

Registration Date:	21 <sup>st</sup> January-2019	Application No:	P/02683/013
Officer:	Neil Button	Ward:	Central
Applicant:	WMC Slough Ltd	Application Type:	Major
		13 Week Date:	22 <sup>nd</sup> April 2019
Agent:	Chris Brown, Rolfe Judd Planning, Old Church Court, Claylands Road, London, SW8 1NZ		
Location:	Former BHS 204-206 High Street, Slough, Berkshire		
Proposal:	Demolition and Redevelopment of the existing site for a mixed use development comprising replacement flexible retail space (Class A1,A2,A3 uses) at ground floor level, flexible commercial floorspace at first floor fronting the High Street for either B1 (offices) or Class D1 (gym) uses and 82 residential dwellings within 3 buildings at podium level across the site with heights of 5, 12 and 5 storeys. Shared amenity space provided at first floor podium level, with cycle, waste and recycling storage facilities at ground floor level (Revised Description of Development and Revised Plans submitted 27/06/2019)		

**Recommendation:** Delegate to the Planning Manager for REFUSAL



## **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for Refusal.
- 1.2 This is on the following grounds (i) that the proposal would have a harmful impact on the townscape due to the siting, scale, height and mass of the development and (ii) the prejudicial nature of the development by virtue of the intrusive nature of the habitable room windows in the development close to the site boundaries which would unduly restrict and compromise development potential in adjoining sites. In addition, a holding reason for refusal is recommended in respect of the development failing to provide for a policy compliant level of affordable housing and insufficient financial contributions towards local infrastructure.
- 1.3 This application is being brought to Committee for decision because it is a major development.

## **PART A: BACKGROUND**

### **2.0 The Proposal**

- 2.1 The planning application comprises the 'Demolition and Redevelopment of the existing site for a mixed use development comprising replacement flexible retail space (Class A1,A2,A3 uses) at ground floor level, flexible commercial floorspace at first floor fronting the High Street for either B1 (offices) or Class D2 (gym) uses) and 82 residential dwellings within 3 buildings at podium level across the site with heights of 5, 12 and 5 storeys. Shared amenity space provided at first floor podium level, with cycle, waste and recycling storage facilities at ground floor level'.
- 2.2 The proposed ground floor will span the majority of the site's floorplate. The upper floors comprise three separate buildings; Building A will be positioned on the site's frontage onto High Street, Building B in the middle of the site and Building C fronting Herschel Street (Building C), the heights of which are 5, 12 and 5 storeys respectively.

- 2.3 The existing retail use will be replaced at ground floor. This floorspace would comprise two retail/financial/professional or restaurant units with flexible Class A1, A2 and A3 uses. The retail units would provide an active frontage onto the High Street which also features a third entrance for the Class B1 or D2 commercial use at the first floor level within Building A. The B1/D2 use at first floor greatly enhances the variety of uses within the property and Town Centre. The proposed uses; A1-A3 and B1, D2, all represent appropriate Town Centre uses, appropriate for the sites location within Slough Town Centre.
- 2.4 The upper floors of Building A, B and C contain the proposed residential dwellings. The scheme proposes a total of 82 residential flats which comprises 49no. 1 bed units (60%) and 33 no. 2 bed units (40%). 5 of the flats are wheelchair accessible units. The proposal has provided the maximum viable amount of affordable housing on site subject to its viability review.
- 2.5 All proposed dwellings benefit from dual aspect orientations and meet or exceed the Nationally Described Standards for minimum internal space for new residential developments. 777sqm of private amenity spaces are provided through the provision of balconies and private gardens. All balconies are separated from each other to facilitate greater privacy and primarily offer outlook to the north or south to discourage any perceived overlooking of neighbouring properties. The total amount of communal amenity space proposed amounts to 1185sqm. This comprises 245sqm at ground floor level, 792sqm across two landscaped areas on the first floor podium level and two x 74sqm roof terraces on the 8<sup>th</sup> and 10<sup>th</sup> floors of building B.
- 2.6 All residential dwellings will be accessed via the Herschel Street frontage. The ground floor of Block C will contain a residential lobby, visitor cycle parking (6 spaces), 82 private cycle parking spaces for residents, refuse storage for all uses. It is proposed that refuse collection for the residential and retail units will be accommodated via a turning head within the south-eastern part of the site. Access to this area will be from the rear of the building on Herschel Street, providing access to the bin stores for all residential units.

### **3.0 Site and Surrounding Area**

- 3.1 The 0.24ha site comprises the vacant former BHS Store at 204-206 High Street, in Slough. The site consists of the building and areas of hardstanding used for associated parking and servicing. The existing building comprises 3 commercial storeys in height fronting onto the

High Street and is currently formed of a hoarded up shop front at ground floor, with a two storey tiled facade above. The height of the building rises to 4 storeys to its rear on Herschel Street. The flank walls around the eastern site boundary for much of its length.

- 3.2 The site's access points and presence on the High Street create a linear retail unit from north to south. The existing building has windows on the flank walls overlooking the adjacent properties to the East and West of the site. The Herschel Street facade is blank with only an emergency escape door/service entrance on the ground floor.
- 3.3 The site is located within the established Town Centre of Slough on the southern edge of the High Street. The surrounding urban townscape is characterised by buildings of varying style, age and size, transport infrastructure and public realm. The land uses are predominantly retail and commercial to the north of the site and residential to the south of the site.
- 3.4 Historically the High Street has been characterised by mainly 3-4 storey buildings. In the latter half of the 20th century a number of new modern additions were constructed on the High Street, including Queensmere Shopping Centre, a part 8 storey building, constructed in the 1970's. The Shopping Centre and pedestrianised High Street are located immediately north of the site.
- 3.5 The buildings to the east are made up of commercial/retail uses toward the High Street and residential uses toward Herschel Street. There is an open parking area of land to the rear of 210 – 216 High St and Pegasus Court, Herschel St.
- 3.6 To the west are commercial/retail buildings and a larger area of car parking at the rear of 190 – 202 High Street and properties on Park Street.
- 3.7 To the south is Herschel Street, which provides servicing areas for the commercial units fronting the High Street, but also has residential, commercial and community buildings on the southern side. There is no on-street parking. There are potential plans to expand the width of the road on the southern side; however no firm policy has been adopted to date. The mass, form and spacing of buildings fronting the north and south sides of Herschel Street are varied with low rise single storeys to larger modern developments (up to 8 storeys). The area to the south can be characterised as a transitional area between commercial/community and residential uses and scales of premises.

- 3.8 The site is not within a Conservation Area, nor does it contain any statutory listed buildings, but it is in close proximity to two locally listed properties. The Locally Listed Nos. 194-198 and 200-202 High Street are situated to the immediate west of the site located at the High Street frontage. No. 200-202 comprises a three-storey red brick building that adjoins part of the site's western boundary. 208-212 High Street (to the east) comprises a three storey commercial building with ground floor retail and ancillary uses on the upper floors which are set back from the frontage.
- 3.9 Due to the site's Town Centre location, it is well situated to benefit from the majority of the local amenities that Slough has to offer. The area is well served by Great Western Railway trains that run through Slough Station, located around 5 minutes walk from the site. The train service runs west towards Reading and Windsor stations, as well as east towards Southall and London Paddington stations.
- 3.10 From 2020 Slough station is planned to be served by Crossrail. The new Crossrail service will have a 8minute journey time to central London and provide a direct route through Central London.

#### **4.0 Planning History**

No relevant planning history at 204-206 High Street [The Site].

S/00539/002: Car Park, Alpha Street North, Slough, SL1 1RA. Construction of a four storey block of flats to accommodate 14no. 1 and 2 bedroomed flats, 6no. car parking spaces, 15no. bicycle spaces and a bin store. Pending

P/02465/008: 226-228, High Street, Slough, Berkshire, SL1 1JS Demolition of existing building and redevelopment to provide a four storey building plus basement comprising:, 3 retail units (A1 and A2 use) provided at basement, ground and first floor levels and 12 no flats (6 no x 2 bed and 6 no x 1 bed flats) at second and third floor levels. Approved 16/12/2008

P/06684/013: Queensmere Shopping Centre, Wellington Street, Slough, Berkshire, SL1 1LN Demolition of part of the Queensmere Shopping Centre and redevelopment to provide 3,019 sq metres of class a1 retail floorspace together with associated alterations to pedestrian access arrangements to the shopping centre. Demolition

and redevelopment of existing service road with construction of a roof above. Approved 19/11/2008

P/06684/015: Queensmere Shopping Centre, Wellington Street, Slough, Berkshire, SL1 1LN. Partial demolition and internal alterations/extensions to existing shopping centre as part of a part new build/part refurbished mixed used scheme for 11, 533 sq m of A1 retail, class A3 - A5 food and drink and class D2 assembly and leisure floor space and 675 residential units. The residential element comprising 346 no. 1 bedroom and 329 no. 2 bedroom being contained within 4 no. Towers of between 15 and 23 storeys plus infilling development on top of the existing shopping centre and a stand alone tower of 15 storeys with a viewing galley on top. Reconfiguration of existing access and frontages onto wellington street and works including, alterations and improvements to the entrances to the shopping centre; provision of amenity space and landscaping; vehicle and cycle parking; refuse and recycling storage; provision of new and/or upgrading existing infrastructure; groundwork's and re-profiling of site levels; ancillary engineering and other operations and plant and machinery. Resolution to Grant

## **5.0 Neighbour Notification**

- 5.1 Site Notices (dated 11/02/2019 & 02/07/2019) were placed on High Street, Alpha Street and Herschel Street. A press notice was issued in the Slough Express on the 01/02/2019 and 05/07/2019. The local planning authority has carried out 2 consultation exercises with the first consultation expiring on 04/03/2019 and the second consultation (following the submission of revised plans and documents) expiring on 26/07/2019.
- 5.2 A very extensive neighbour notification process has been carried out, and letters have been sent to addresses on High Street, Park Street, Victoria Street, Alpha Street, Herschel Street, Hencroft Street, Queensmere Shopping Centre, Bishops Road, The Grove, Osborne Street and Chapel Street.
- 5.3 3 letters have been received raising objections to the proposed development. The main grounds of objection to the development are:
- No parking provision for any of the flats
  - If residents apply for parking permits, will they be granted and where will they park? There is already not enough parking spaces in the area
  - No temporary parking for deliveries etc.

- Herschel Street is a narrow street and there are already issues with double parking as people pop into shops and no traffic wardens to ask them to move on which is bad at the weekends.
- All the 3 blocks are too high and out of keeping with the surrounding area
- This area of Slough has a lot of old Victorian houses and a number of listed buildings.
- This new block will be visible from my back garden
- There is enough flexible retail space which sells all this cheap stuff. This building should be given to high class who is willing to sale Slough residents quality goods if this is not the case the property should be left alone for something better for the Borough, we had enough of mobile phone, accessories, one pound shops, veg food shops and takeaways
- No temporary car parking provision for deliveries, carers, taxi drivers who may have to attend to residents on a daily basis, or other visitors.
- These people will also create more traffic and obstructions in Herschel Street, Hencroft St. North and other streets nearby
- The height of the middle block as been slightly reduced following the public consultation, but each block is higher and out of keeping with the surrounding buildings, taking away sunlight and setting a precedent for future developments.

## 6.0 **Consultations:**

### 6.1 Thames Water

No objection subject to conditions requiring details of the connection to the foul and surface water drainage system and confirmation that all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

### 6.2 Thames Valley Police (Crime Prevention Design Advisor)

Further to my last consultation for this development, if the above amended plans (HSL- P100-S2- revision P7) are submitted for approval, I believe the amended layout provides opportunity for sufficient segregation between private, semi private and public realm. Physical security will be critical in creating a safe and secure environment I therefore ask that a condition is imposed on this application to ensure that, any subsequent approved development is required to be secured by design award. Such a condition will help to ensure that the development achieves the highest standards of design in terms of safety and security, safe guarding future residents. This would not only ensure that crime prevention design is incorporated

within the development but also assist the authority in satisfying the requirements of NPPF of creating 'Safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion'.

## 6.6 Environmental Quality – Noise

The highest noise level was measured at the rear façade of the development, with a daytime LAeq,16hr at 60dB and a night time laeq,8hr at 53dB. This is classified as a low to medium noise risk in accordance with ProPG: Planning & Noise Professional Practice Guidance (2017), therefore noise should be mitigated and reduced to a minimum.

As stated in the report, noise reduction can be achieved with the following mitigation:

- Installation of a double-glazed window system, with an overall Rw of 31-33 dB or more. The windows do not require sealing.
- Installation of a suitable ventilation system to be designed as such that the noise generated by the system itself is controlled, such that when noise from the system is combined with noise from external sources, internal noise levels do not exceed the maximum noise levels suggested in BS 8233. Ventilation and associated standards are as follows:
  - Bedrooms NR20
  - Living Rooms NR25
  - Bathrooms/kitchens NR30-35
  - Corridors NR30-35
- Details of the chosen glazing and ventilation system should be submitted to the Local Planning Authority and approved in writing prior to commencement.

Construction noise has potential to disturb surrounding residents. The following methods to avoid construction noise impacts are specified within the noise report as: Scheduled construction work hours , Operating hours, all construction plant and equipment should comply with EU noise emission limits, design and use of site hoardings and screens to provide acoustic screening of noise emitting equipment; all vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers and should be maintained in good efficient working order; selection of quiet plant, machines in intermittent use should be shut down in the intervening periods between work or throttled down to a minimum, plant and equipment

such as flatbed lorries, skips and chutes should be lined with noise attenuating materials, all ancillary plant such as generators, compressors and pumps should be positioned so as to cause minimum noise disturbance, i.e. furthest from receptors or behind close boarded noise barriers with acoustic enclosures should be provided and/or acoustic shielding; making positive contact with local residents and providing information on the construction can be the most effective method of reducing the impact of construction noise on sensitive receptors. If appropriate, the above measures can be incorporated into a construction environmental management plan, construction contractors should be obliged to adhere to the codes of practice for construction working given in BS 5228 and the guidance given therein to minimize noise emissions from the site;

These measures must be adhered to during the construction phase for the development to be acceptable in terms of construction noise impacts.

#### 6.7 Environmental Quality – Air Quality

In line with the Slough Low Emission Strategy, the scheme is considered to have a medium impact on air quality. As such, the scheme only requires an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> and the integration of Type 1 and 2 Mitigation measures, contained in the LES Planning Guidance. Although the development site is close to AQMA 4, local monitoring circa 230m from the site on Hencroft Street which is in a similar setting to the development site, measured at 27ug/m<sup>3</sup> in 2017. As the development includes demolition of existing buildings on site, a dust management and mitigation plan is required. This should be completed in accordance with IAQM guidance on monitoring in the vicinity of demolition and construction sites (2018).

Mitigation Requirements to comprise:

- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works;
- 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;

- A contribution to Slough's Town Centre EV Car Club project (Project 36 & 37) to provide future residents of the development additional transport options.

6.8 Environmental Quality – Ground Contamination

The report is acceptable, and I concur with its findings that some additional investigation is required, once the building is completely demolished, in order to assess the real ground conditions and update the risk assessment and conceptual site model. Conditions requiring a Phase 2 Intrusive Investigation Method Statement, a Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy and Remediation Validation are recommended.

6.9 Environmental Quality – Senior Carbon Project Officer

No comments

6.10 Building Control

No comments

6.11 Neighbourhood Enforcement Team

No comments

6.12 Fire and Access Officer

No comments

6.13 Community Services – Leisure

No objections

6.14 Asset Management - Education Planning

No objections subject to provision of education contribution towards Marish Primary School.

6.15 Tree Officer

No objections

6.16 Transport and Highways

Comments set out in the report

6.17 Lead Local Flood Risk Authority

Preliminary Risk Assessment report by RSK and Proposed Site Layout Plan have been reviewed. The following information is required:

- Background information on the proposed design. Including proposal; site; plans of surface foul water drainage and any SuDS featured in the scheme

- Evidence that the applicant understands the sensitivity of discharge points relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)
- Evidence of and information on the existing drainage network for previously developed (brownfield) sites
- Identification of and information on areas that may have been affected by failures in the existing drainage regime
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753
- Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- If not using infiltration for drainage - Existing and proposed run-off rate calculations completed according to a suitable method such as IH124 or FEH. Information is available from UK Sustainable Drainage: Guidance and Tools. Calculations must show that the proposed run off rates do not exceed the existing run-off rates. This must be shown for a one in one year event plus climate change and a one in one hundred year event plus climate change.
- If not using infiltration for drainage - Existing and proposed run-off volume calculations completed according to a suitable method such as IH124 or FEH. Calculations must show that, where reasonably practical, runoff volume should not exceed the greenfield runoff volume for the same event. This must be shown for a 1 in 100 year, 6 hour rainfall event
- Maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Evidence that enough storage/attenuation has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus climate change event
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations

and plans should be provided to show where above ground flooding might occur and where this would pool and flow.

- 6.18 Berkshire Archaeology  
The planning application was submitted alongside a Desk Based Assessment (DBA) for the consideration for Archaeological issues. This assessment lays out how past development impacts associated with the construction of the existing and former structures across the proposal area site will have most likely had a severe below ground impact on any potential Archaeology. Due to this it seems that the archaeological potential at the site is low. Therefore it is likely that the redevelopment of the site would not have either a significant or widespread archaeological impact. No further archaeological mitigation measures are recommended in this particular instance
- 6.19 Libraries  
No objection
- 6.20 Economic Development Team  
No comments
- 6.21 Historic England  
No objections.
- 6.22 Town Centre Advisory Group  
No comments

## **PART B: PLANNING APPRAISAL**

- 7.0 **Policy Background**
- 7.1 National Planning Policy Framework (2019) and National Planning Policy Guidance:
- Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

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

Core Policy 1 - Spatial Vision and Strategic Objectives for Slough

Core Policy 2 - Green Belt and Open Spaces

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 and Built Environment

Core Policy 10 - Infrastructure

Core Policy 11 – Social Cohesiveness

Core Policy 12 – Community Safety

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

Policy EN1 – Standard of Design

Policy EN3 – Landscaping Requirements

Policy EN5 – Design and Crime Prevention

Policy EN34 – Utilities Infrastructure

Policy T2 - Parking Restraint

Policy T8 – Cycling Network and Facilities

Policy T9 – Bus Services

7.4 Other Relevant Documents/Guidance

Slough Borough Council Developer's Guide Parts 1-4

Proposals Map

## 7.5 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th February 2019.

The National Planning Policy Framework 2019 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 2019, the Local Planning Authority cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

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

One of the principles of the Emerging Preferred Spatial Strategy is to

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

A number of strategic housing sites were identified to implement the spatial strategy. This site was not identified as a strategic housing site. However, it is recognised that site has potential to make a useful contribution towards meeting the increasing housing targets for the Borough, by increasing the residential quantum in the town centre. It is not identified as a site in the Council’s current housing trajectory.

It is important that key sites within the town centre or on the edge are developed in a comprehensive manner and that all of the necessary linkages and infrastructure are provided.

## 7.6 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. This planning report identifies the possible equality impacts on the protected groups within the following sections.

## 7.7 The principal planning considerations for this proposal are:

- The Principle of Redevelopment
- The Need for Additional Housing within Slough
- Design and Impact on Streetscene and Local Townscape
- Highways Impacts, Transport and Car Parking Matters
- Impacts on Residential Amenity
- Environmental Impacts

## **8.0 Planning Assessment**

### **8.1 Principle of Redevelopment**

- 8.2 In the context relevant to this application, the proposals result in an additional 82 homes, 1208 sqm of Class A1-A3 use (retail/financial office/restaurant) on the ground and 321sqm NIA Class D2 (Gym) or Class B1 (Office) on the first floor, on a brownfield site in the town centre. The proposals intend to bring town centre uses at ground floor to replace a purpose built department store building which has little or no prospect of being utilised in its current condition for an efficient or optimal use and is unsuitable for a long term conversion.
- 8.3 Core Strategy Policy 1 (CP1) sets the spatial strategy for the Borough and this requires all development to take place within the built up area, predominantly on previously developed land. The policy also requires the scale and density of the development to be related to the site's current or proposed accessibility, character and surroundings.
- 8.4 Local authorities are required under new Regulations (2017 SI403) to maintain a public register of previously developed land or brownfield sites that the Council considers appropriate for residential development. The Register has two parts. Part one, information below, includes all sites that meet the criteria (e.g. for residential development, suitable, available and achievable, for more than 5 units or over 0.25ha).
- 8.5 Slough Borough Council published Part 1 of the Brownfield land register in December 2017 and listed the application site which signals the Council's intent to introduce residential development on this plot of land. The register allocated a minimum of 50 net dwellings and specified that this could be achieved through 4 to 6 storey blocks.
- 8.6 Notwithstanding the above, the proposals are being brought forward in advance of the emerging Local Plan and the specific area based policy guidelines for the town centre. As such, the proposals have been considered on the basis of the potential that a wider High Street and Town Centre comprehensive could be brought forward, as well as on a piecemeal basis. There are no current area specific guidelines for this part of the High Street, although the Council has brought forward comprehensive planning strategies for the Queensmere Shopping Centre, the Heart of Slough Regeneration Area proposals and site specific developments on Windsor Road, High Street and Bath Road. These emerging developments are referred to in the applicant's Design

and Access Statement. The emerging direction from these developments, the draft emerging planning policies and NPPF is to seek to optimise potential of brownfield sites in sustainable locations which could make positive contributions towards the council's housing supply and boost the economy, and provide regeneration for town centres

#### Non-Residential Land Uses

- 8.7 The former BHS store has been vacant for a number of years and the applicant considers that it would be unlikely that it would be able to attract a new tenant who would require such a large existing floorplate. The building is in relatively poor condition and is considered unlikely to be viable for conversion given the significant work and cost involved. The closure of large department store-style shops has become a growing trend within Town Centres across the country. With the closure of Debenhams (115-161 High Street, Slough) and Marks and Spencer (147 High Street, Slough), it is recognised that there is evidence that department stores of this size and format are not a sustainable form of retailing in the current climate. It is noted that the larger department style stores were constructed with a large portion of the floorplate used for the storage of goods and back-of-house space for staff. The applicant suggests that the advent of just-in-time deliveries and internet shopping have played a significant role in reducing the need for such large retail floorplates and thereby contributed to the closure of many of these stores. Notwithstanding the above, the applicant has not identified any pre-let tenant for either ground floor unit, and so there remains some concern that the completed units might sit vacant in light of the current retail climate.
- 8.8 The Issues and Options paper for Slough's Emerging Local Plan acknowledges the accelerated decline of the Town Centre and seeks to consider how Slough town centre could be revitalised as a major retail, leisure and commercial centre and how the quality of the built and green environment could be enhanced in order to improve the overall image of the town'. As alluded to in the applicant's planning statement, the community consultation found that this aspiration was shared by local people. Participants in the application consultation exercise expressed a clear desire for higher quality retail space, and less low grade retail.
- 8.9 The Slough Local Development Proposals Map (2010) identifies the site as falling within the Town Centre Area and Shopping Centre designations. Core Policy 6 of the Core Strategy states that all new

major retail developments should be located in the Town Centre. The policy seeks to increase Slough Town Centre's retail ranking and a key indicator of this is reducing the percentage of retail vacancies. Policy S1 of the Saved Local Plan policies reiterates this priority and adds that development proposal will not be permitted where they adversely affect local shopping parades.

- 8.10 Paragraph 85(a) of the NPPF (2019) encourages LPAs to promote their long-term vitality and viability by 'allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters'.
- 8.11 The proposals seek to re-provide an appropriate provision of town centre uses within the ground and part of the first floors. The proposed ground floorspace shows how it could be divided to create two no. flexible A1-A3 retail units. Both units would retain active frontages onto the High Street and extend across much of the site's ground floor area. Each of the proposed units retain back of house space whilst providing a retail floor area which is more suitable to today's retail occupiers – Retail Unit 1 measures 608sqm NIA and Retail Unit 2 amounts to 600sqm NIA.
- 8.12 By dividing the units, the applicant contends that the development would maximise the potential for attracting new occupiers which will bring a long-term vacant site back into use which could benefit this part of the High Street and Town Centre as a whole. Whilst this is welcomed, it is recognised that Slough Town Centre is struggling to attract new and retain existing medium to high end quality retailers and so there remains a risk that the new floorspace would not be occupied upon completion and the applicant has not provided any evidence of any pre-let tenants to provide officers with further assurances.
- 8.13 The redevelopment of the site to provide a mix of retail and residential uses is considered to be acceptable in principle. The scale of retail floorspace proposed is acceptable noting that revised servicing arrangements reduce the existing level of floorspace. Officers consider that the proposed development could provide higher quality and more efficient and economical floorplates (than the existing over-sized department store provision) and this could support the needs of modern operators and provide further opportunities to utilise the site and bring it back into use.. The loss of overall floorspace is considered to be acceptable taking account of economic challenges facing town centres. A more flexible approach in terms of uses and floor space and layout

could bring benefits of bringing back the site into town centre uses within an appropriate floorplate.

- 8.14 It is considered that all of the specified A1-A3 uses could be controlled by way of suitably worded conditions confirming the hours of operation and permitting flexibility to change within the uses, and would not give rise to unacceptable environmental impacts. The proposed retail ground level floorspace has potential to provide some limited benefits (in NPPF terms) in term of employment provision, supporting the viability and vitality of the town centre and building a strong economy.
- 8.15 In addition to the NPPF defining commercial uses and a 'Main Town Centre Use, Policy EMP1 of Slough Borough Council's saved Local Plan policies strongly encourages employment generating use to locate within Slough Town Centre. EMP2 of the saved Local Plan policies and Core Policies 1 and 5 of the Core Strategy require proposals for new business developments to be of a high quality preserve or enhance the variety of local uses and be of a scale that is appropriate to its location.
- 8.16 The proposals seek to increase the variety uses on site through the provision of additional commercial floorspace on the first floor in place of the existing retail use. The incorporation of the proposed Class D2 (gym) or Class B1 (offices) uses has the potential to contribute towards the vitality of Slough Town Centre as a whole. The proposed first floor flexible D2/B1 unit will measure 321sqm NIA which the applicant suggests is suitable for a small-medium sized enterprise (SME) occupier in this Town Centre location. A small commercial entrance will be positioned on the most eastern edge of the High Street ground floor frontage. The entrance will lead to a stairwell and lift which provide access to the first floor commercial unit. This access arrangement thereby satisfies the saved Local Plan policy EMP2 which requires commercial proposals to maintain any existing primary and secondary shopping frontages at ground level.
- 8.17 It is considered that either D2 (gym) or B1 (office) use could be controlled by way of suitably worded conditions confirming the hours of operation and permitting flexibility to change within the uses, to ensure the additional uses are not harmful to the amenities of the residential uses in the area, and would not give rise to unacceptable environmental impacts. The proposed first floor level flexible D2/B1 floorspace has potential to provide some limited benefits (in NPPF terms) in term of employment provision, supporting the viability and vitality of the town centre and building a strong economy.

## Residential Uses

- 8.18 Core Strategy Policy 3 (CP3) requires a minimum of 6,250 new dwellings to be provided in Slough between 2006 and 2026. The policy advises that any additional housing will be built in the town centre, or other urban areas in accordance with the Spatial Strategy.
- 8.19 Core Strategy Policy 4 (CP4) requires high density housing to be located in Slough Town Centre, and in urban areas outside the town centre at a density related to the character of the surrounding area, accessibility of location and availability of local services, facilities and infrastructure.
- 8.20 The Council currently cannot demonstrate a 5 year supply of housing, in accordance with the NPPF (2019) which means the minimum housing policies set out in the Core Strategy policy CP3 are out of date. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the NPPF, which is defined in this report.
- 8.21 Para 59 of the NPPF confirms it is the Government's objective to significantly boost the supply of homes. The NPPF also advises that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. NPPF Para 117 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Parts (c) and (d) of the NPPF (para 117) advise that planning authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes (et al) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 8.22 As noted above, the principle of the proposed residential use of the site, in addition to the commercial lower floor uses is considered to be acceptable, in land use terms, and would be in accordance with the existing and emerging policies and guidance relating to land uses, town centre shopping and increasing the supply of homes.

8.23 Officers have given due regard to the NPPF which sets out the core planning objectives and includes the requirement that planning should proactively drive and support sustainable development to deliver the homes the country needs. The proposals could deliver a range of social, economic and environmental benefits. .

8.24 As such, it is considered that the proposed land uses would be compliant with the NPPF, Core Strategy Policies CP1, CP5, CP6 and CP10 and Local Plan Policies OSC15 and EMP1 and EMP2.

### **8.25 The Need for Additional Housing within Slough**

8.26 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.

8.27 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the 20 year plan period between 2016 and 2036. An Issues and Options document was published in February 2017 which confirms that the objectively assessed housing need for the plan period is 927 dwellings per annum (a total of 18,540 during the 20 plan period). The emerging targets are for the delivery of 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan.

8.28 The spatial distribution of housing within the Core Strategy focusses housing growth within the town centre, where the target is for a minimum of 3,000 dwellings. For major sites in other urban areas, there is a target of 1,350 dwellings.

8.29 The Slough Housing Strategy (2017) advises that housing demand is set to increase further with the expansion of Heathrow, the regeneration of the Town Centre, the introduction of Crossrail offering reduced commuter journey times into central London and the promise of future fast rail links with Birmingham and the North with HS2. Substantial numbers of new homes are already planned as part of Slough's regeneration, but demand for new housing will also continue to increase due to the growth in employment opportunities and

population in the borough. It is important to achieve a balance in the new housing which is provided.

- 8.30 Due to the above context, the provision of housing at this sustainable town centre location is supported in principle subject to a consideration of detailed planning requirements identified in the Local Plan, Supplementary Guidance, Core Strategy and NPPF.

#### Housing Mix

- 8.31 Core Policy 4 sets out requires high-density housing should be located in Slough town centre. The supporting text to Policy 4 notes that to ensure that an appropriate amount of housing is provided in suitable locations, the Core Strategy has to ensure that there is a wide choice and mix of housing to meet local needs. One of these consequences of implementing the Spatial Strategy of “concentrating development” is that there will be a predominance of high density flats built in the town centre. The proposed development comprises 100% flatted development acknowledging the physical constraints of the site and that the location is generally less suitable for family units given the lack of car parking and external garden spaces, and a more efficient typology of housing would comprise smaller 1 and 2 bed apartments. The dwelling mix comprises the following:

Unit Type	Number	Percentage
1-Bed 2 Person	49	61%
2-Bed 4 Person	33	39%
Total	82	100%

- 8.32 An Accessibility strategy has been submitted within the Design and Access Statement which includes full details of how occupants will access each part of the property and circulate within it. Slough planning policy ‘Developer Contributions and Affordable Housing (Section 106); Developer’s Guide Part 5 requires 5% of homes to be wheelchair standard on all developments of 25 or more dwellings. The proposals provide 82 units of which 5 are wheelchair user dwellings and comply with Approved Document M, Part 1, M4(3). All the other units have been be designed to be fully compliant with the Approved Document M, Part 1, M4(2) Category 2: Accessible and adaptable dwellings. The wheelchair user dwellings are split between buildings A and B. All of the residential units that are not wheelchair user dwellings have been designed to be fully compliant with the Approved Document M, Part 1, M4(2) Category 2: Accessible and adaptable dwellings.

- 8.33 The proposed 1 bedroom flats range from 50-56sqm and 2-bedroom flats range from 70-84sqm. Wheelchair units are provided within 2-bedroom flats and exceed the nationally described space standards. In light of this it is considered that the scheme proposals accord with Core Strategy Policy 4 in terms of the housing mix.
- 8.34 The proposed quality of the residential units has been considered by officers and regard has been given to the detailed floor plans submitted for each apartment as part of the application. All apartments have access to their own private balcony, with some apartments containing a defined private terrace at the front. Block B contains communal roof terraces on the 8<sup>th</sup> and 10<sup>th</sup> Floors with views overlooking Slough.
- 8.35 The Internal daylight results within the proposed development as identified in the daylight and sunlight report show a lower level of compliance, with only 22% of the rooms achieving the BRE guidelines for internal daylight amenity. Considering the urban town centre location, the applicant suggests that this level of BRE compliance (for internal daylight) is not unusual for dense flatted developments. Officers consider that the low levels of BRE guide is symptomatic of the dense nature of the scheme which proposes 3 individual blocks with the tallest block located in the centre of the site. It is therefore considered that the light levels are compromised by virtue of the scale, bulk, siting and massing of the proposals although otherwise, a satisfactory standard of accommodation could be provided.
- 8.36 A Fire Strategy has been prepared by BB7 and submitted as part of this scheme. The fire strategy for the proposed development has been carefully considered given the constrained nature of the site. Buildings A and B are accessed via the first floor podium and given the extended travel distances from the fire service access points, these blocks will be fitted with sprinkler systems. Further to this, a fire service refuge area has been allocated to the entrance level of Block B. The circulation core to building C continues to ground floor level, ensuring that travel distances from the fire appliance to the base of stair are compliant. The commercial and retail areas will each be provided with sprinkler systems and fire escapes to the high Street frontage and rear exits to the service yard and Herschel Street. The Council's Building Control Officer has been consulted in respect of Fire Safety issues and has provided no comment on the application. Notwithstanding this, it is considered that a planning condition could be secured which requires the development to be carried out in accordance with the measures set out in the Fire Strategy.

- 8.37 It is concluded that a satisfactory standard of residential accommodation could be provided within the development subject to the quality of construction, materials and fittings within the building.

#### Affordable Housing

- 8.38 Core Policy 4 of the Core Strategy requires all sites of 15 or more dwellings (gross) to provide between 30% and 40% of the dwellings as social rented accommodation along with other forms of affordable housing. Part 2 of the Developer's Guide identifies how the Council expects that Policy to be implemented. For a proposal of this number of units a 40% proportion would be sought. The Council have acknowledged that site constraints surrounding development of Brownfield land can frequently this leads to a discussion on whether a policy-compliant level of affordable housing can be provided on the site, following a full assessment of the viability of the development scheme.
- 8.39 The Council's Viability Guidance for Residential Development (Nov 2017) outlines an "exemption" procedure for brownfield sites (where viability has been identified as an issue by agreement with the Council) has also been prepared and adopted, whereby a slightly reduced level of affordable provision (in this case 35%) may be accepted without a full viability assessment process taking place
- 8.40 The original proposals included provision for 10% affordable housing which has been omitted from the proposals subsequent to the submission of revised drawings. The applicant contends that the reduction of quantum of housing on the site renders the proposals unviable and unable to deliver any affordable housing.
- 8.41 The Council has sought technical advice from BPS (Independent Surveyors) as to whether the development could provide affordable housing in accordance with the policy requirements. BPS has reviewed the original 94 unit development which contained 9 affordable units. The report concludes that the applicant's appraisal inputs relating to use value, build costs, residential pricing, finance and other costs appear generally reasonable and where there are disagreements in inputs, the differences between the council's valuer and the applicant's valuer are minor. The report concludes that the development cannot sustain additional affordable housing or s106 contributions above what was originally offered. The report did not indicate that a lower rise development would be markedly less viable than the original submitted scheme. For this reason, officers have pursued reductions in height of

the development with the central block needing major reductions of height indicating the reduction of 3 or 4 floors may be acceptable in addition to reductions to the fourth floor at Block A.

8.42 In response to officer concerns relating to the scale of development and the potential for adverse localised impacts on the townscape and character of the surrounding areas, officers have sought revisions to the proposals which lower the height of the central block in order to reduce the impact of the development and minimise the level of harm on the built environment. The applicant's advisor provided further viability evidence in order to test notional development scenarios with less residential floorspace (ie: a smaller development involving the loss of 3 residential floors in building B). This evidence suggested that reducing the scale of development would reduce the developer returns and make the scheme more unviable. BPS has reviewed this further technical information and verifies that the applicant's conclusion to be reasonable at the current time of assessment.

8.43 The applicant subsequently submitted revised plans which lower the height of the central block by two floors, and proposes to omit all of the affordable housing in Block A by designating the flats for private for sale. In lieu of on-site provision, the applicant has proposed to make a financial contribution of £200K towards off-site provision of affordable housing in the Borough. The Council's Housing Officer considers this to be a low offer for this site. The absence of on-site affordable housing is regrettable and is considered to temper one of the potential significant benefits which could be delivered by the scheme. Notwithstanding the above, it was understood by Officers that changes to the massing height were required in order to achieve a higher degree of compliance with Local Plan Policy EN1 which seeks to ensure new development is compatible with the surroundings in terms of layout, scale, height, architectural style and materials and Core Strategy Policy 8 which requires the scale and density of development to relate to the site's current or proposed accessibility, character and surroundings, and this would be weighed against the need to make on-site provision of affordable housing. A detailed assessment of the design and appearance of the development and impact on the surrounding townscape is considered in detail below. However, the reduction in height is not considered to fully address the concerns raised by officers at pre-application or post application stages.

8.44 It has been stated by the applicant that the quantum and scale of development which is proposed is the minimum which they are prepared to accept in order to implement the development. Officers

have considered this in the planning balance below, noting that development fails to provide any on-site affordable housing and the reductions in height proposed did not go far enough to address concerns raised throughout the planning process.

8.45 Notwithstanding the below design assessment, it is considered that there is evidence which indicates that the current proposals cannot viably sustain on-site provision of affordable housing, and sufficient evidence has been provided to demonstrate this position. Officers are concerned about the failure to provide on-site affordable housing, irrespective of the financial contribution, and this tempers any additional benefit in terms of increasing the supply of new housing in the planning balance.

#### **8.46 Design and Impact on the Streetscene and Local Townscape**

8.47 Saved Policy EN1 requires development proposals to reflect a high standard of design and must be compatible with, and/or improve the surroundings in terms of layout, scale, height, architectural style and materials. Policy CP1 of the Core Strategy states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will not be allowed in locations that lack the necessary supporting infrastructure, facilities or services or where access by sustainable means of travel by public transport, cycling and walking are limited. Policy CP8 of the Core Strategy states that all development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.

8.48 Policy CP8 defines High Quality Design as to: a) Be of a high quality design that is practical, attractive, safe, accessible and adaptable; b) Respect its location and surroundings; c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style. Policy CP8 requires that the design of all development within the existing residential areas should respect the amenities of adjoining occupiers and reflect the street scene and the local distinctiveness of the area.

8.49 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development and provide for an

appropriate mix of uses, respond to local character and history, create safe and accessible environments which are visually attractive.

- 8.50 The applicant has engaged with officers in the design process in accordance with the advice set out in the NPPF. However, the design and access statement submitted with the planning application demonstrates that the applicant did not have full regard to the pre-application advice provided by planning officers. Hence, the overall scheme height increased through the design evolution before returning to the 14 storeys in the submitted scheme. The High Street and Herschel Street blocks A and C were reduced taking into account pre-application officer advice which referred to the predominant heights of 3 and 4 storeys.

#### Layout

- 8.51 The ground floor proposes two retail units facing onto the High Street with the residential entrances and commercial deliveries from Herschel Street. To the Southeast side of the site is a turning head with a gate to Herschel Street. The turning head will provide access for deliveries to the retail unit as well as collecting the residential and commercial refuse. Along the West side of the ground floor is the residential entrance, via an undercroft, and a circulation route to the residential units above. Between this and the turning head is the residential refuse and cycles stores. This arrangement has been amended in response to concerns raised by the Crime Prevention Design Advisor to ensure the cycle stores are adequately secured and to avoid conflicting functions from the various land uses.
- 8.52 The residential accommodation is split between three blocks (A, B and C) with a landscaped podium in between the blocks. This allows for the proposals to comprise 100% dual aspect units. Block A (5 storeys) faces onto the High Street. The first floor flexible D2/B1 use created a buffer between the residential accommodation directly over the High Street and the ground level commercial floorspace. The D2/B1 unit would have an independent access from the High Street. Block B (12 storeys) will be positioned in the middle of the site. Block C (5 storeys) will face onto Herschel Street and the podium and will feature the primary residential entrance.
- 8.53 The separation of the development into three buildings facilitates the provision of dual aspect units across the site which each face north and south. As a result, there will be windows within the east and west elevations which will require measures to prevent potential overlooking

of neighbouring plots. The mitigation will also need to consider the potential future development opportunities within the existing adjoining under utilised buildings which may come forward for future redevelopment on a piecemeal basis (as standalone developments) or as a comprehensive development. The degree to which the proposals are considerate of the development potential of adjoining sites is discussed in detail below.

- 8.54 In light of the above, it is considered that the layout of the proposed development represents an efficient but cramped use of the land noting its linear the shape and the limited opportunities for creating further primary frontages to the east and west.

#### Scale, Massing and Height

- 8.55 Core Policy 8 seeks high quality design of a height which is in accordance with the Spatial Strategy. The Spatial Strategy encourages significant intensification of uses in locations with the necessary infrastructure, service and accessible means of travel, whilst also respecting the site's current or proposed character and surroundings. The Town Centre is identified as a suitable location for intensified uses and taller forms of development in certain locations.
- 8.56 **Building A:** The overall height of Building A is 5 storeys although given the floor to ceiling heights in the lower levels, is comparable to 6 storeys with the upper three floors appearing above the height of the adjoining three storey buildings. The height and scale of block A is part set back (at the western corner) to respond to the setting of the neighbouring property at No. 200-202. The proposed 5 storey building significantly exceeds the height of its immediate neighbours which comprise 3 storey buildings. The height of Block A is accentuated within the streetscene by virtue of 208-212 being set back from the frontage above ground level and the more pronounced double height retail frontage which emphasises the additional height as three storeys above the adjoining 200-202 High Street. As such, the double height ground and first floor commercial component extends up to match the roofline of the adjacent Locally Listed Building (Nos. 200-202 High Street). The upper storey corner adjacent to Nos. 200-202 High Street is set back from the High Street frontage to add visual interest to the elevation and improve the setting of Nos. 200-202 High Street whilst emphasising its importance within views along the High Street.
- 8.57 It is considered that the CGIs and townscape viewpoints demonstrates that the proposed High Street block would stand out from the

immediately adjoining buildings, which in this part of the town centre context appears visually excessive. It is considered the block has potential to have a negative impact on the existing setting as a result of the scale, height and massing and this could appear visually overbearing on the High Street which contains buildings three storeys lower on either side of the site.

8.58 **Building B:** Following extensive Townscape analysis, the height of Building B has been reduced to 12 storeys in response to officer concerns. Block B represents the tallest element of the proposal. 8 and 10 storey elements located adjacent to the site's eastern and western boundaries act as transitional elements.

8.59 The mass of Block B is focussed centrally in the site. The building would have a strong presence in views along the High Street and from the residential areas to the south. Given the two storey residential areas to the south, it is considered that the height of the building would result in some significant visual obstruction from residential properties in Herschel Street, Victoria Street, Hencroft Street and Alpha Street North by virtue of introducing a taller element in an otherwise clear skyline. The domestic status and function of this area was recognised in an Appeal Decision (APP/J0350/W/15/3003423) at 9-10 Chapel Street (for a 5 storey building) in close proximity to the site in which the Inspector considered that:

*I share the Council's view that any development on this site should have regard to the status and function of Chapel Street within the town centre, and the nature and form of the surrounding area. Chapel Street clearly does not form part of the town's shopping or commercial centre but acts almost exclusively as a service road. There is no evidence before me to indicate that the Council sees its current role changing significantly in the near future and because of this I can understand why the Council has reservations about further new development at this location.*

8.60 The inspector concluded:

*Overall, I find that it would appear harmfully out of keeping in this setting and would fail to respect its location and surroundings as required by the aforementioned policies.*

8.61 Like with the Chapel Street Appeal, The upper 6+ floors of Building B would be viewed above the height of the lower rise Herschel Street and High Street buildings from surrounding public spaces, residential

and commercial properties and from gardens in the residential area to the south.

- 8.62 The proposed height significantly exceeds the low to mid rise older buildings (2-4 storeys) on the High Street. NPPF and taken as a whole, the development does not reflect the scale and character of the existing built form in terms of the immediate context.
- 8.63 The height of the Building B is significantly taller than the majority of buildings on the High Street (with the exception of the Sky Line Development). It is considered that this element of the development, in the current urban context would therefore read as an incongruous and unwelcome landmark building which performs no strategic or important townscape role. Although the upper floors would protrude above the heights of the majority of buildings in the vicinity, the form of the building is stepped at the corners so it is not read as one single tall tower in a clear skyline. However, these measures would not overcome the concerns of the sheer height of the building and the disparity with the adjoining and nearby buildings on the High Street.
- 8.64 There is no current adopted local planning guidance on the location of tall buildings in the High Street or within the central area, so officers have considered best practice guidelines in terms of the positioning and design of Tall Buildings. (Commission for Architecture and Built Environment) CABE produced guidelines in 2007 which advises designers to have due regard for the townscape role that tall buildings can perform in terms of their strategic way-finding importance and/or the degree to which they would blend in and respect the prevailing height and massing of buildings in proximity (in amongst other criteria). Notwithstanding this, the proposed development would not perform a strategic way finding role, does not form part of an existing vision for the town centre and would not address an important public space/key view. As such, the guidance does not lend itself to supporting a tall building within a planned context.
- 8.65 **Building C:** The proposed height of Building C is 5 storeys Building C represents an increase in height of 3.8m compared to the existing rear of the building. The building has a continuous frontage on Herschel Street and the ground floor been designed to denote a clear distinction between the residential entrances and entrance into the service yard associated with the ground floor retail function. The raised height of the ground floor level adds to the accentuation of the scale of the 5 storey block and the degree to which this building is read within the

surrounding low rise context on Herschel Street, Hencroft Street, Alpha Street and Chapel St.

- 8.66 The scale, massing and height of Building C is considered to compound the massing and height of the development, particularly with the central building B being read in almost all of the local viewpoints (as identified in the TVIA) and within rear gardens. The combined effect of the massing of Building C and B adds to the incompatibility of the development in terms of the relationship with the existing building and in respect of the immediately adjoining and adjacent buildings. At 5 storeys, the building would be read as a taller and more prominent building in the streetscene than the existing and it would appear larger than the two storey properties to the south. It is considered that the combined effect of Block C with Block B adds further harm to the townscape setting and character.

#### Materials and Façade Treatment

- 8.67 Block A: The lower part of the facade for Block A will be finished in a reddish brick and the upper part of the building will be finished in a light grey brick to lighten the appearance of the building and reinforce the line of the High street. To the rear of block A, the stairwell will be surrounded with a cast glass 'u' channel wall to lighten the building's appearance and reduce the overall massing of the building. The lower floors will be in a reddish brick with white glazed brick details around the window openings to the retail and commercial units. The brickwork will add some surface interest and complement the adjacent red brick building, which has detailed brickwork to the gable end and around the openings. The reddish brick will be similar to the adjacent historic buildings while the glazed brick detail will lighten the façade. The windows to the lower part of the facade will have an light grey powder coated finish.
- 8.68 Block B is formed of four smaller blocks that intersect and this is reflected in the elevations. The finishing material is used to create a distinction between these different massing elements. The taller blocks will be finished in a light coloured brick and the shorter elements will have a reddish brick finish. On the top two/four floors of curtain walling will be used to create a visual gap between the two massing elements..
- 8.69 To break up the facades of block B, the facades on all sides will be split into 2/3 storey sections. Lines of vertical bricks will separate these sections. Within each section there will be recesses within the brickwork which will be the full height of the section. The windows and

balcony doors will be within these recesses. To the facade of the two main massing elements, there will be aluminum panels between the windows, in each of the recesses. In the secondary massing elements, the recessed will have an entirely brick finish. To break up the facade further some of the sections will have solid panel projecting balconies. The other balconies will have steel flat railings with a powder coated RAL 7006 finish.

- 8.70 The elevations to Block C will have the similar language to Block B with the exception of the ground floor treatment to Herschel Street. At ground floor, the elevation has been designed to create a distinction between the residential entrances and the entrance to the service yard. The wall next to the residential entrances will be finished with cast glass 'u' channels. The entrance gate to the service yard will have a corrugated perforated metal finish. The wall at ground floor level will be finished in glazed bricks to create surface interest and an active streetscape. To the rear the staircase will be finished with cast glass 'u' channels.
- 8.71 The applicant has submitted an IBstock (Ivanhoe Cream) sample and Vandersanden (light grey) sample both with mortar specifications confirmed in the DAS. The IBstock comprises the darker brick with the Vandersanden comprising the lighter brick to be used in all three buildings. Both samples could be acceptable in terms of their colour, robustness and quality in order to relate to the surrounding tones and materials within adjoining buildings. The proposed powder coated window framing system and balcony panels/balustrades is to comprise RAL 7006 (which has a champagne-like colour) which is considered to be acceptable. Notwithstanding the above, the use of these materials and potential quality of architecture would not overcome the concerns raised in respect of scale and height
- 8.72 The applicant has submitted detailed bay studies of the three blocks to illustrate the window reveals, brick detailing, glazing/window proportions, balcony design and colour tones/combinations of materials. Further bay studies are required to illustrate the recessed brick reliefs within the flank elevations. The reliefs will perform an important architectural role in creating further visual interest in the east and western elevations which would be seen in views up and down the High Street. Samples of the entrance gates and the cast glass 'u' channels in the stair towers would have been required as condition.

- 8.73 Paragraph 91 of the NPPF requires planning decisions to promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. These objectives are consistent with Core Strategy Policies 8 and 12, and Local Plan Policy EN5 which requires development proposals to be designed to reduce the potential for criminal activity and anti-social behaviour. This has been addressed within the scheme which provides secure entrances, separation of cycle storage with the commercial servicing areas, and a separation of the commercial first floor with the residential components which ensure there will be no conflicts between the different uses.
- 8.74 Additional detailed provisions have been incorporated into the internal layout of the buildings to ensure compartmentalisation of each floor level, with provisions for access controlled systems to improve safety and security of the dwellings. These provisions were made on the advice of the Crime Prevention Design Advisor and a planning condition is recommended to ensure that the applicant used best endeavours to achieve a gold standard Secure by Design certificate for the development. Officers consider that the provisions incorporated within the development to reduce opportunities for crime and anti-social behaviour would create an improvement to the existing condition of the site. With good design practice (in terms of building frontages, lighting systems and in-built access/security systems), that the proposals would demonstrate compliance with Local Plan policy EN5, Core Strategy Policies 8 and 12 and the NPPF (2019) in terms of the provision of a safe and secure environment.

#### Townscape

- 8.75 A Townscape and Visual Impact Assessment (TVIA) and Revised TVIA have been submitted which set out a detailed analysis of the site context, identifying a series of current townscape character areas at High Street, Heart of Slough, Park St/Victoria St Residential Area and Wellington Street upon which the impacts of the application scheme are assessed. This is complemented by a series of verified views of the Site, including Accurate Visual Representations of views in either rendered or wireframe form. A total of 15 representative viewpoints were considered from the surrounding area.
- 8.76 The applicant's assessment found that the proposed development would result in beneficial visual effects in local views where viewed in the context of other built form associated with the Town Centre and where the improved High Street frontage would be apparent. The report

considers there would be some limited and localised minor adverse effects when viewed along Herschel Street. However, the report identifies that the proposed development is of a comparable scale to the cumulative developments and when viewed from the south integrates within the emerging context to denote the Town Centre skyline. The TVIA considers that the development would have a negligible impact mid-range and long-range views.

- 8.77 The TVIA acknowledges that Building B would be noticeable from a townscape perspective but the applicant's townscape consultant report considers the building would appear well proportioned and its articulation would effectively break down the mass of the tall building. The applicant considers that the brickwork palette would be robust to ensure the development is capable of complementing the character of the local townscape and the height of the building would enhance the legibility of the Town Centre.
- 8.78 Overall the original TVIA concluded that the proposed development would have a beneficial effect on the townscape character of the site due to the introduction of high-quality built form of an appropriate scale, design and materiality to the site's urban Town Centre location. Officers have carefully considered the conclusions of the TVIA and have given due regard to the impact on visual receptors (within the identified viewpoints) and character areas, including the cumulative context which highlights emerging development schemes.
- 8.79 Officers consider that the original TVIA significantly underplays the sensitivity of visual receptors within the viewpoints (particularly those within residential viewpoints) and the townscape quality and sensitivity of the Town Centre and Park St character areas. As such, the results are considered to be greatly overplayed in terms of their benefits and officers consider that there are greater levels of harm to the townscape character areas and to visual receptors to result from the development. A revised TVIA has been submitted following the revisions to the central building. It is considered that the revised TVIA demonstrates a slight reduction in the level of harm to the local townscape character areas and visual receptors, to an extent which results in only minor adverse impacts in the non-cumulative scenarios. In the cumulative scenarios, the particular viewpoints demonstrate some minor improvements from the previous scheme massing with the top of the central building appearing more discretely hidden from the viewpoints (with the other developments in situ). Notwithstanding this, it is considered that officers have identified adverse impacts on the High

Street and Residential Townscape Character Areas; and to viewpoints 1, 2, 3, 4, 5, 7 and 11 in the TVIA.

- 8.80 In conclusion, the proposed height, scale, massing and bulk of the development has been carefully considered through extensive townscape analysis massing studies and pre-application feedback. Overall, the significant increase in scale of development cannot be suitably accommodated within the site without appearing significantly overbearing on the surrounding townscape. The proposed height and massing are therefore considered to be incompatible with surrounding context and would fail to comply with the criteria set out in within Policy EN1 of the Saved Local Plan Policies and with Core Policy 8 which require new development to relate to the surrounding context.

#### Future Development

- 8.81 The Council is in the process of preparing a planning strategy for development in the Town Centre which aims to provide a framework for future sustainable development in order to promote comprehensive regeneration and restore vitality and activity to the centre of Slough. The Strategy identifies potential locations where tall buildings are suitable and offers high level guidance on the character, building height and form of development (amongst other matters). The Strategy promotes and seeks to safeguard the potential for major and comprehensive redevelopment of the Queensmere and Observatory Shopping Centres.
- 8.82 The proposed strategy recommends that building heights are designated accordingly within zones, which provide guidance on whether development should be low, medium or high rise. The application site falls into a low rise zone. The strategy advises that all buildings along the south side [of the High Street] respect the scale of the High Street and the primary frontages and entrances are from the High Street. This mirrors the generic design criteria in Local Plan policy EN1.
- 8.83 The Emerging Town Centre Strategy identifies that opportunities exist for a variety of landmark buildings which will mark key views into and across the centre of Slough, and create a new and varied skyline for Slough. The building heights must have regard to sensitive long distance views, particularly from Windsor Castle, as well as the setting of the Castle viewed from the Copper Horse and the setting of important local buildings such as St Ethelbert's Church and the railway station building. The approach to tall buildings was developed in the

Heart of Slough strategic site allocation in the Local Plan. As such, tall buildings will be embraced (within the framework) but only in certain locations and only if they are in accordance with the strategy and subsequent adopted policies and guidelines. Although the application site is not a site where taller buildings would be directed in the strategy, the development must therefore be considered on its merits taking into account design quality, townscape impact and the scale, height and massing of the surrounding buildings/context.

- 8.84 Notwithstanding the above, the strategy is at an early stage in its preparation and any site specific guidance pertained therein can only be afforded very limited weight in the planning assessment. However, as the proposals have come forward in advance of the strategy, the applicant has submitted an appraisal of the immediate context to suggest how adjoining sites could come forward for development, on a piecemeal standalone site by site basis or as part of a comprehensive form of the development.
- 8.85 Officers have reviewed the appraisal which shows that adjoining sites developed at an appropriate scale and density commensurate with the town centre location. The analysis shows that there could be some potential conflict as a result of flank windows (in proposed building B) which could overlook and be overlooked by adjoining sites, were they to come forward for residential or commercial uses. As such, the current floorplan would give rise to a scenarios whereby the development potential of adjoining sites would be unfairly limited by virtue of the potential existence of number of flank windows on both east and western flanks. It is considered this would unreasonably compromise and prevent the adjoining sites from being developed to include residential uses and is demonstrable of a scheme which is prejudicial and un-neighbourly.
- 8.86 In conclusion, it is considered that the proposals are capable of unreasonably prejudicing the development potential of the adjoining sites which would undermine the emerging planning framework for the Town Centre and fail to be sympathetic to the local context contrary to Local Plan Policy EN1.

#### Conclusions on Design

- 8.87 Overall, the application proposal is not capable of achieving an acceptable standard of design by virtue of the scale, massing, height and bulk appearing at odds with the prevailing low-rise urban context. It is considered that the proposed improvements to the physical

appearance of the current building are tempered by virtue of the excessive scale, height and massing.

- 8.88 In conclusion, the proposed scale, bulk, massing and height of the development would form a new visually dominant local landmark building which would result in a significant degree of harm to the local townscape and character of the local area. Therefore, it is our view that the harm to the townscape is significant enough to achieve a level of incompatibility with the area which fails to address the criteria in the Local Plan Saved Policy EN1, Core Strategy Policy 8 and Core Strategy Policy 9.

#### Trees

- 8.89 Saved Policy EN3 sets out that a comprehensive landscaping scheme will be required for all new development proposals. Where there are existing trees which make a significant contribution to the landscaping, these are expected to be retained and incorporated into the new scheme. Saved Policy EN4 adds that if the removal of one or more trees is permitted as part of a new development, an equivalent number or more of new trees, of a similar size or species must be planted as near to the location of the removed tree(s).
- 8.90 There are a few low grade trees in the centre of the site on the western boundary but none are considered to be appreciable amenity value to sustain their retention. The Borough's Arboricultural Officer raises no objections to the proposals.
- 8.91 The proposals are considered to be compliant with Local Plan policy EN4.

#### Heritage

- 8.92 Core Policy 9 sets out that new development will not be permitted unless it protects and enhances the historic environment and respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations. Saved Policy EN17 sets out that special attention will be given, in the exercise of the development control function, to the retention and enhancement of locally listed buildings and their setting. NPPF (Para 197) requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage

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

- 8.93 Slough Town Centre contains a number of locally listed buildings, with the key listed buildings outlined within the Heritage Statement. The majority of these sites are situated further to the west of the High Street towards the junction with Windsor Road. The two closest locally listed properties are No. 200-202 High Street which abuts the site's western boundary; and 194-198 High Street which is immediately west of No. 200-202 High Street.
- 8.94 The alignment of the top of the first floor with the height of No. 200-202 seeks to ensure that the proposals respect both of its immediate neighbours. The north-west corner of building A has been pushed back which reduces the width of the elevation and upper floors of the façade. This move is considered to suit the more traditional narrower frontages of the existing properties to the High Street. In reducing the proximity between the upper floors of Building A and No 200-202 a more sympathetic relationship is secured between the two properties. Notwithstanding this, the additional height differential between the development and the adjoining sites is three storeys when viewing the site from the east and west. This represents a substantial increase in height which challenges the smaller scale and lower rise character of these buildings which form the immediate context of the development. The height of Building A, combined with the presence of Building B to the rear has potential to undermine the vernacular character of the locally listed buildings which amounts to some less than substantial harm to the setting.
- 8.95 Section 66 of the Planning (Listed Buildings & Conservation Areas) act 1990 requires decision makers, in determining planning applications which affect a listed building or its setting, to 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. The NPPF requires in considering the impact of a proposed development on the significance of a designated heritage asset that great weight be given to the asset's conservation. The more important the asset, the greater weight should be. National planning policy also states that significance can be harmed or lost through development within its setting. Further, the policy states that any harm or loss should require clear and convincing justification.
- 8.96 There are no listed buildings in the immediate vicinity of the site and the site is not within or adjacent to a conservation area. The significance of

the nearby locally listed buildings has been assessed as low (given their non-statutory status), but the setting of the locally listed buildings is highly sensitive to change considering the development immediately adjoins 200-202 High Street.

- 8.97 The proposed development would change the setting of the locally listed buildings and would result in a greater scale of development. Given the significant increase in scale and height, and proximity to the locally listed buildings it is considered that there would be some less than substantial harm to the setting of the locally listed buildings in NPPF terms. Nonetheless, such level of harm is on the lower end of the scale of less than substantial harm given the heritage assets are non-statutory and the assets themselves remain unaffected.
- 8.98 The proposed development would also be partially visible from the northern terrace of Windsor Castle (a Grade 1 Listed Building/Scheduled Ancient Monument) but given the scale (at 12 storeys) the development would be seen alongside other substantial buildings in the established modern townscape of Slough at a considerable distance away. It is considered there would be a neutral impact on the setting and significance of Windsor Castle which would not amount to harm in NPPF terms.
- 8.99 It is considered that the development is sympathetic and considerate of the statutory assets but will result in some less than substantial harm to the non-statutory asset. Therefore the proposal fails to meet the requirements of Local Plan Policy EN17 which requires the retention and enhancement of the setting of locally listed buildings. Officers have in the above paragraphs demonstrated how the statutory duty to have a special regard to the desirability of protecting the setting of the nearby locally listed buildings has been applied, alongside the NPPF guidance.

#### Density

- 8.100 At the national level, Section 11 of the NPPF requires that planning policies and decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions, maintaining the prevailing character and setting, promoting regeneration and securing well designed, attractive and healthy places. Paragraph 122 of the NPPF relating to achieving appropriate densities states that in supporting development that makes efficient use of land, it should taking into account of the importance the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

Core Policy 1 sets out that proposals for high density housing will be located in the appropriate parts of Slough town centre. Elsewhere, the density of development will be related to the site's current or proposed accessibility, character and surroundings.

- 8.101 Core Policy 4 of the Core Strategy states that 'all new residential development will be constructed at a minimum net density of 37 dwellings per hectare'. Table 1 within the Core Strategy outlines the density ranges afforded to different location types within the Borough. Developments within the Town Centre should target densities of 70 dwellings per hectare or higher. No maximum density is allocated to Town Centre sites. As such, density will be dependent upon the overall strategy for that location and upon achieving a high standard of design which creates attractive living conditions.
- 8.102 The Issues and Options document for the Emerging Local Plan indicates that it will continue to support high density development, as identified within part (c) of its key objectives: 'c. To support innovation, growth and regeneration and ensure the Town Centre is the focus for high density housing and major retail, leisure, office and cultural development'. Furthermore, Part 1 of the Council's Brownfield land register allocated a minimum of 50 net dwellings on the site which suggests that a higher density development could be acceptable, subject to detailed design..
- 8.103 The proposed scheme has a density of 337 dwellings per hectare which is below the 500 dph scheme referenced in the Core Strategy.
- 8.104 The design approach results in the significant intensification of use of the site which would provide floorspace for 82 new homes above an extended ground floor podium, which provides flexible commercial floorspace at ground and first floors to modern standards and efficiencies. The housing is to be designed to meet the needs for smaller households, including small families. All the units will meet or exceed internal space standards and the proposed layout has been designed to avoid single aspect units.
- 8.105 The layout of the development provides sufficient separation distances between each of the blocks to ensure there will be no significant overlooking or loss of privacy between individual units. Each new dwelling will be provided with private outdoor space in the form of balconies as well as having access to a landscaped podium space and upper floor roof terraces at levels 8 and 10 in Building B.

8.106 The proposed new dwellings will provide new housing and contribute towards housing needs. This is considered in the planning balance, against other policies in the Local Plan, Core Strategy and NPPF in terms of achieving a good standard of design.

8.107 Notwithstanding this, it is considered that the proposals demonstrate clear symptoms of over development by virtue of the need to substantially increase the scale of development in relation to the established scale in the area and would result in some lower rise dwellings having poor quality outlook and light levels. For these reasons, the proposals have not demonstrated how the proposed density of development could be achieved on this site.

### **8.108 Highways and Transport**

8.109 Paragraph 108 of the NPPF 2019 states that in assessing specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

8.110 Paragraph 109 of the NPPF 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.

8.111 Paragraph 110 of the NPPF states development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport and appropriate facilities that encourage public transport use. It also states applications for development should create places that are safe, secure and attractive, minimising conflicts between pedestrians, cyclists and vehicles and allow the efficient delivery of goods and access by service and emergency vehicles. Development should also be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 8.112 The applicant has prepared a Transport Assessment to consider the transport and highways impacts of the development.
- 8.113 Car Parking: No car parking is proposed as part of the development. The Council's parking standards (set out as guidelines in the SPG) would require the following provisions:
- 8.114 SBC's Developers Guide Part 3 identifies that for a residential development of this type within the current Town Centre boundaries, 0% car parking could be achieved. Core Strategy Policy 7 requires maximum restraint to be applied to parking for residential schemes in the town centre. The car parking restraint reflects the emerging planning policy direction and Transport Vision (which applies maximum restraint on car parking). The current policy for the rest of the Borough advises that the level of parking within residential developments must be appropriate to both its location and the scale of the development. It must also take account of local parking conditions, the impact upon the street scene and the need to overcome road safety problems and protect the amenities of adjoining residents. It should be noted that these standards are from 2008 and the emerging policy demand that developments in sustainable locations should reduce the reliance on car ownership and encourage more sustainable modes of transport. The justification for the parking provisions are set out in the Planning Statement and Transport Assessment submitted in support of the proposals
- 8.115 The application site is located within the town centre, with easy access to the A4 which is served by regular bus services. It is also within a 10 minute walk of Slough Railway Station and has good access to local facilities and shopping areas both in Chalvey and the Town Centre. Furthermore the proposal benefits from a full complement of 83 cycle parking spaces on site to encourage sustainable modes of transport which is further supported by good walking and cycling links near the site linking them to the A4 corridor and other major routes.
- 8.116 Given site's sustainable location within the town centre and combined with the easy access to alternative public transport modes in vicinity of the site, it is considered that a car free development would be acceptable. Furthermore, the proposals are supported on the basis that the development would provide a financial contribution towards the local EV Car Club 36 & 37 as identified in the Low Emission Strategy (LES) for the Borough. Planning obligations are recommended which ensure that residents in the development (with the exception of Blue Badge Permit Holders) cannot be issued with, or apply for, Controlled

Parking Permits for the local CPZ. This will ensure that the surrounding streets will not be affected by additional cars from residents in the development (who own cars), and (in accordance with the measures set out in the Travel Plan for the development) will therefore encourage need for residents to utilise other sustainable forms of travel.

- 8.117 It is recognised that the level of car parking is a concern that has been raised in the consultation responses. However, the car free provisions acknowledges that there is a pressing need to reduce the impacts of car born traffic on the local roads, for environmental reasons including the need to improve air quality levels and to deliver sustainable development in accordance with the NPPF core principles. The Council is in its early stages of preparing a Transport Vision for Slough for the next 25+ years and the adoption of car parking restraint coupled with a modal shift to more sustainable modes of travel is central to the Vision which aims to reduce traffic, improve air quality improve the environmental quality of the town and deliver economic regeneration to encourage people to work, live and stay in the area. It is considered that the level of car parking within the development is appropriate on the basis of its central and accessible location, cognisant of a sustainable urban development which is in accordance with the NPPF guidance and the emerging transport policies being prepared by the Council. It is considered that the absence of car parking within the site would not cause severe harm in NPPF terms, subject to the provisions set out in the planning application and planning conditions/obligations.

#### Cycle Parking

- 8.118 The current SBC Developers Guide Part 3 refers to a minimum provision of 1 cycle space per unit for residents. The applicant is proposing a total of 95 cycle parking spaces located in a cycle store with access from Herschel Street. 21 spaces will be in Sheffield stands and 74 spaces will be in two tier racks. Visitor cycle parking will be provided in addition to the residential cycle storage where three Sheffield stands within the undercroft of the building between gated entrances will provide parking for six bicycles.
- 8.119 Two retail cycle parking spaces will be provided within each of the retail units – four spaces in total. Cycle parking will be located to the rear of each unit comprising two Sheffield stands within each unit and complemented by shower rooms, drying area and lockers for the storage of cycling equipment such as helmets and panniers. The general principle and proposed capacity of the secure cycle parking

areas are in accordance with SBC guidance and is considered acceptable.

#### Car Club

- 8.120 It is recommended that the development makes provision to support the Council's emerging EV Car Club scheme by way of the provision for a financial contribution towards off-site projects 36 & 37.

#### Refuse Storage & Collection

- 8.121 The residential and commercial refuse stores are primarily positioned to the south of the site, allowing for access for refuse collections from Herschel Street. The residential and commercial refuse will be collected via the service yard. The service yard provides access to both refuse stores. Three residential refuse stores are proposed store 1, located along the West side of the building and store 2 & 3, located adjacent to the service yard. On collection days the building management will move the refuse bins from bin store 1 and the commercial bin store into bin store 2 for collection. The ground floor layout has been amended to switch the location of the building C cycle stores with the building C refuse store. Furthermore, the location of the internal door to the building B refuse store has been moved to the entrance lobby area to Blocks A and B to prevent potential entry into the site from the servicing area. The amendments were made in consultation with the Crime Prevention Design Advisor who raises no objections.
- 8.122 In accordance with SBC's Developer Guide Refuse and Recycling Storage for New Dwellings (updated December 2017) the refuse and recycling storage for fats are in the form of 1100 litre euro bins. The number of bins required has been calculated as follows:

#### Refuse:

Provision: 97 litres per fat

Block A:  $97 \times 9 = 873\text{L} = 1$  refuse bin (1100l size)

Block B:  $97 \times 69 = 6,305\text{L} = 7$  refuse bins (1100l size)

Block C:  $97 \times 16 = 1,551\text{L} = 2$  refuse bins (1100l size)

#### Recycling:

Provision: 53 litres per fat

Block A:  $53 \times 9 = 477\text{L} = 1$  recycling bin (1100l size)

Block B:  $53 \times 69 = 3,657\text{L} = 4$  recycling bins (1100l size)

Block C:  $53 \times 16 = 848\text{L} = 1$  recycling bin (1100l size)

- 8.123 The Council's Transport and Highways officer has raised some concerns in regards to the accessibility of the refuse arrangements but raises no objections subject to the above provisions and the detailed plans being conditioned.

#### Servicing & Deliveries

- 8.124 It is proposed that refuse collection for the residential and retail units will be accommodated via a turning head within the south-eastern part of the site. Access to this area will be from the rear of the building on Herschel Street, providing access to the bin stores for all units.

- 8.125 Similarly, delivery vehicles for the retail units will use this turning head and these will be scheduled to avoid simultaneous deliveries. The turning head will allow delivery and servicing vehicles to operate within the site and without disrupting the flow of vehicles along Herschel Street. The Swept path analysis shows that a HGV can turn around within the site but the drawing does not identify the vehicle used. Therefore, officers require details of the HGV used so that it can comment on the acceptability of the swept path analysis. Also, this drawing does not show that the HGV can satisfactorily turn left into and left out of the site from Herschel Road and the applicant needs to provide a plan that demonstrates that these manoeuvres can be undertaken safely.

- 8.126 The service and delivery access for the commercial units will be from Herschel Street. Deliveries will enter into a dedicated service yard with a lockable gate. The commercial units on the ground floor will have direct access to the service yard and the residential and commercial bin stores will also be accessible from this yard for collections.

- 8.127 A residential delivery/loading bay will be located in the south east corner of the site for delivery vehicles to park for a short period to deliver goods via the residential entrance where post/delivery lockers will be located. Highways Officers have raised concerns about this location and have requested a further demonstration of the safety provisions, particularly as vehicles may end up reversing onto Herschel Street which could result in some conflict with pedestrians and highway users.

#### Highway Safety

- 8.128 The applicant has reviewed the STATS19 PIC data for the area surrounding the site for the most recent five-year period (2013-2017)

for which data is available from the DfT. They advise that given the nature of the pedestrianised High Street, there have been no collisions to the north of the site on this stretch of street. To the south, the area reviewed covers Herschel Street between Park Street and Alpha Street North and there have been two collisions. One of these was categorised as 'slight' in severity whilst and one was categorised as 'serious'. Therefore, officers consider that there are no existing patterns of incidents or trends that need to be investigated further or potentially mitigated against. As the proposed development is to be car-free any increase in vehicles on the highway network as a result of the development will be limited to deliveries, service vehicles and taxi services. Officers consider that deliveries and servicing are unlikely to have a detrimental impact upon incidents in the area providing they are carefully managed and occur at times outside of the weekday peak periods.

#### Trip Generation and Impact

- 8.129 The applicant has not assessed the impact of trips from the proposed retail and commercial uses given the reduction in floor area from the existing BHS stores 4,012 m<sup>2</sup> GIA to the proposed area of 1,567m<sup>2</sup> for retail and commercial use. However, the applicant has assessed the impact of the trips from the proposed 94 residential dwellings and officers consider this to be an acceptable approach.
- 8.130 In terms of the trip generation, the Highways Officers have checked the TRICS database and agree with the applicant that there are currently no sites within it that are car free outside of Greater London. Therefore, given that the development is proposed to be car free, subject to the provision of any accessible car parking bays, the LHA considers that most vehicle movements to/from this site will be service/refuse and home deliveries. The current assessment does not set out what the quantum of these service/refuse and home deliveries trips is predicted to be nor has the applicant set out what the procedure is if two delivery vehicles turn up at the same time given that only one loading bay is proposed and that Herschel Street has "at any time" loading restrictions preventing kerbside servicing.
- 8.131 As the applicant is proposing a car-free development and since the site is located within the town centre, considering the lack of car parking being provided will result in an increased demand on the public transport network. As TRICS shows, Public Transport trips are likely to increase to a total of 95 trips daily across the peak hours. During the AM Peak hour, 13 more departure trips are likely to generate and

during PM Peak hour, 15 more arrival trips are expected to generate. Therefore, the developer should make a contribution towards Slough Borough Council's Transport Strategy. This may be used, for example to improve the public transport facilities in the area such as bus shelters, RTPI and seating facilities at the bus stops. This contribution should be secured through a S106 Agreement.

#### Travel Plans

- 8.131 The Travel Plan Statement sets out the information about the site, the proposed development at the site, its accessibility and that the Travel Plan will apply to both the commercial and residential developments on the site. It sets out that a travel plan pack, including what it contains, will be distributed to all residents and commercial operators with updates to be carried out by the estate's management group. The Travel Plan statement does not include any information about mode share targets, base line surveys and what measures are proposed if those targets are not met and any reporting to Slough Borough Council.

#### S278 Highway Works

- 8.132 Further to discussions with Highways Officers, the proposals would require safeguarding a small slither of land on Herschel Street which may be required as part of a road widening plan. The proposals can be delivered without the need for this land. The applicant has agreed to dedicate this land which can be secured in a s106 agreement.
- 8.133 Notwithstanding the need to provide further details and supporting technical information , the proposals are considered to be broadly compliant with the relevant saved transport and highways policies in the Local Plan (T2, T8 and T9) and the Core Strategy (CP7), and the NPPF (2019) and would not result in severe impacts.

#### **8.133 Relationship with Neighbouring Properties**

##### Sunlight, Daylight, Overshadowing, Privacy

- 8.134 There are no specific local planning policies with regards to daylight and sunlight impacts. However, it is considered that high quality development should not cause unacceptable loss of daylight and sunlight to existing occupiers. More generally, Core Policy 8 requires new development proposals to reflect a high standard of design and to be compatible with and / or improve the surroundings in terms of the relationship to nearby properties. The NPPF at paragraph 127 sets out

guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In considering the proposals, officers have had due regard for the impacts on the amenity and living conditions of residents residing within adjoining and adjacent dwellings in the High Street, Herschel Street, Alpha Street, Hencroft Street, Victoria Street and Park Street.

8.135 The proposals have been considered with regards to the impact (of the development) on the existing levels of privacy, daylight, sunlight and overshadowing to determine whether the residential amenity within neighbouring properties would be materially affected. The daylight (and sunlight) conditions within the following properties have been considered in the daylight and sunlight report (which was revised to respond to the amended plans).

- Queensmere Shopping Centre & 221 High Street
- 218-220 High Street
- 230-236 High Street
- 2 & 12 Alpha Street North
- Pegasus Court, Herschel Street
- 1A-38 & 40-41 Herschel Street
- 3 & 9 Hencroft Street North
- 24-27 Bembridge Court, Park Street
- 18-22 (even no.) Park Street
- 9-21 (odd no.) Park Street
- 198-200 High Street

8.136 The daylight report has been submitted by the applicant to assess the effects of the proposals on the daylight and sunlight levels to adjoining occupiers. The methodology and criteria used for these assessments is provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2. The BRE guidelines are the accepted methodology used by local authorities for assessing daylight and sunlight levels. The guidance sets out the primary methods of assessing daylight to existing buildings – the Vertical Sky Component (VSC) and the No-Sky Contour (NSC). The assessment for sunlight to the existing neighbours is undertaken using the Annual Probable Sunlight Hours (APSH). In this case, all three tests have been carried out to assess the impact of the development and officers have reviewed the conclusions of the three BRE tests (for measuring the daylight and sunlight effects).

8.137 The Housing Supplementary Planning Guidance (SPG) and National Planning Policy Framework (NPPF) reiterate the need for a flexible approach in applying policy or guidance relating to daylight and sunlight. It suggests that decision makers should recognise that fully optimising housing on large sites may lead to daylight / sunlight levels departing from those presently experienced but should still achieve acceptable levels of residential amenity and avoid unacceptable harm. This direction is a reflection of the broad objectives of the NPPF to increase supply of housing, make effective use of land and achieve well designed places to ensure all development is sustainable. As such, it is becoming common to refer to retained absolute levels of daylight and sunlight amenity, rather than looking at the change, to determine whether the daylight and sunlight levels as a result of a proposal are acceptable. A Daylight, Sunlight and Overshadowing Report (and addendum) has been submitted to assess the impacts on adjacent properties and public spaces, the proposed accommodation and the communal landscaped podiums.

#### Daylight

8.138 The technical analysis has confirmed that the daylight availability to the great majority of neighbouring buildings would be retained in accordance with the BRE recommendations. The Report confirms that 98% of habitable rooms would receive daylight in accordance with BRE recommended values which is considered to demonstrate a very high level of compliance, noting the urban town centre context. Where technical transgressions have been identified, these are considered to be very marginal shortfalls and would not materially worsen the level of daylight within the affected property (3 Hencroft St) which is served by other windows.

#### Sunlight

8.139 Sunlight availability to neighbouring residential properties that face within 90° of south demonstrates that BRE's recommended values would be satisfied in the majority of the locations. The only exceptions are to first and second floor windows in 189-200 High Street which are likely to comprise bathrooms or kitchens, and are less reliant on access to sunlight. The properties are also served by a second aspect with windows which would be BRE compliant in respect of daylight levels.

#### Proposed Accommodation

8.140 The Report confirms that 22% of the proposed accommodation satisfies the BRE recommended values for daylight levels. This is considered to be at the lower end of results and is symptomatic of the proposed site layout which includes a central tall building adjacent to internal facing buildings A and C. This layout creates a dense and close relationship between the proposed buildings and results in the lower floors receiving sub-BRE-standard daylight levels. It is considered that the resulting values are not atypical of dense urban environments, but it is a symptom of over-development of the site.

#### Over-shadowing

8.141 In relation to overshadowing, the results confirm that the BRE recommendation of two hours of sunlight on 50% of the area on 21 March would be satisfied for the tested part of the High Street. The applicant has provided further sun path analysis (with transient overshadowing plotted) to consider the effects including the conditions on June 21<sup>st</sup>. The results indicate the BRE recommendations of two hours of sunlight would be satisfied in this part of the High Street in June. The transient overshadowing analysis demonstrates that there would not be an over-shadowing problem on the High Street as a consequence of the development. It is noted that there are currently no private or communal external areas (to the properties on Park St, High Street, Herschel St and Alpha Street) so there will be no overshadowing effects to these properties.

8.142 The results of the report confirms that at least two hours of sunlight on 21 March would be available respectively across 91%, 59% and 57% of the scheme's proposed amenity areas, above the minimum 50% recommended by BRE. Overall the quantity of sunlight to proposed amenity areas is good and would satisfy BRE recommended values.

#### Privacy and Overlooking

8.143 The proposed new development blocks have been planned to ensure that there would be minimal direct overlooking between the development and directly facing windows in existing dwellinghouses. The table comprises the (approximate) distances between the development blocks and the closest facing commercial and residential properties.

<b>New Development Block</b>	<b>Closest Existing Facing Property</b>	<b>Minimum Distance (Approx.)</b>
<b>Block B (North Facing)</b>	<b>198 High Street</b>	10m
<b>Block B (North Facing)</b>	<b>200-202 High Street</b>	22m
<b>Block B (Eastern Flank)</b>	<b>206-216 High Street</b>	2.5m
<b>Block A (North Facing)</b>	<b>221 High Street</b>	20m
<b>Block A (North Facing)</b>	<b>Observatory Shopping Centre Entrance High Street</b>	18.5m
<b>Block B (South Facing)</b>	<b>Pegasus Court (Offices), Herschel Street</b>	20m
<b>Block C (South Facing)</b>	<b>36-39 Herschel Street</b>	10m
<b>Block C (South Facing)</b>	<b>40-41 Herschel Street</b>	11m
<b>Block C (Western Flank)</b>	<b>16-20 Park Street</b>	28m
<b>Block B (Western Flank)</b>	<b>4-14 Park Street</b>	30m

- 8.144 The distances between the new development blocks and existing facing buildings is considered to be typical of central urban infill developments. The proposed flats within Building A are over 20m from the south facing commercial buildings on the North side of the High Street. The south elevation of Building C is located further forward of the existing building line and the new flats will be approx. 10-11m from the ground floor commercial properties on Herschel Street and the New Testament Church of God (Herschel Street). There are no residential windows within the properties on High Street or Herschel Street.
- 8.145 There will be windows within Building B located 10-15m from the rear elevation of 198 High Street but there are no habitable room windows affected in this property which appears to comprise ancillary residential floorspace to the ground floor shops. The BRE Daylight Report submitted with the application considers that there are second floor windows which serve a bathroom and a kitchen and staircase on this elevation. The BRE report confirms that there are no upper floor windows on 206-212 High Street that would be affected by the development and so no overlooking will occur between the buildings.
- 8.146 It is considered that the development has an acceptable relationship between the proposed buildings and the existing surrounding properties in these terms. There are very few residential properties within the vicinity and (with the exception of 198 High Street to the west), all existing residential properties would be well over 20m from the development. As such, the development will not give rise to overlooking of any existing residential property.

8.147 The following table provides the approximate distances between facing windows within the proposed units (on Blocks A and C) and windows on the adjacent facades on the central block B.

<b>Block (Unit)</b>	<b>Facing Block (Unit)</b>	<b>Minimum Distance (Approx.)</b>
<b>Block A (West Unit)</b>	<b>Block B (West Unit)</b>	22m
<b>Block A (West Unit)</b>	<b>Block B (Central Unit)</b>	18m
<b>Block A (East Unit)</b>	<b>Block B (East Unit)</b>	22m
<b>Block C (West Unit)</b>	<b>Block B (West Unit) South Facing</b>	21m
<b>Block C (Central Unit)</b>	<b>Block B (Central Unit) South Facing</b>	19m
<b>Block C (East Unit)</b>	<b>Block B (East Unit) South Facing</b>	21m

8.148 The proximity of the flats within the development is considered to be within acceptable tolerances accepting that a 20m separation distance is generally the minimum ideal distance between facing windows (to avoid overlooking). It is considered that as the development is located in the town centre that it is permissible to reduce the standards in order to increase density levels and develop sites within a more efficient and optimal way (in accordance with the Part 11 of the NPPF). It is also considered that the development has been designed with Blocks A and C containing external walkways and stairwells at the rear facades which has the affect of providing a further buffer between facing windows. The detailing of the stair enclosures are lightweight glazed cast U channels within aluminium clad walkway structures which will act as a further impediment to reduce internal overlooking between facing dwellings in the development.

8.149 The following table provides approximate distances between the external circulation spaces (ie: walkways on Buildings A and C); and the private balconies on the south and north facades of Building B.

<b>Block (external circulation space)</b>	<b>Facing Block Balcony edge)</b>	<b>Minimum Distance (Approx.)</b>
<b>Block A Walkway (Levels 2-4)</b>	<b>Block B (Central unit balcony Levels 2-10)</b>	16m
<b>Block C Walkway (Levels 2-4)</b>	<b>Block B (Central unit balcony) Levels 2-10</b>	16m

8.150 It is considered that there will be some overlooking between the private balconies in Buildings B and the facing walkways in Buildings A and C

but given the nature of the external walkways and the cover provided in the structures that the separation distances are considered to be acceptable noting only the lower floors 2-4 could be closer together. On balance, the proposals are considered to be laid out to a satisfactory standard to ensure there would be acceptable levels of outlook within the development.

- 8.151 Taking into account the above assessment, it is considered that the resulting daylight, sunlight, overshadowing and privacy impacts are such that the development is concluded to have an acceptable relationship with adjoining buildings (in terms of residential amenity and the conditions therein), notwithstanding the increased density and scale of development. It is considered that the development has due regard for its dense urban location within Slough Town Centre. It is acknowledged that there would be very few instances whereby daylight would fall (marginally) below recommended BRE levels within isolated windows to adjacent dwellings, but the resultant levels are not unreasonably low for the urban central location, and given the benefits of the development and sustainable location, it is permissible to apply the standards more flexibly, in accordance with the BRE guidelines, the NPPF (2019) and Core Strategy Policy CP8.

## 8.152 **Environmental Impacts**

### Noise

- 8.153 Core Policy 8 states that development should not give rise to unacceptable levels of pollution including noise pollution and should not be located in noisy environments unless the development includes appropriate mitigation measures to limit the adverse affects on occupiers.
- 8.154 An Acoustic Report has been submitted with the planning application which includes a Noise Assessment. The existing noise levels affecting the Site and surrounding area have been established. Using these measured noise levels and national policy and industry standard guidance (i.e. British Standard 8233:2014 and BS4142:2014), an assessment of the acoustic performance of the glazed elements of the external building fabric has been undertaken.
- 8.155 The highest noise level was measured at the rear façade of the development, with a daytime LAeq,16hr at 60dB and a night time laeq,8hr at 53dB. The Council's Environmental Quality Officer advises that this is classified as being at low to medium noise risk.

- 8.156 As a consequence of the above noise assessment for external areas, no mitigation is considered necessary for external amenity areas. In order to achieve the required internal noise levels, an appropriate glazing and ventilation strategy is recommended to be secured by a planning condition post-determination which will require the glazing to meet specified levels and the ventilation to adhere to the British Standard 8233 for various internal rooms.
- 8.157 The Noise Report recommends a range of environmental measures (to minimise disturbance to adjacent occupiers), such as scheduled construction work hours, operating hours, construction plant and equipment compliance with EU noise emission limits, design and use of site hoardings and screens to provide acoustic screening of noise emitting equipment; exhaust silencers to vehicles and plant; use of noise attenuating materials and locating noisy equipment in appropriate positions (etc). It is considered that the above measures can be incorporated into a construction environmental management plan which can be conditioned.
- 8.158 Subject to these conditions, the Environmental Health Officer raises no objections to the proposals. It is considered that with subject to sufficient information being provided to satisfy the conditions, that the policy requirements of Core Policy 8 and the guidance in the NPPF would be met.

#### Air Quality

- 8.159 Core Policy 8 sets out that development should not give rise to unacceptable levels of pollution including air pollution and dust. Development should not be located on areas affected by air pollution unless the development includes appropriate mitigation measures to limit the adverse affects on occupiers. The Guidance in the current NPPF (2019) para 181 requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

- 8.160 The scheme is considered by the Council's Air Quality Officers to have a medium impact on air quality. As such, the scheme only requires an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> and the integration of Type 1 and 2 Mitigation measures, contained in the LES Planning Guidance.
- 8.161 .As the development includes demolition of existing buildings on site, a dust management and mitigation plan is required which should be completed in accordance with IAQM guidance on monitoring in the vicinity of demolition and construction sites (2018), and which can be conditioned. It is also recommended that a Construction Environmental Management Plan (CEMP) is produced and submitted to SBC for approval prior to commencement of works. 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 and all heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report. A contribution to Slough's Town Centre EV Car Club project (Project 36 & 37) to provide future residents of the development additional transport options is to be secured through the s106 agreement.
- 8.162 Subject to the above mitigation scheme, the proposed development does not raise any significant or other residual adverse impacts on the health and / or quality of life for existing residential and commercial neighbours of the site as a result of any anticipated changes to air quality.
- 8.163 It is therefore concluded that the proposed development complies fully with air quality related planning policy at local and national levels, and that any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions, consistent with paragraph 181 of the NPPF.

#### Ground Contamination

- 8.164 The desk-based preliminary risk assessment (PRA) concludes that the potential pollutant linkages have been assessed as having a very low to low/moderate risk. There are no potentially compete pollutant linkages identified with a moderate or higher risk. From a geotechnical standpoint, the report recommends that site investigation works are carried out in order to inspect the competency of superficial and bedrock deposits and to enable the estimation of the allowable bearing pressure for design purposes. Additionally, Standard Penetration Tests

(SPTs) should be undertaken within boreholes to assess the in situ consistency / density of the materials encountered

- 8.165 The Council's Ground Contamination Officer advises that the report is acceptable, its findings are agreed. It is recommended that additional investigation is required, once the building is completely demolished, in order to assess the real ground conditions and update the risk assessment and conceptual site model. Conditions requiring a Phase 2 Intrusive Investigation Method Statement, a Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy and Remediation Validation are recommended.

#### Ecology

- 8.166 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features. Saved Policy EN22 sets out that special account will be taken of nature conservation interest when determining proposals for development which would be detrimental to land which contains features of ecological importance. Ecological appraisals are required where proposed development is likely to threaten any nature conservation interest.
- 8.167 An Eco-Constraints and Preliminary Roost Assessment has been submitted with the planning application. The preliminary roost assessment confirmed the building has moderate potential for roosting bats and further emergence surveys are required on this building. The report confirmed that evidence of nesting birds was present and should be taken into account if works are carried out in the nesting bird season. The report noted that habitats on the site are unsuitable for other species of importance and no evidence of them was found.
- 8.168 In accordance with the recommendations in the report it is considered that further mitigation and enhancement measures are secured (comprising the provision of bat and bird boxes and detailed landscaping schedules) to safeguard any significant existing ecological interest within the site and to ensure net gains of biodiversity.
- 8.169 Subject to conditions, the proposals the scheme is capable of achieving compliance with Core Policy 9 and saved Policy EN22 and other relevant national planning policies an industry guidance with

respect to ecology. Overall, there are no overriding ecological constraints to the development of the site.

#### Flood Risk and Water

- 8.170 Core Policy 8 relates to flood risk and sets out that new development will only be permitted where it is safe and it can be demonstrated that there is minimal risk of flooding to the development. The site is located within a Flood Zone 1 so is not at risk of flooding so it has not been necessary to submit a site specific Flood Risk Assessment (FRA) with the planning application. However, a Drainage Strategy has been prepared which considers various drainage techniques for the site.
- 8.171 The LLFA has requested further technical information relating to infiltration measures and requires further investigations prior to commencement of development. It is considered that these could be secured by way of conditions that requires the approval of a detailed surface water management plan and strategy in addition to a whole life maintenance plan to ensure the surface run-off and on-site landscaping is managed and maintained to an acceptable standard.
- 8.172 As there is minimal flood risk arising from the proposed development and the proposals for the site are designed to manage surface water arising from the site in a sustainable manner, subject to conditions, the proposals are considered to comply with Core Policy 8 and the NPPF. Any further details required by the Lead Local Flood Authority before the development commences can be addressed through appropriate planning conditions.

#### Sustainability and Energy

- 8.173 Requirements relating to sustainability are set out in Core Policy 8. This expects all development within the Borough to be of a high quality design, improve the quality of the environment and address the impact of climate change. The policy sets out a number of sustainable design principles that are expected to be addressed within proposals for new development.
- 8.174 An Energy Statement and a Sustainability Statement have been submitted with the planning application which sets out how the proposed development responds to the planning requirements for energy and sustainability, in terms of energy efficiency, renewable energy sources, overheating and water reduction. The development is designed to target a 15% reduction from 'regulated emissions' as per

the Building Regulations Part L. The scheme maximises energy efficiency, including by incorporating passive measures (listed in the report) to ensure that the overall energy demand does not exceed the limitations set by the Building Regulations. The development proposes to install a 21.42 kWp array of Photo-Voltaic panels on the roofs of the three buildings that would need to occupy approx. 160.7 sqm of area in order to make 15% Carbon Dioxide emissions savings. This would offset 19.51 CO2 tonnes per annum.

- 8.175 Overall, the proposed development achieves a reduction in regulated CO2 emissions of 15% over current Part L Building Regulations. A planning condition is recommended to ensure the development is carried out in accordance with the Energy Strategy and generates no less than the above emission reduction.
- 8.176 A Sustainability Statement has been submitted to demonstrate how both of the proposed flexible ground floor spaces and first floor flexible office/gym may achieve a "Very Good" BREEAM rating including all mandatory requirements.
- 8.177 The Sustainability Report confirms that the scheme has been designed to ensure that all the industry standards with respect to overheating, passive and active strategies have been incorporated. Subject to conditions requiring above measures being incorporated within the scheme, the proposed development is considered to be capable of compliance with the planning policy requirements contained within Core Policy 8 and the NPPF (2019).

#### Archaeology

- 8.178 Paragraph 141 of the NPPF (2019) states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.
- 8.179 The planning application was submitted alongside a Desk Based Assessment (DBA) for the consideration of Archaeological issues. This assessment lays out how past development impacts associated with the construction of the existing and former structures across the proposal area site will have most likely had a severe below ground impact on any potential Archaeology. Berkshire Archaeology advise that due to this, it seems that the archaeological potential at the site is

low. Berkshire Archaeology advise that it is likely that the redevelopment of the site would not have either a significant or widespread archaeological impact and no further archaeological mitigation measures are recommended in this particular instance

**8.180 Planning Obligations**

8.181 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

8.182 The developer has indicated that they are willing to enter into a Section 106 Agreement which will contain the following planning obligations, including:

- Financial Contribution (of £200,000) towards the provision of affordable housing within the borough.
- Financial Contribution (of £50,000) towards an off-site EV Car Club (Projects 36 & 37), as part of the implementation of Slough Borough Council's Low Emissions Strategy (LES);
- Financial Contribution (of £24,600) towards recreation improvements in the town centre/local area (based on standard formula in Developer Guide £300 x 82 units);
- Financial Contribution (of £203,571) towards education (based on standard formula in Developer Guide £903 x 49 (1 Bed) + £4828 x 33 (2 Bed));
- Commitment to safeguard strip of land on Herschel Street (for Council's road widening scheme)
- Travel Plans (for residential, flexible land uses) and monitoring
- Car Parking permit restrictions;
- Employment and Training initiatives, including commitment to on-site construction apprenticeships/traineeships, business engagement, procurement and local employment provisions.

8.183 Based on the information assessed to date, such obligations would be considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

8.184 **Equalities Considerations**

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

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

8.186 This report identifies the need to ensure the new development provides residential accommodation which is suitable for individuals, with reference to the provision of accessible and adaptable dwellings and mix of dwelling sizes. Furthermore, the proposals have been revised to introduce further secure by design measures to make the development safer and more secure, therefore considerate of all individuals with protected characteristics. Conditions have been recommended to ensure the layout, accessibility provisions and design quality is secured.

8.187 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development 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 has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the

demolition method statement and construction management plan to mitigate the impact and minimise the extent of the effects.

8.188 The applicant has also offered to make a financial contribution towards off-site leisure/sports facilities and is making provision for a potential Class D2 use (Gym) at the first floor. This floorspace has been designed to have level access (at ground level) and include an internal lift so that all individuals (noting the needs of people with pregnancy/maternity, age and disability characteristics can be provided for. The internal layout could be designed to enable provision of wc facilities that are considerate of the needs of people with gender reassignment.

8.189 In relation to the car parking provisions, there are potential adverse impacts on individuals within the pregnancy/maternity, disability and age protected characteristics if the occupier/individual does not have access to a car parking space in the development, or off-site in the CPZ. The needs of disabled occupiers and occupiers with blue badges would be provided for as blue badge holders would be able to apply for (and obtain) a parking permit for the local CPZ. A justification for the level of car parking is provided in the transport section of this report to demonstrate compliance with the NPPF and transport planning policies in the Local Plan/Core Strategy.

8.190 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.

8.191 **Planning Conclusion**

8.192 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

8.193 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are some conflicts with the Development Plan, namely the scale, height, massing and bulk of the development.

8.194 The development would make a positive contribution to the housing supply in the Borough to which moderate positive weight is afforded, which is tempered given the absence of any affordable or family

housing. The NPPF makes it clear that boosting the supply of housing is a key policy objective nationally and locally. There will be economic benefits in terms of the construction of the development itself and benefits associated with the resultant increase in population to which limited weight should be attached. There will also be social benefits too arising from the provision of new leisure or office facilities and retail uses in the ground and first floors and in addition to the uplift in the population and the role in the community (limited positive).

- 8.195 The resulting townscape and visual impacts are considered to result in significant harm to the local character of the townscape areas to the south and the Town Centre, which will also be harmful in specified viewpoints within the area, as a result of the scale, height, bulk and massing of the proposals, in NPPF terms. The nature and extent of the impacts as set out in this report and these are weighed appropriately in the balance, against other factors to and it is considered that the identified harm (on townscape character areas and on visual receptors) significantly and demonstrably outweighs the limited benefits of the proposals.
- 8.196 Compliance with some of the objectives of the NPPF have been demonstrated in terms of conserving the natural environment, biodiversity, preserving existing residential amenities, promoting healthy and safe communities, promoting sustainable transport, meeting the challenge of climate change and flooding and making effective use of land indicating an absence of harm (or which in the case of flood risk are expected to demonstrate an absence of harm) to which weight should be attributed neutrally.
- 8.197 Weighing all of the factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies in the Core Strategy and Local Plan, the redevelopment of a town centre site which delivers housing at a time when the Council cannot demonstrate a 5 year supply of housing is not considered to tip the balance in favour of the development in light of the significance of the level of harm identified in the assessment. The proposal will deliver no significant wider environmental, community/social gains or economic benefits and so these do not weigh heavily in favour of the development. In applying paragraph 11 of the NPPF, it is considered that the adverse impacts (including the conflicts with elements of the Development Planning policies relating to townscape and local character and absence of affordable housing) demonstrably outweigh the limited benefits of the proposals.

## **PART C: RECOMMENDATION**

### **9.0 Recommendation**

- 9.1 Delegate to the Planning Manager for refusal subject to the below reasons.

## **PART D: REASONS FOR REFUSAL**

### Reason 1

The proposed development by reason of the siting, height, scale and mass of the buildings would result in a harmful impact upon the character and appearance of the area which includes the High Street area and residential areas to the south. The development would comprise an unacceptable scale and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

### Reason 2:

The proposed development would create additional opportunities to overlook the adjoining sites to the east and west by virtue of the position and number of bedroom and living room windows on the west and eastern elevations of Building B which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining sites should they come forward for development or redevelopment in the future. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

### Reason 3:

It has not been demonstrated to the satisfaction of the Local Planning Authority that the development could provide the appropriate level of affordable housing and financial contributions towards infrastructure. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide.