and 45dB LAeq8h, with the 10th highest L_{Amax} measuring at 63dB. This indicates that windows on the northern boundary façade would need to remain closed during the night to comply with BS8233 internal noise level criteria and would need an alternative means of ventilation to natural ventilation via open windows. Due to lower noise levels at the southern façade, less stringent mitigation will be required.

The sound reduction performance of glazing to meet internal noise level criteria would be 32dB R_w at the northern boundary and 18dB R_w at the southern boundary, achievable with double glazing and acoustic trickle ventilation. The report recommends 33dB R_w achievable with 4/12/6 double glazing on both facades, and 42dB D_{new} achievable with Greenwood Vent 2500EA + 1 Acoustic Set on the northern façade and 32dB D_{new} achieved with trickle ventilation on the southern façade. Confirmed details of the chosen glazing and ventilation will be required via condition, with consideration given to overheating risk.

In regards to external amenity, the survey results indicate that noise levels at the northern façade will exceed the upper external noise limit of 55dB by 7dB. The report recommends further mitigation in the form of solid balustrades and sound absorption to the underside of balcony above for the northern boundary facades. Further details of the chosen mitigation option will be required via condition. The southern boundary meets the external noise level therefore external mitigation is not required for this façade.

To summarise, the submitted noise assessment adequately demonstrates that noise levels will be acceptable for both internal and external amenity, once suitable mitigation including glazing and ventilation schemes have been applied. The report provides recommended sound reduction performance required for both glazing and ventilation to meet internal noise levels but does not confirm the chosen specification.

The following conditions are required to ensure the scheme is acceptable in regards to environmental noise:

- Submission of glazing details with evidence that the sound reduction performance specified within the environmental noise report can be achieved.
- Submission of ventilation details with evidence that the level difference performance specified within the environmental noise report can be achieved.
- Submission of details of mitigation for external amenity for the northern facade.
- Submission of scheme details to control overheating.

6.5 Contaminated Land Officer

No comments received.

6.6 Crime Prevention Design Advisor (CPDA)

Provided input on design with the following comments:

- The lack of a secure lobby at the front fascia's of the building providing an additional secure line and separating the communal areas from the private residential corridors. From the plans provided only a single door at the fascia of the building is present, if compromised it provides access into residential corridors, cycle storage, lift and stair cores. Single door entry can be easily breached through tailgating, being left accidentally or propped open or mechanical failure.
- No details have been provided regarding the presence of visitor entry systems and residential access controls in any part of the development.
- No details have been provided regarding the physical security of communal doors into the building. Whilst document Q addresses the physical security requirements of individual dwelling door sets, communal door sets must provide adequate security to prevent access into the private residential corridors. This physical Jo Haley Crime Prevention Design Advisor for Wycombe, Aylesbury, South Bucks & Chiltern Districts 07 February 2023 security should also address the durability of hardware required by the numerous activations in a communal setting (LPS 1175 SR2 Issue 7 or B3 Issue 8 or equivalent).

- I have been unable to find any details relating to how unauthorised access will be prevented in the underground parking area. This represents a significant risk in terms of crime and anti-social behaviour, lacking surveillance and providing access into lift and stair cores. A vehicle shutter capable of preventing pedestrian and vehicle access must be present, again meeting an appropriate security standard. Formal surveillance in this location should be present.
- I have been unable to identify the provisions for postal services. Unrestricted access with the excuse of delivering post or parcels should be prevented. The presence of a secure lobby and additional door to each access would provide a suitable location for post boxes to be located.
- How access into the underground parking will be prevented and details regarding the presence and attributes of a suitable shutter/vehicle gate, access controls and formal surveillance have not been included. If the proposal is for visitors to be able to access the underground parking location then the applicant also needs to consider where visitor entry systems will be located (scenarios which should be addressed in the access and security strategy)
- How adequate compartmentation will be achieved has not been addressed. Albeit with minor amendments to the plans, it is possible that access control and visitor entry systems could provide some compartmentation. However without the submission of an access and security strategy for the development this cannot be verified. Too often offenders are presumed to be external to a development and neighbourhood disputes can be the catalyst for crime and anti-social behaviour. Residents should have access to areas they need to access, to all other areas they should be treated as an external visitor.
- Access out to private amenity space appears to be in the main through bedrooms. For some plots that are multi occupancy/family dwellings this would appear to be inappropriate.
- From the DAS, the access into the building and proposed cycle storage area does not provide a sense of ownership over what should be private residential development. Access through this location as the point of entry into the building, and for residential doors to be located directly off this area would seem wholly inappropriate. Furthermore, any cycle storage located internally should be for residents only, all visitor cycle parking should be located outside the development but where there is adequate surveillance and activity from the building.
- Residential amenity space is proposed on the 4th floor however it is unclear who will have access to this location. If the intention is for all residents, then all would also require access into the eastern entrance lift and stair core. This reduces the level of security provided to this block but in particular the cycle storage located in the entrance. Further information should be provided regarding this amenity space, lighting, curfews etc. and how the neighbouring

dwellings will be protected from the noise and activity associated with this space.

Following the submission of amended plans the CPDA has been re-consulted but no comments have been received at the time of drafting this report, should comments be received, an update will be provided on the Amendment Sheet.

6.7 Natural England

Raised objection on the grounds that the proposed development will adversely affect the Burnham Beeches Special Area of Conservation by way of increased footfall through population increase.

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 5th September 2023. 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 2023 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 2023, 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 2023 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 2023 which has been used together with other material planning considerations to assess this planning application.

7.2 National Planning Policy Framework 2023:

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

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:

- EN1 – Standard of Design
- EN2 – Extensions

- EN3 – Landscaping Requirements
- EN5 – Design and Crime Prevention
- EN17 – Locally Listed Buildings
- EMP7 – Slough Trading Estate
- H11 – Change of Use to Residential
- H14 – Amenity Space
- T2 – Parking Restraint
- T7 – Rights of Way
- T8 – Cycle Network and Facilities
- T13 – Road Widening Lines

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 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.

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 Written Ministerial Statement (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 (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)

7.10 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. Core Policy 1 also outlines that comprehensive regeneration of selected key locations within the Borough will be encouraged at an appropriate scale and some relaxation of the policies or standards in the Local Development Framework may be allowed where this can be justified by the overall environmental, social and economic benefits that will be provided to the wider community. Furthermore Paragraph 7.12 within the Core Strategy states that *“Parts of Britwell and the Slough Trading Estate are examples of such areas which would benefit from being redeveloped in a comprehensive, properly planned and coordinated manner. The scale of development in these areas will depend upon the existing and proposed accessibility of sites and the extent of any environmental constraints”*.
- 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 Development Plan Document.
- 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.
- 9.4 The site is located within a built-up area of Slough and within a defined Business Area (Slough Trading Estate). Core Policy 5 of the Core Strategy seeks to resist the loss of employment uses within defined Business Areas.
- 9.5 The development proposed will result in the loss of an existing business unit in designated employment land. Although it is a retail unit as opposed to a more traditional employment use such as office space, the site is in business use and does generate employment. Therefore, the proposal is contrary to Core Policy 5 which seeks to retain such sites.

- 9.6 As part of efforts to address the Council's shortfall in deliverable housing land supply, there has been a loss of employment land in other parts of the town. This has been done on a strategic basis rather than a site-by-site consideration and was also determined to be an acceptable way forward on the basis that there would be no further loss of employment land beyond these strategically identified areas.
- 9.7 At the same time, the Council has experienced, through significant changes to permitted development rights, the loss of employment land through changes of use of offices to flats. This is seen to the east of the site with 163 Bath Road having undergone such a change (Initially through P/04241/011 and then P/04241/014). This is one example that has resulted in a shortfall of employment land within Slough due to the loss of office floorspace.
- 9.8 Neither of the points outlined in 9.6 and 9.7 are considered to amount to any sort of precedent to allow the piecemeal loss of employment land as an exception to Core Policy 5.
- 9.9 Prior to submitting this application the applicant undertook pre-application advice from the Council for a materially different scheme to this, albeit one that proposed residential flats. The advice from Officers in respect of the loss of employment land was that there would be expected to be a robust justification as to why a residential redevelopment suitable and, in particular, robustly reviews why it would not be suitable for a commercial redevelopment. It was also advised that for a scheme to be even considered by the Council as an exception to its adopted policies, it would be expected that full Section 106 contributions and policy compliant affordable housing are proposed to demonstrate that it amounts to sustainable development and that if a residential scheme at this site has viability issues then it may be the case that it is unlikely to be appropriate for residential development.
- 9.10 No separate justification statement was submitted with the application. The Planning Statement included an Economic Statement section. The statement concludes that the site would not be suitable for a retail re-use in its existing form. This is agreed given its isolated location in relation to other retail uses and location within a designated employment area. The Economic Statement does not give any consideration to an employment redevelopment of the site. The wider Planning Statement relies heavily on what it refers to as a 'Fallback Position' which would be the ability to change the use of the site and existing building to residential under permitted development. The applicant's position is that there is a theoretical probability that, should the application be refused, the site would undergo a change of use through permitted development and therefore, and should be afforded substantial weight in considering a residential use of the site in principle.
- 9.11 The 'Fallback Position' is a material consideration with this application however it is considered that the weight applied by the applicant is too great. To utilise the permitted development right, there would need to be a notification submission made to the Council which will ask the Council to determine if prior approval is required and this will involve a number of

relevant assessments of planning matters including highways impacts and noise impacts. The permitted development right also does not allow for external alteration of the subject building but also has to ensure that any proposed flats meet the national space standards and are served by suitable levels of natural light. It is not possible to determine that it is highly probable, in theory, that a change of use of the building as existing would provide suitable residential accommodation as required by the conditions of the Permitted Development Order and that the notification will be approved by the Council. For example, the building has minimal areas of glazing which could, in theory, hamper a conversion scheme under permitted development.

- 9.12 It should be noted that the permitted development right is not removed by virtue of the site being designated employment land. However, as important is that the permitted development right, or the threat of the right, does not negate or supersede an adopted planning policy in principle. Therefore, the starting point with this application is that the scheme is directly contrary to Core Policy 5 (CP5). This is not a policy that relates to housing supply and therefore it can be given full weight in planning considerations. The application has not demonstrated that the site is unviable or unsuitable for employment use or employment redevelopment and the scheme should not be considered an exception to CP5 as a result. Other material considerations can weigh in favour of a residential scheme however there is a noted undersupply of employment land in Slough and the unjustified loss of employment land is not outweighed by other material considerations in respect of considering the principle of development.

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.
- 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.

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

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

- 19 No. 1 bed apartments (38%)
- 19 No. 2 bed apartments (38%)
- 12 No. 3 bed apartments (24%)

10.6 Some flexibility can be exercised in relation to the table in 10.4 depending on the location of development and the characteristics of the surroundings. In this instance it is considered that there are benefits to the provision of 12no 3-bed flats in this out of centre location. The housing mix still leans heavily on 1 bed flats with the mix proposed accounting for more than double the proportion recommended in the SHMA, largely at the cost of meeting the 3-bed recommendation.

10.7 The housing mix proposed is not considered to directly align with the goals of Core Policy 4 in respect of housing location and while it does not strictly match the recommended mix set out in para 10.4, it does not result in a mix that would fail to provide appropriate accommodation in this location. Therefore while it is not acceptable in planning terms, it is a housing mix that would carry reduced weight in the planning balance due to the reliance on smaller units.

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 scale of the development is considered to reflect the uppermost scale of buildings in the wider trading estate. The increase in scale compared to the existing building does not result in a height that is out of character with the area.

- 11.3 The external detailing of the building is a typical design that centres on vertical and horizontal rhythm created through windows positioning and balcony detailing with external materials used to create visual break in the appearance. The design approach is the type of development that would be seen anywhere in Slough and, as is often the case, the difference between a high quality development and an ordinary development is usually in the detailing, materials and implementation.
- 11.4 The footprint of the building is such that the west elevation abuts the footway. The design of the building is such that there are windows on this elevation, including at ground floor level. It means that the windows at ground floor level would be subject to direct overlooking and loss of privacy from pedestrians using the footway. To counter this it would be likely that occupiers of the units would install blinds/curtain on the windows that remain closed which would, in turn, affect amenity levels of these units. The lack of defensible space on a prominent location is a symptom of an overdevelopment of the site. The issues of overdevelopment also has implications on the extent of natural light that is received to windows on the development as a whole and the level of parking that is available. Therefore, it is considered that the overall built form of development results in overdevelopment that would not achieve a high quality of design and would not enhance the quality of the built environment.
- 11.5 Objection has been received from the landowner of 20 Wellcroft Road to the immediate south of the site on the grounds that the scheme include numerous south-facing windows that would subsequently compromise the potential to redevelop this neighbouring plot in the future. The point raised is relevant and the scheme relies heavily on south facing windows to enable the number of units proposed to be achieved and would overlook the adjacent land, creating issues for future redevelopment to the south. The proliferation of windows that directly overlook neighbouring land is a symptom of overdevelopment of the site. The windows are a characteristic of piecemeal development which goes against the goals of Core Policy 1 and shows a disregard for achieving a comprehensive approach to redevelopment. This is an adverse impact that should be afforded negative weight.
- 11.6 On the basis of the considerations above, while the scale of the development is acceptable on its merits, the bulk and overdeveloped nature of the scheme for consideration is such that it creates a poor relationship with the public realm and does not adopt a comprehensive approach, compromising the potential for development of land to the south. The scheme is not aligned to the goals of saved policy EN1 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-level landscaping and 2no roof gardens 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 an improvement to the landscaping character at the site. The gains are minimal however they are considered to be acceptable from the perspective of increasing landscaping at the site overall. It is unclear if the roof construction would be able to facilitate for the long term establishment of a roof garden, particularly in supporting the weight and root requirements of mature trees however if the scheme were to have been acceptable in planning terms additional information would have been requested. Along with the rooftop garden details, detailed landscaping proposals would have been conditioned had the scheme been considered acceptable in planning terms.

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 Policy EN1.
- 13.2 As the site is in a designated employment area there are no impacts on neighbouring amenity due to there being no adjacent residential properties. The closest residential building is over 65m from the site and there are no impacts identified as a result.

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 In terms of natural light, the application was submitted with a Daylight and Sunlight assessment. The assessment has concluded that the proposed

development would provide suitable light to only 71% of proposed windows. The assessment presented a scenario where amendments to the scheme would result in that figure rising to 90% overall, having sought clarification from the applicant it was confirmed that the submitted scheme was not amended as the suggested changes amounts to the removal of balconies and terraces which would then remove the proposed private amenity space and adversely affect amenity space provision.

- 14.5 Daylight/Sunlight assessments are undertaken in accordance with BRE Guidelines and should be regarded as such. The assessment acknowledges that they are guidelines and not a hard rule. This is acknowledged and it is true that failing to meet the guidelines fully does not, in itself amount to a reason to refuse planning permission. However, it is reasonable to consider the daylight/sunlight impacts on its merits. In this instance a new build development that fails to provide suitable light to nearly 30% of the proposed windows is not considered to result in suitable amenity levels of residents.
- 14.6 The lack of suitable light to the proposed units is another symptom of overdevelopment. The adverse light scenarios are created as a result of including balconies as proposed. Therefore the applicant has had to consider either suitable levels of light or providing amenity space with this design. Ultimately it is reasonable to require both on a new development and this is why the current scheme it regarded as an overdevelopment the plot.
- 14.7 In terms of noise impacts the Environmental Quality Officer has reviewed the application and accompanying Noise Assessment. The assessment concludes that noise levels for north facing windows would be at such a level that they would need to remain closed during the night to achieve suitable ambience internally and the rooms would also need mechanical ventilation installations as a result. Suitable glazing would also need to be installed to ensure sound reductions can be achieved.
- 14.8 It is also recommended that the external balustrades on the northern side are made solid to achieve noise reductions to amenity spaces however this has not been accommodated in the plans.
- 14.9 The conclusion of noise impacts are that the scheme is able to provide suitable amenity levels for residents in principle. There would need to be a number of additional details, amendments secured to achieve this, specifically:
- Submission of glazing details with evidence that the sound reduction performance specified within the environmental noise report can be achieved.
 - Submission of ventilation details with evidence that the level difference performance specified within the environmental noise report can be achieved.

- Submission of details of mitigation for external amenity for the northern facade.
- Submission of scheme details to control overheating

14.10 Based on the above, the proposal is not considered to provide a suitable level of amenity for all occupiers of the development by virtue of it being unable to demonstrate a suitable level of natural light to the proposed units. The scheme is therefore contrary to the goals of the NPPF, Core Policies 4 and 8 of Council's Core Strategy, and Policy EN1 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 site is located in an out of centre location and under the parking standards the development generate a requirement for 78 parking spaces. 27 are proposed at a ratio of 0.54 spaces per unit, resulting in a shortfall of 51 spaces.
- 15.3 The site is in an urban location but the services and facilities that are close by are such that there would be a reliance on the private car for people to access shops and some facilities. It is not a location that would justify such a significant under-provision of spaces against the parking standards. Furthermore there is no capacity on the streets immediately close to the development to accommodate overspill legally which would likely lead to vehicles blocking footways and other areas of highway along with verges.
- 15.4 It is also likely that overspill parking would stretch to neighbouring streets in the surrounding road network where there are already high levels of on-street parking. This concern regarding the shortfall of parking space is also demonstrated through reviewing census data for car ownership in Slough and as a result there is a significant adverse impact on the highway. The shortfall in parking is another example of adverse impacts resulting from an overdevelopment of the site and lack of consideration for comprehensive redevelopment.
- 15.5 As set out in the Highways Officer's comments the site is not in a location that would render it accessible to sustainable modes of transport that would

enable residents to live car free which further demonstrates why a large shortfall is unacceptable.

- 15.6 In terms of access the proposal utilises the existing access to the site which is out of their ownership and used by 2 other sites, suitable visibility splays are provided. The width of the access does not allow two vehicles to pass and on-street parking by the occupiers of 20 Wellcroft Road reduce the width of the access even further during work hours. These are not in allocated parking spaces but, at the same time, it is not part of the public highway and there are no controls. The tracking drawings that are submitted with the application show that a larger waste vehicle would not be able to enter and leave the basement car park without swinging over the threshold of the adjacent site 20 Wellcroft Road.
- 15.7 The Highways Officer has identified a number of Section 106 contributions that would be required from this development which are considered in section 20 of this report. It is important to note that these contributions are identified in spite of the harm caused through lack of parking and it is not the case that the contributions would address the harm identified.
- 15.8 Due to a significant shortfall in parking, the proposal has an adverse impact on highway safety and convenience and the scheme is therefore considered to be contrary to 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 2023.

16.0 Drainage and Flood Risk

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. Detailed drainage information was submitted with the application and considered by consultees.
- 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 Local Lead Flood Authority 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 was accompanied with an Energy Statement that considers the potential for the scheme to include sustainable energy technologies and achieve reductions in CO2 emissions. The statement is written for a scheme for 36 dwellings which is notably shorter than proposed here.

17.3 While the statement reaches positive conclusions in terms of energy it cannot be considered as it has not been written in consideration of the application proposal for 50 units. The approach to energy is considered to be acceptable in principle and should the scheme have been recommended for approval it would have been possible to include a condition to require a revised statement that considers the correct scheme.

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 proposed use will result in lesser vehicles movements than the existing use and has not required a detailed Air Quality Assessment as a result.

18.4 The Environment Quality Officer has determined that there would be a minor impact on air quality and has a low risk of exposure to poor air quality. The impact will require mitigation but at the lower level, Level 1. As set out in the Council's Low Emissions Strategy the following mitigation is identified:

- 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 each parking space.
- As specified within the TS, 6 car club spaces will be provided. It is expected that each of these spaces will have access to EV charging infrastructure to support the Council's Electric Car Club Programme.

- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It should include noise and dust controls.
- 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
- The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure

18.5 The scheme has included EV charger infrastructure and car club spaces as set out. The other matters would be covered by condition and Section 106 agreement should the scheme have been acceptable on its merits.

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 Comments from the Crime Prevention Design Advisor (CPDA) raised a number of issues relating to access, security/surveillance among other matters. Additional information was provided through amended plans and a revised design and access statement. At the time of drafting this report the revised details are being considered by the CPDA and Members will be updated at the meeting. Having reviewed the changes in light of the initial comments received it is anticipated that there will be no objections in planning terms and that any outstanding matters could be conditioned if the proposal were acceptable.

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 50 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 19 units from this development.

Education

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

1-bed units – 19no x £903 = £17,157
 2+-bed units – 31no x £4,828 = £133,393

Total = £150,550

Recreation/Open Space

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

Highways

The following contributions have been identified:

Contribution Type	Amount
Bike Station Installation in an offsite location	50000
Car Club	30000
Bus frequency improvements	39835
LCWIP Cycling Routes	14121
Bollards to prevent parking on the highway verge/pavements	10,000
TRO for Parking Restrictions on service road and Loading Bay	6000
Travel Plan Monitoring	3000
Total Contributions	£152,957

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. The Council's consultant has reviewed the information and as part of their assessment and has 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 approximately £3.7million as opposed to a concluded deficit from the applicant of approximately £4.58million.

20.7 In spite of the viability issues, the applicant has proposed to pay contributions relating to Education. The breakdown of Section 106 requirements is listed below with the identified amount/number set next to the applicant's offer. At the time of drafting the report the Highways contributions had only just been received and not shared. These will be passed on and Members will be updated via the Amendment Sheet.

Contribution	Amount required	Initial Amount offered
Education (overall)	£150,550	£150,550
Affordable Housing	19 units within the development	Nil
Bike Station Installation in an offsite location	50000	TBC
Car Club	30000	TBC
Bus frequency improvements	39835	TBC
LCWIP Cycling Routes	14121	TBC
Bollards to prevent parking on the highway verge/pavements	10,000	TBC
TRO for Parking Restrictions on service road and Loading Bay	6000	TBC
Travel Plan Monitoring	3000	TBC

20.8 The scheme is subject to viability but this does not automatically relieve a developer of contributions and affordable housing as the NPPF seeks a flexible approach. The Council has recently been successful in securing affordable housing and other contributions on schemes with viability issues and notably on proposals with similar deficits to the on apparent with this proposal. The level of infrastructure contribution impacts the overall

balance in considering whether or not a proposal is sustainable development. In this instance the offer made is considered to be poor. While it cannot amount to a standalone reason to refuse it is a material consideration when looking at the principle of allowing residential development on an existing business area as an exception to policy.

- 20.9 In considering a proposal to allow residential development on existing business area land, Members are able to give appropriate weight to infrastructure impacts. In this instance consideration has to fall on whether or not allowing a loss of existing business land to a proposal that will provide 50 residential units without providing the required infrastructure and contributions, would amount to sustainable development and a development that would be an exception to adopted policy. The Council is unable to demonstrate a deliverable 5-year housing land supply and as a result its policies relating to housing supply are out of date. This does not include Core Policy 5 which seeks to retain existing business areas and therefore Members are able to give full weight to this policy in their considerations. It is considered that the lack of infrastructure provision and contributions significantly diminishes the perceived benefits of the scheme.
- 20.10 Should the scheme have been acceptable in planning terms, further discussions would have been had with the applicant relating to Section 106 contributions and securing affordable housing, In accordance with the Developer Guide, it would have been 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 would have been 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 Council's aim would be to secure on-site units, the second viability review would be required relatively early in the sales process, at 30%. This is a trigger point that is recommended by the Council's viability consultant giving the optimum opportunity for securing additional units on this development and it is recommended that it is adopted.
- 20.11 With regards to the requirement to provide First Homes, which requires at least 25% of affordable housing, Given that the scheme is not viable, at this stage, it would not be possible to insist on securing any affordable housing provision.

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 2023 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 4km (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 Regulations Assessment as part of the application. Natural England has been consulted and objection is raised due to the anticipated impact on the SAC as a result of increased population. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park and this contribution would mitigate the impact to the point that it would address the objection raised. The applicant has agreed to pay this fee in principal and it would be secured through S106 agreement if the scheme were acceptable in planning terms. The contribution is considered to be a benefit that can be given moderate positive weight due to the payment

being a legislative requirement and the concerns of Natural England are considered to be addressed as a result.

22.0 Fire Safety

22.1 The building does not exceed 6 storeys in scale and therefore it is not a 'relevant building' in respect of requiring a fire safety assessment. As a result a Fire Safety Assessment is not required and no issues are raised in this respect.

23.0 Neighbour Representations

23.1 Two neighbour (non-residential) letters have been received through the course of this application. The report has specifically addressed impacts that are raised.

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. No details are provided in terms of the number of 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 in the basement via lifts.

24.7 In relation to the car parking provisions, the plans show the provision of 5no 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 the considerations are made to the planning balance:.

- The provision of 50 residential units is given some positive weight due to the Council being unable to demonstrate a deliverable 5 year housing land supply. However, the proposal is made on an existing business area where there is clear policy direction that such areas should not be lost to non-employment generating uses. While the Council can consider such a proposal as an exception to policy, the merits of this application are that the applicant has failed to demonstrate that the site is not viable for an employment use. Furthermore the applicant has proposed a housing development with viability issues and therefore is not proposing to provide a full suite of Section 106 contributions.
- The proposal provides a significant shortfall in parking which will have adverse impacts on the surrounding highway.
- The piecemeal nature of the proposed design results in poor interface with the public realm and window locations that would compromise the future redevelopment of neighboring land.
- The nature of the access is such that larger vehicles cannot enter and leave the basement without swinging over third party land.
- The design of the proposal is such that a large proportion of windows fail to achieve suitable natural light levels, resulting in poor amenity for occupiers.

Therefore, while the proposal will emphasise a benefit of supplying housing, the circumstance listed above mean that the extent of positive weight that can be applied to this is significantly diminished. There are a number of adverse impacts identified.

25.4 As is the case with proposals when para 11 of the NPPF is engaged, the application does present a balanced case. The benefit of housing provision is not considered to outweigh the harm caused by the adverse impacts and as a result the proposal is not considered to amount to 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: REASONS FOR REFUSAL

27.1 Having considered the relevant policies set out below, the representations received from all consultees, as well as all other relevant material considerations, it is recommended that the decision be REFUSED for the following reasons:

1. The proposed development would result in the loss of safeguarded employment land in an Existing Business Area and the applicant has failed to demonstrate that there are no viable options, the loss will be irreversible and would impact the job market. Furthermore, it has not been demonstrated how the proposal would not prejudice adjacent sites from being comprehensively redeveloped. The built form of development results in overdevelopment that would not achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policy EN1 of the Local Plan for Slough March 2004 and Core Policies 1, 5 and 8 of the Local Development Framework Core Strategy 2008 and the requirements of the National Planning Policy Framework 2023.

2. The proposed development will result in residential accommodation that fails to achieve appropriate levels of natural daylight and sunlight and result in windows immediately abutting the public footway, resulting in a substandard level of amenity for future occupiers of the development to their detriment. The proposal is therefore contrary to policies EN1 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 National Planning Policy Framework 2023.

3. The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted would lead to additional on-street car parking which would obstruct the access, turning heads, visibility splays, cause pavement parking or obstruct access by emergency vehicles which would be detrimental to the users of the highway including pedestrians. The development is contrary to Slough Borough Council Local Plan Policy T2 which requires that: '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'. The additional on-street parking would create a highway safety problem the proposals could also be contrary to the Paragraphs 110 and 112 of the National Planning Policy Framework 2023 which requires that: 'Safe and suitable access to the site can be achieved for all users' and requires developments to: 'Minimise the scope for conflicts between pedestrians, cyclists, and vehicles'.

4. The proposal would, if acceptable in other respects, be required to legally secure affordable housing units, provide for necessary infrastructure

by way of appropriate financial contributions, and to secure a late stage financial viability review in respect to on-site and / or off-site affordable housing contributions, all of which would need to be secured by the completion of a section 106 agreement. No such agreement has been completed, contrary to Policies 4, 9 and 10 of the Slough Local Development Framework Core Strategy 2006 - 2026, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106) and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

REPORT TO: PLANNING COMMITTEE

DATE: July 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	
Ref	Appeal	Decision
2020/00149/ENF	5, Essex Avenue, Slough, SL2 1DP Additional single storey extension and self contained outbuilding	Appeal Dismissed 23 rd June 2023
2020/00245/ENF	118 Hawthorne Crescent Self contained outbuilding being rented	Appeal Dismissed 23 rd June 2023
2020/00664/ENF	32, Knolton Way, Slough, SL2 5TB The erection of a self-contained outbuilding	Appeal Dismissed 23 rd June 2023
P/19514/003	26, Farnburn Avenue, Slough, SL1 4XT Construction of a single storey front and side extension, part single, part two storey rear extension and loft conversion with 2no rear dormers and 2no front rooflights In relation to the above scheme, it was noted from the previously refused scheme P/19514/002 which was dismissed at appeal, The Inspector stated that: "I agree with the Appellant, Mr Mahmood, that the design and finishes of the resulting enlarged dwelling would be generally sympathetic to those of the existing house and its immediate neighbours. The side extension when seen from the road would also be acceptably subordinate to the main house and be built with matching brickwork, rendered finish and have matching roof tiles. The considerable increase in the size of the house caused in part by the expansion of the volume of the roof, resulting in a flat section on top, (described by the Council as a flat crown measuring 3.6 metres deep), would not easily be seen from directly in front of the house. However, this substantial increase in the bulk of the house could be seen from the sides." It was officers interpretation from this that the first floor rear extension would result in a substantial increase in	Appel Granted 13 th July 2023

the bulk of the house to the rear. It was also considered that the inspector had not commented on whether this element, the front extension and roof would be harmful. Officers had considered that a full width front extension would be in keeping with the character of the area, given the proximity to the neighbouring 24 Farnburn Avenue which included a bay window as per the existing designs. Furthermore, in design terms, the ground floor rear extensions did not comply with design guidelines or previous prior approvals. This is considered to also be the case with the first floor roof extension which width wise exceeded 50% of the width of the original dwelling, failing to comply with DP3 of the residential design guidelines. The proposed roof also was not of the typical roof typology in the area, and would be appear out of scale and detrimentally conflict with character and appearance immediately adjoining dwellings. Officers had reviewed the sites referred to within the submitted planning application, where it is asserted similar development within the street has been approved. However, while there may be some similarities in some aspects, the developments as a whole or the sites themselves are not directly comparable with the proposal, nor do they define the predominant character of the area. Furthermore, it was considered that the enlargements would have potentially harmful impacts to the residential amenity of the occupiers of No.24 Farnburn Avenue as a result of the added bulk and scale.

With respect to the Inspectors decision, it was considered in their view that, whilst a full width front extension would be full width, it is reflective of similar styled single storey projections to the front elevations of other properties along the street, it would not appear odd or unusual in this context. Although it was agreed that the roof enlargements would be bulky, it would be reflective of No.32 Farnburn Avenue which was of a similar design. The appeal proposal would also retain physical gaps between the appeal property and the neighbouring buildings on either side, this would prevent the terracing effect that would have resulted from the proposal presented in the previous appeal. The proposed alterations to the rear of the building would be predominately out of view from public vantage points, and where visible, would be perceived in the context of similar alterations to the rear of other properties along Farnburn Avenue. As a result, the Inspector did not feel these additions were incongruous. Following officers visit to the site, due to the single storey nature of the proposals, the recently removed outbuildings that existed upon the site boundary, alongside the retention of an open outlook over the rear garden of No. 24, it was felt by the inspector that that No.24 would retain a good standard of living environment both internally and externally for existing and future occupiers.



Appeal Decision

Site visit made on 8 June 2023

by **J Evans BA(Hons) AssocRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/J0350/D/23/3321170

26 Farnburn Avenue, Slough SL1 4XT

- 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 Kasar Mahmood against the decision of Slough Borough Council.
 - The application Ref: P/19514/003, dated 7 February 2023, was refused by notice dated 14 April 2023.
 - The development proposed is described as the construction of a single storey front and side extension, part single, part two storey rear extension and loft conversion with 2no rear dormers and 2no front rooflights.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey front and side extension, part single, part two storey rear extension and loft conversion with 2no rear dormers and 2no front rooflights in accordance with the terms of the application Ref: P/19514/003, dated 7 February 2023, 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 Plan; 26 Farnburn Avenue Slough Sections and Block Plans; 26 Farnburn Avenue Slough Existing Elevations; 26 Farnburn Avenue Slough Existing Layout plans; 26 Farnburn Avenue Slough Proposed Elevations; and 26 Farnburn Avenue Slough Proposed layout plan.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) 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 windows other than those expressly authorised by this permission shall be constructed on the east elevation.

Application for Costs

2. An application for costs was made by Mr Kasar Mahmood against the decision of Slough Borough Council. This application is the subject of a separate decision.

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

Preliminary Matters

3. I have amended the description from the original application form to reflect the description from the decision notice and on the appeal form, as I consider this better reflects the proposal before me.
4. This appeal follows a previous unsuccessful appeal¹ (the previous appeal). Due to how recently this decision was issued and the similarities between the previous appeal and the current appeal proposal, the previous appeal is of relevance in my considerations. Nonetheless, I have determined the proposal before me on its particular merits.

Main Issues

5. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of existing and future occupiers of neighbouring dwellings.

Reasons

Character and appearance

6. The appeal property is a detached two storey dwelling situated part way along Farnburn Avenue. Whilst properties along the street are predominately two storey and have a similar plot size, there are a number of variations with form, massing and overall design. As a result, there is no prevailing building style.
7. The proposal seeks to extend the appeal property to the front, side and rear, alongside seeking adaptations to the roof to provide accommodation in the loft space.
8. The previous appeal at the site included a proposed two-storey side extension. This has been reduced to a single storey scale as part of this appeal, seeking to address the concerns raised by the Inspector regarding the potential for a terracing effect, due to the then proposed two-storey form occupying the width of the appeal site. Otherwise, the proposal largely reflects the scheme that was considered under the previous appeal.
9. The proposed front extension would be of a modest lean-too style and would in part replace an existing bay window and porch overhang. Whilst this extension would run across the entirety of the front elevation of the host dwelling, it is reflective of similar styled single storey projections to the front elevations of other properties along the street, it would not appear odd or unusual in this context.
10. The proposed side extension would represent a subservient addition replacing a garage, in my view this would result in a visual improvement over what exists at present as perceived from Farnburn Avenue.
11. Turning to the proposed enlargements to the roof, I agree with the comments of the previous Inspector, that the increase in bulk of the house would be seen from the sides. However, the design approach proposed would be generally reflective of the form and massing of the roofline of No. 32 Farnburn Avenue,

¹ APP/J0350/D/22/3305564 dismissed on 27 January 2023

for which the side elevation of the appeal property when viewed from the east would be perceived against. There are also a number of other properties in the immediate area to the appeal site that have a similar overall scale and massing. The appeal proposal would also retain physical gaps between the appeal property and the neighbouring buildings on either side, this would prevent the terracing effect that would have resulted from the proposal presented in the previous appeal. As a consequence, I am satisfied that these alterations would have an acceptable effect upon the characteristics of the appeal property and its surroundings.

12. The other proposed alterations to the rear of the building would be predominately out of view from public vantage points, and where visible, would be perceived in the context of similar alterations to the rear of other properties along Farnburn Avenue. Therefore, these alterations will not appear incongruous.
13. For the above reasons, I am satisfied that the proposal would not appear out of place with the prevailing characteristics of the appeal property and that of the wider street scene.
14. As a result, the appeal proposal would accord with Policies EN1, EN2 and H15 of the Local Plan for Slough (the LP) and Core Policy 8 of the Core Strategy (the CS) and the Residential Extensions Guidelines Supplementary Planning Document (the Extensions SPD). These collectively, amongst other matters, require development to be of a high standard of design which are compatible with their context and immediate surroundings. The proposal would also align with paragraph 130 of the National Planning Policy Framework (2021) (The Framework), which amongst other matters requires development to be sympathetic to local character and history, including the surrounding built environment.

Living conditions

15. The appeal proposal would bring a single-storey form adjacent to the side elevation and rear garden of No.24 in a similar position to a recently removed store outbuilding and domestic garage. No.24 does not have openings fronting towards the appeal site but has windows facing over its rear garden.
16. Following my visit to the appeal site, and viewing the relationship with No. 24, due to the single storey nature of the proposals, the recently removed outbuildings that existed upon the site boundary, alongside the retention of an open outlook over the rear garden of No. 24, I am satisfied that No.24 will retain a good standard of living environment both internally and externally for existing and future occupiers.
17. Turning to the effects upon No.28, I agree with the Council that due to the existing relationship that exists between the appeal property and No. 28, alongside the separation distances and the presence in part of existing intervening extensions, this property will also retain a good standard of living environment as a consequence of the appeal proposal.
18. Therefore, I find that the living conditions of existing and future occupiers of neighbouring properties would be satisfactorily safeguarded. On this issue, I find no conflict with Policies EN2 and H15 of the LP, which amongst other matters require that extensions should not result in the significant loss of light,

create significant overshadowing or have a significant adverse effect on the amenity of adjoining occupiers. The proposal would also accord with paragraph 130 of the Framework, which amongst other matters requires development to provide a high standard of amenity for existing and future users.

Conditions

19. The standard time limit is required together with a condition listing the plans in the interests of certainty. I have also included a condition that requires the external materials to be used, to match those on the existing building. I also agree with the Council that in the interest of the existing and future living conditions of the occupiers of No. 24 Farnburn Avenue, it is necessary to remove permitted development rights in relation to window openings on the east elevation fronting towards this property.

Conclusions

20. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: August & September 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**

Ref	Appeal	Decision
APP/J0350/W/23/3315842	47, The Myrke, Slough, SL3 9AB 2 bed two-storey house, with a small garden to the back and two parking spaces to the front (Amended by Planning Inspectorate).	Appeal Dismissed 20 th July 2023
APP/J0350/W/23/3316507	Automotive House, Grays Place, Slough, Slough, SL2 5AF Demolition of existing building and construction of 51 residential apartments, laying out of landscaping, car and cycle parking and ancillary development.	Appeal Dismissed 28 th July 2023
APP/J0350/W/22/3303344	Grass Area Opposite 60 Garrard Road, Lynch Hill Lane, Slough, SL2 2AX Prior approval application for the installation of a proposed slim line phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works	Appeal Dismissed 11 th August 2023
APP/J0350/W/22/3313789	Rai Solicitors, 19, Stoke Road, Slough, SL2 5AH Outline planning permission for the demolition of existing commercial buildings and erection of a 7-storey residential building at the corner of Stoke Road and Stoke Gardens to provide up to 24 new dwellings with associated cycle and car parking. Access, layout, appearance and scale to be determined with landscaping reserved for future consideration.	Appeal Granted 25 th August 2023
APP/J0350/D/23/3319710	54 Greystoke Road, Slough SL2 1TT Construction of a two storey rear extension	Appeal Dismissed 30 th August 2023
APP/J0350/D/23/3321494	100, Haymill Road, Slough, SL2 2NR Construction of a front porch, single storey wrap around extension and a part first floor side and rear extension following demolition of garage	Appeal Dismissed 30 th August 2023

APP/J0350/W/23/3317416	7, Beresford Avenue, Slough, SL2 5LF Demolition of the existing garage and construction of 1 no. dwellinghouse and associated parking with vehicle crossover for new dwelling at no. 7 Beresford Avenue.	Appeal Dismissed 7 th September 2023
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Appeal Decision

Hearing Held on 20 June 2023

Site visit made on 20 June 2023

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/J0350/W/22/3313789

19 Stoke Road, Slough SL2 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Silver Hey Properties Ltd against the decision of Slough Borough Council.
 - The application Ref P/04557/012, dated 24 February 2021, was refused by notice dated 28 July 2022.
 - The development proposed is outline planning permission for the demolition of existing commercial buildings and erection of an 8-storey residential building at the corner of Stoke Road and Stoke Gardens to provide up to 29 new dwellings with associated cycle and car parking. Access, layout, appearance and scale to be determined with landscaping reserved for future consideration.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing commercial buildings and erection of a 7-storey residential building at the corner of Stoke Road and Stoke Gardens to provide up to 24 new dwellings with associated cycle and car parking, with access, layout, appearance and scale to be determined with landscaping reserved for future consideration at 19 Stoke Road, Slough SL2 5AH under the terms of the application Ref P/04557/012, dated 24 February 2021, and subject to the conditions in the attached schedule.

Procedural Matters

2. The planning application was made in outline with only the matter of landscaping reserved. I assessed the appeal on that basis.
3. Before planning permission was refused, the proposal was revised reducing the number of units to up to 24. This necessitated the main parties agreeing a revised description of development, which I have used in my decision above.
4. After the hearing the appellant submitted a completed planning agreement (the S106) to secure obligations relating to education, transport, the Burnham Beeches Special Area of Conservation (the SAC) and affordable housing. At the hearing the Council had withdrawn its fifth reason for refusal which relates to the need for these obligations. I have therefore not had further regard to this reason for refusal, but return to the matter of the obligations where necessary.
5. The Building Research Establishment Guide 'Site layout planning for daylight and sunlight' (the Guidance) was updated during the appeal. However, at the hearing the parties agreed that, for the sake of fairness and expediency, I should use the version that prevailed when the application was determined. As this is a matter of guidance, not policy, I agreed it was appropriate for me to do so.

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Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the non-designated heritage asset 19 Stoke Road and the setting of the non-designated heritage asset 21 Stoke Road;
- whether or not adequate living conditions would be created for future residents, with reference to sunlight, daylight and outside space; and,
- the effect of the proposal on the integrity of the SAC.

Reasons

Character and appearance

7. The appeal site, 19 Stoke Road, is a former public house, now in separate commercial and residential uses, located at the corner of Stoke Road and Stoke Gardens, immediately to the north of Slough Town Centre. It sits at the end of a parade of two storey 19th Century commercial properties fronting Stoke Road.
8. The immediate and wider area is marked by a state of change, with a multitude of smaller, older buildings replaced, in the process of being replaced, or with permission to be replaced, by larger commercial and residential buildings. This has created a mixed, piecemeal character, with buildings of sometimes highly disparate design and/or scale within close proximity to one another.
9. The scheme would replace the two-storey former pub with a seven-storey apartment block, albeit the upper floor would be slightly set back. Combined with its vertical scale, the Council is concerned about the minimal set back of the building from the public highway, and the consequent lack of opportunity to utilise soft landscaping to soften and assimilate the building into its context.
10. The seven-storey Vanburgh Court, close by to the northeast, is set behind green space, but even so has an immense, sweeping presence that dominates the adjacent stretch of Stoke Road. West Central Apartments, across the road from No 19 to the south, steps down to Stoke Gardens, but only a small element does so, with much of the building presenting six full storeys to Stoke Road at the gateway to the Town Centre. As with Vanburgh Court, its position behind modest landscaping does little to quell its presence. I note that there is a low density and scale residential area close by to the northwest, but the appeal site is not read easily with this area, and there is also an intervening large building west of the site in the process of upward extension.
11. Given such, the proposed building would sit well within the context of other neighbouring tall buildings even with the limited setback proposed. It would provide an adequately sympathetic, albeit fairly strident, bookend to the street corner. There would be a more visually pronounced change in scale between the new building and the adjacent parade to the north, but this would not be incongruous in the wider context of highly differing building heights. Indeed, the parade is already viewed against the direct backdrop of West Central Apartments when one is travelling south towards the Town Centre, and within the direct context of Vanburgh Court when going in the opposite direction.
12. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the relevant design objectives

of Policy EN1 of The Local Plan for Slough (adopted 2004) (the Local Plan) Policies 4 and 8 of the Core Strategy (adopted 2008) and the National Planning Policy Framework (the Framework). The Council also relied upon Policy EN2 of the Local Plan in its reason for refusal, but this policy relates explicitly to extensions to existing buildings and is therefore not relevant.

Non-designated Heritage Assets

13. No 19 and its neighbour to the north, 21 Stoke Road, are late Victorian buildings each included on Slough's local list of non-designated heritage assets, which is within an appendix to the Local Plan. There is little evidence or detail of the standard of the local listing process that took place. Nonetheless, pursuant to the description of a heritage asset given in the glossary of the Framework, their presence on the local list means that Nos 19 and 21 must be treated as non-designated heritage assets in the application of planning policy.
14. No 19 is identified on the local list as the 'Printer's Devil Public House' and was listed in 1995 presumably for its 19th century architectural design and its former historic use as a local public house. Despite this status, a series of unsympathetic physical alterations and its somewhat crude subdivision, much of which appears to have occurred after the building was placed on the local list, have denuded 19 Stoke Road of much of its charm and its integrity.
15. To the casual observer its heritage as a pub is now near illegible. The building, mostly the part that was Rai Solicitors, does maintain a modicum of Victorian detailing, but is also heavily altered in terms of materials, and what survives is not of particular interest. It therefore has little significance, both in its own right and in terms of its weak group value with the rest of the 19th Century parade, which was built much later on in any event. Thus, whilst through its demolition there would be the total loss of 19 Stoke Road's significance, the baseline is low, and therefore the harm that would arise would also be low.
16. 21 Stoke Road (listed as the Former Leopold Coffee House) deserves its place on the list, given the quality of its intricate, moulded red bricked frontage with classical embellishment. In terms of its relationship with No 19, they have very little in common, particularly with their disparate building lines, eaves heights, designs and finish materials. It is quite evident that they were built individually at different times and, despite sharing the broader Victorian era, they do not visually complement one another. Any suggestion that the coffee house was built as a 'counterattraction' to the pub is unduly speculative in my view.
17. As to the new building, there would be an abrupt change in scale. However, the detailing of the building, such as the red brick finish and the adjacent balcony, which attempts to follow the cornice and balustrade lines of No 21's facade, is respectful. Given the sensitivity in seeking to correlate detailing between the new building and the former coffee house, and within the context of an urban environment where sudden changes in height and building epoch are commonplace, I consider that the scheme would not harm the setting of No 21.
18. Drawing this together, whilst I conclude that there would be no harm to the significance that 21 Stoke Road derives from its setting, there would be harm to the significance of 19 Stoke Road through its complete loss. Consequently, the proposal would conflict with the heritage objectives of Policy 9 of the Core Strategy and Policy EN17 of the Local Plan.

Living conditions

19. Paragraph 130 of the Framework, amongst other things, states that decisions should ensure that developments will function well, using the arrangement of space to create attractive, welcoming and distinctive places to live, promote health and well-being, with a high standard of amenity for future users.
20. With reference to sunlight and daylight, several rooms concern the Council. In my view, those from the second floor upwards would have an elevated outlook and would fail the BRE Guidelines to such a modest extent that they would offer an acceptable standard of living accommodation in this urban location.
21. However, bedroom R2 at ground floor and bedroom R10 at first floor would fall well short of the guidance, providing an Average Daylight Factor of 0.61% and 0.52% respectively. Given that these two rooms would also both face north and therefore would not have access to direct sunlight, and further would offer little chance for occupants to see the sky, it is my opinion that they would provide a significant shortfall in living standards. Given that bedrooms often offer home working space and sometimes a private refuge for future occupants, I do not prescribe to the argument that these bedrooms should be treated with less sensitivity than other rooms within their respective residential units.
22. Room R3 passes the sunlight and daylight tests, but the Council make the point that, as its window is directly onto street level, this would be likely to have blackout blinds closed during the day. However, I consider that modest screen planting and/or the use of a less severe type of blinds would ensure privacy without undue loss of light to the room. The Council is also concerned that two of the units would not have private outdoor space, but I note that the scheme would replace two existing flats at the site which also do not have dedicated outdoor space, so the proposal would be neutral in these terms.
23. Consequently, I conclude on this issue that, whilst the proposal would be acceptable with regard to outside space provision, it would fail to create adequate living conditions for future residents with reference to sunlight and daylight. It would therefore conflict with the relevant objectives of Policy 4 of the Core Strategy, Policy EN1 of the Local Plan and the Framework.

Burnham Beeches SAC

24. The appeal site is just within the zone of influence of the SAC. Given such, the Habitats Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the SAC.
25. The SAC is designated for its Atlantic acidophilous beech forests and associated beech *Fagus sylvatica* and oak *Quercus*. Surveys have shown it to be one of the richest sites for saproxylic invertebrates in the UK. It also retains nationally important epiphytic communities, including the moss *Zygodon forsteri*.
26. The SAC is also a recreational resource, and it is likely that occupants of the proposed development would visit it. On this basis, there is no dispute between the main parties, nor Natural England (NE), that it cannot be ruled out that the proposal, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the SAC due to increased recreational use. I have no reason to disagree with this conclusion.

27. It is agreed by the main parties that to mitigate against such effects, financial contributions should be secured towards enhancements to the Upton Court Park Suitable Alternative Natural Greenspace (the SANG) pursuant to the Council's 2022 Mitigation Strategy. Enhancements may include a walking and cycling route, wetlands restoration, and new seating, bins and interpretation boards. NE is satisfied with this approach subject to there being capacity to absorb the recreational activity generated by the development at the SANG. The Council has not indicated that the SANG is unable to accommodate the scheme.
28. As such, I am satisfied on the evidence before me that the S106 is a sufficient mechanism to ensure the delivery of proportionate and relevant mitigation pursuant to the Council's strategy for development which could affect the SAC. I therefore conclude my Appropriate Assessment that, with the mitigation, the proposal would not have an adverse effect on the integrity of the SAC. It would accord with Policies 9 and 10 of the Core Strategy, the Habitats Regulations and the Framework insofar as they seek to secure the long-term protection of such sites and mitigate any adverse effects on their integrity.

Planning Obligations

29. Community Infrastructure Levy (CIL) regulation 122 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
30. In addition to the SAC contributions, the S106 would secure the affordable housing, necessary contributions to education, the electric vehicle car club, highway infrastructure and open space provision so as to enable the scheme to comply with Policy 10 of the Core Strategy. The S106 is therefore in compliance with regulation 122 and I can take it into account in my decision.

Other Matters

31. Considering the distances involved, and within this urban environment dotted with tall buildings, the effect on the living conditions of residents within Grays Road with reference to sunlight and daylight would be acceptable. The dwellings meet the nationally described space standards. Given the excellent access to nearby public transport, dedicated onsite parking is not required, save for the disabled access spaces. I have no reason to doubt these spaces would be functional. There is no substantive evidence that any car use related to the development would have a severe effect on the local highway network.

Planning Balance

32. Planning law and the Framework require proposals to be determined against the development plan unless material considerations indicate otherwise. In this context, the failure of the scheme to create satisfactory living conditions for some of its future occupiers, and the harm to the historic environment, draw the proposal into conflict with the development plan when read as a whole.
33. I am also mindful that Paragraph 203 of the Framework states that the effect on the significance of non-designated heritage assets should be taken into account in determining a proposal. In weighing schemes that affect non-

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the assets.

34. Given that the clear majority of the residential units would benefit from acceptable living conditions, the limited failure of the scheme in this respect attracts moderate weight in the balance. Given the modest actual harm that would arise to the historic environment, I attribute this matter little weight.
35. It is undisputed by the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. In the absence of such, Paragraph 11 d) ii) of the Framework is engaged. At the hearing the supply situation was confirmed by the Council to stand at around 2.1 years. This is a big shortfall. I understand that the Council's previous emerging plan led solution was withdrawn, and that the current emerging local plan review is nascent and indeed has now also stalled. It seems to me therefore, that there is little immediate prospect of the shortfall being meaningfully addressed.
36. The government is seeking to significantly boost housing supply. The scheme would reuse brownfield land in a highly accessible location. In doing so, it would make a valuable contribution to addressing the shortfall of housing supply in Slough. A disused amalgam of poorly treated built form would be replaced by an active, vibrant and well-designed building. There would be an economic boost to the area during the construction phase.
37. Given the severe extent of the shortfall in housing supply, I attribute substantial weight to these benefits of the scheme. Indeed, they lead me to the conclusion that the adverse impacts of granting planning permission through the conflict with the development plan, the limited failure to create adequate living conditions, and the limited harm to the historic environment would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework when taken as a whole.
38. Consequently, the other considerations before me compel me to make a decision other than in accordance with the development plan in this case.

Conditions

39. The Council has suggested several conditions, some of which I have amended for the sake of clarity and precision. Conditions are required to secure the single reserved matter of landscaping prior to the commencement of the development, and to ensure its timely delivery and retention. In addition to the standard time condition for outline consents, a condition shall confirm the approved plans in the interest of certainty. In the interest of highway safety, conditions shall ensure the delivery of the parking and turning areas, and the access and associated visibility splays.
40. In order to safeguard against surface water flooding, surface water drainage details shall be agreed prior to the commencement of development. To meet the transport objectives of the development plan, cycle storage facilities shall be agreed, delivered and retained. In the interest of design and the public realm, adequate bin storage shall be provided prior to occupation of the housing and thereafter retained.
41. In the interest of highway safety, a Construction Management Plan shall be agreed prior to the development. Given the proximity of below ground public infrastructure, details of any piling work are essential before such work begins.

As the site is in an area of serious water stress, the dwellings will need to be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption.

42. A condition is needed to ensure that any unexpected contamination at the site is appropriately dealt with. Given the importance of the design of the building within the street scene, it is essential that details of the finish materials are confirmed with the Council prior to their installation, and to ensure that these finishes are retained. In order to ensure future residents are not subjected to unacceptable levels of pollution, details of glazing and mechanical ventilation will need to be agreed with the Council prior to the development.
43. To design out crime and also to safeguard the living conditions of existing and future residents, a lighting assessment shall be agreed with the Council prior to the development. I understand that the proposed building would be a 'relevant building' under planning gateway one. A fire safety assessment is therefore a legislative requirement to ensure that the development contributes to the minimisation of potential fire risk in accordance with the Framework. Given that a non-designated heritage asset would be demolished, it is proportionate to require the recording of its architectural and historic features. Lastly, in the interest of the environment, an Energy and Sustainability Assessment shall be submitted to an agreed with the Council before work above slab level begins.

Conclusion

44. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones
INSPECTOR

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MEMBERS' ATTENDANCE RECORD 2023/24
PLANNING COMMITTEE

COUNCILLOR	31/05 cancel led	28/06	26/07	06/09 extraor dinary	27/09	25/10	29/11	20/12	31/01	28/02	27/03	24/04
Iftakhar		P	P	P								
Carter		Ap	P	P								
Mann		P	P	P								
Gahir		P	P	P								
Khawar		P	P	P								
Naveed		Ap	P	P								
Satti		Ap	P	P								
Stedmond				P								

P = Present for whole meeting
 Ap = Apologies given

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

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