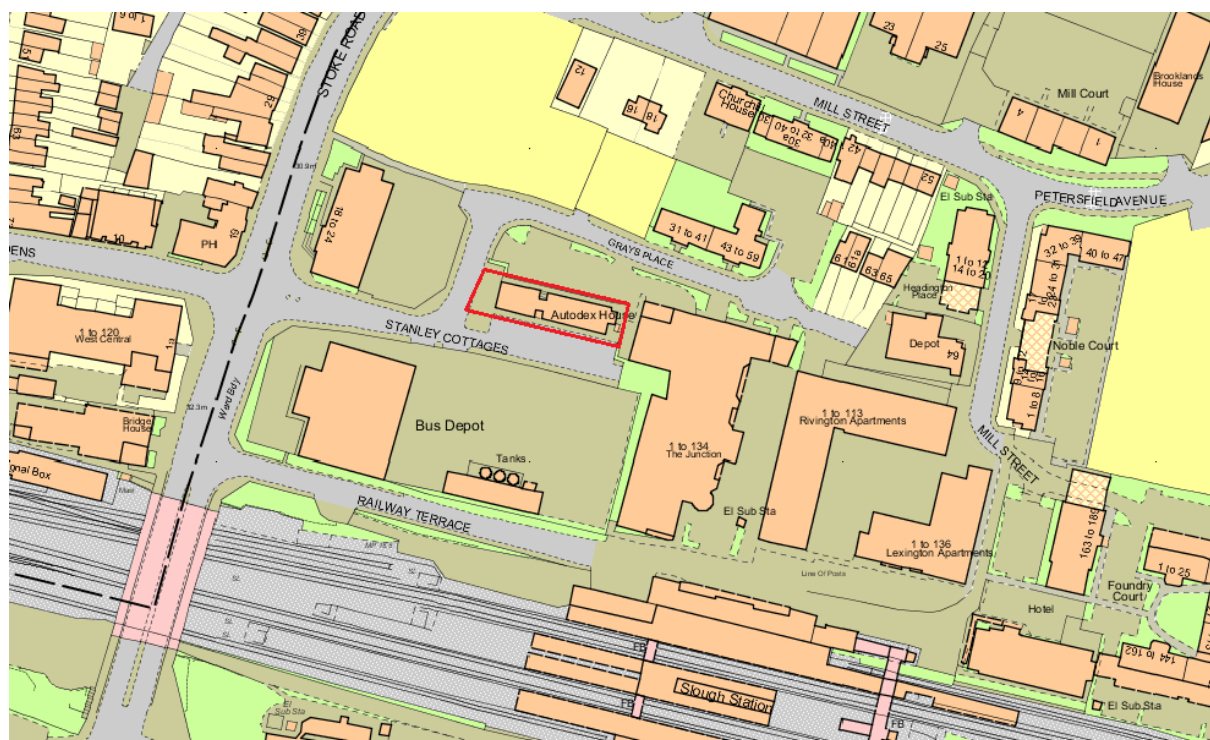


Registration Date:	12-Aug-2020	Application No:	P/04290/008
Officer:	Alistair de Joux	Ward:	Central
Applicant:	Slough Propinvest Ltd	Application Type:	Major
		13 Week Date:	11-Nov-2020
Agent:	Tim Waller Planning, Suite A, 19-25 Salisbury Square, Old Hatfield AL9 5BT		
Location:	Automotive House, Grays Place, Slough SL2 5AF		
Proposal:	Demolition of existing building and construction of 61 residential apartments, basement car and cycle parking, bin storage area, and ancillary development.		

**Recommendation: Refusal**



## 1.0 **SUMMARY OF RECOMMENDATION**

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

1. The application site is within an area designated as Site no. SKL3 in the Council's Site Allocations DPD. It is noted that piecemeal development has occurred over the majority of the land included within in; however, the scale of development proposed, in conjunction with a current application on a smaller adjacent site and the potential impacts of the development on land to the south that is also covered by the Site Allocation highlights the continued importance of comprehensive planning in this area. For that reason it is considered that the application is contrary to Site Allocations Policy SKL3 in the Site Allocations DPD (November 2010).
2. The height, bulk and massing of the building would introduce a visually discordant element into the lower-rise streetscape of the western part of Grays Place and its surroundings, and the excessive coverage of this relatively small site would result in a number of other suboptimal design features, which include:
  - the number of single-aspect north facing flats,
  - shared amenity space which is poorly located within the development due to its northern aspect,
  - unacceptable impacts on natural light to adjoining property occupiers, particularly to the north, and
  - the use of obscure glazing to protect privacy between the development and its near-neighbours on habitable room windows.

In addition, while the local planning authority does not wish to discourage innovative design and recognises the marginal viability of the proposal, the proposed building's maximum use of the available space at the site while introducing some features intended to provide sufficient natural light for neighbours and a small number of car parking spaces results in a high cost building that takes away from the ability to provide affordable housing on site. As such, the proposal is not in accordance with Policies 4 and 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 and saved policies EN1 and EN3 of the Slough Local Plan 2004.

3. While the building design has taken into account minimum standards for access to natural light for the adjoining neighbours to the east, the proposal results in an overbearing and poor relationship with the adjacent flats due to the proximity of the buildings and the much greater bulk at the application site than the building that it replaces, contrary to Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 and saved policies EN1 and EN3 of the Slough Local Plan 2004.
4. As shown in the submitted plans, the basement car park would not provide safe and convenient access and egress for vehicles using the car park, and insufficient provision has been made for turning

and parking within the site for delivery vehicles, contrary to Policy 7 of the Slough Local Development Framework Core Strategy 2006 - 2026.

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

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

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 The proposed development would require the demolition of the existing three-story office building and its replacement with a part-5, part-6, part 9 and part-10 storey building. The rise in levels would be from east, adjacent to Intercity House, to the west, adjacent to the Grays Place frontage.
- 2.2 The building's strong vertical elevational treatment would incorporate screens into the building facades so that in views from south and north the building would appear to have a sloping roof, in the same way as has been done at The Works office building, which is located almost directly to the south on Wellington Street at a distance of approximately 250m from the application site. This would visually accentuate the rise in levels away from Intercity House, and would also provide screening of communal roof-top amenity space at fifth floor level and private terraces serving two flats on the ninth floor. Two entrances / exits to the accommodation would be provided from Stanley Cottages, the main lobby being slightly west of centre in this elevation and the secondary entrance / exit being close to the eastern end of the building.
- 2.3 Most of the apartments would have their own private amenity space. In addition to the private terraces at ninth floor level referred to above, almost all of the flats would have balconies, which range from 4 sq.m of those on the north side of the building, 5 sq.m for those on the south elevation, and up to 4 sq.m for those on the west elevation. Four ground floor flats would have small terraces.
- 2.4 Vehicular access to the site would be along Stanley Cottages and via a ramp located at the eastern end of the site, to a basement carpark and cycle store. Twelve car parking spaces and 66 cycle spaces would be provided here, while short-stay Sheffield cycle stands located close to the

front building entrances would provide 4 short-stay cycle parking spaces for visitors.

### **3.0 Application Site**

3.1 The site consists of a three storey office building located adjacent to the corner of Stanley Cottages, which forms the southern road frontage, and Grays Place which provides the western frontage. Within the site, there is parking on the western and southern sides of the building, while on its northern side there is a separate parking area that serves the flats to the east. North of that, and to the north of Grays Place, there are recently constructed four and five storey blocks of flats, including accommodation within their gabled and crown roofs. They include a five storey block within the Vanburgh Court development which has its primary road frontage to Stoke Road. To the south, Stanley Cottages separates the site from the bus depot, and to the east there are residential flats that rise from five stories on the side facing the site to ten stories further from the application site.

3.2 The site is within the Slough Town Centre designation as shown in the Local 2010 Proposals Map, and within the Site Allocation SKL3 in the Council's Site Allocations DPD.

3.3 The existing office building on site has recently received prior approval for the change of use from B1 offices to C3 residential (see planning history below).

### **4.0 Relevant Site History**

4.1 The relevant planning history for the site is set out below:

<b>Application No.</b>	<b>Description of development</b>	<b>Decision</b>
F/04290/007	Prior approval for the change of use from B1 (offices) to C3 (residential) to create 13no. 1 bedroom, 2no two bedroom and 4no. studio flats (19 units)	Prior approval required and granted, 25 October 2019

### **5.0 Neighbour consultations**

5.1 Site notices were posted on in September 2020, and the application was advertised in the local newspaper on 12<sup>th</sup> March 2021.

5.2 The following comments were received in objection to the application, in letters from a neighbouring resident:

*I am writing to express my deep concern to the above-mentioned planning application submitted in 2020. The application aimed to demolish the existing Automotive House on Grays Place and rebuild a residential tower of up to 10 storeys, providing 60+ residential flats. In principle I do not object the redevelopment of the outdated Automotive House. However, as a homeowner who lives within metres from the proposed site, I oppose the submitted plan, because of the following reasons:*

*Unacceptably high density:*

*I live on a ground floor flat in Vanburgh Court (26-40 Stoke Road, often referred as "block A" Vanburgh Court). The shortest distance between the sites of Vanburgh Court and Automotive House is only a few metres, with a narrow street Grays Place in between. According to the drawing (P/04290/008(002) pp.12-13) the tallest point of the proposed Automotive House will be 10 storeys or 33.2 metre above street level. In a pre-application meeting held on 14Nov2019, quoted in paragraph 2.20 from P/04290/008(006) Supporting Planning Statement [1], the Council considered that "the building's height should be reduced", and that "10 storeys to be too high". The Council also pointed out the proposal has "a harmful impact on the street scene" (paragraph 5.30). I completely agree with all the comments by the Council, and I am surprised that the submitted plan ignored the Council's advice. The applicant provided counter arguments in later paragraphs based on housing needs and other accepted planning applications, but these points were mostly irrelevant and inconclusive. They cited other "recent" tall buildings (e.g. Intercity House) in paragraph 5.28 to justify the proposed height of Automotive House, but failed to recognise that the application was granted in 2006 – about 15 years from now. In paragraphs 4.40, 5.6, and 5.30 they repeated mention the site is suitable for "medium rise" development with "up to 10 storeys in height", by quoting Centre of Slough Interim Planning Framework [2]. I think it has been taken out of context, as the document explicitly says "this does not necessarily mean buildings less than 10 storeys and above typical heights of surrounding buildings will be acceptable outside the identified zones" (paragraph 8.3.10 of [2]). In other words, there is no equal sign equating "medium rise" to "10-storey" high, and that the height of the surrounding buildings will need to be taken into consideration. I agree that housing (whether affordable or not) is a key question within the borough, but I do not think how this development with around 60 units (of which 0% are affordable) can instantly provide a solution to that, nor can this justify the erection of a building which is deemed harmful to its immediate neighbours. In contrast, bigger development sites (e.g. Horlick quarters and the Akzo Nobel factories) can easily provide 1000+ residential units with significant amount of affordable housing. The Core Strategy 2006-2026 requires a minimum of net density of 37 dwellings per hectare. The proposed development, with about 60 dwellings per hectare, is way above the requirement.*

*Overlooking, and loss of privacy:*

*The proposed Automotive House will have balconies and windows installed on the west (also the tallest) side of building across most floors [Figure 1], all facing Vanburgh Court and Abbey House on 18-24 Stoke Road. Because of the proximity of these buildings, overlooking and loss of privacy is an immediately consequence. In particular, the orientation of my windows in living-kitchen-dining (LKD) and my two habitable bedrooms are all facing Automotive House. My private outdoor urban garden (about 9m x 4m) is too facing the site, which is on my southeast. These windows and outdoor space will be directly exposed to Automotive House and its 10 storeys of residents, posing privacy issue.*

*Loss of sunlight and overshadowing:*

*As mentioned, the tallest side (33.2m about street level) of the proposed Automotive House will be on its west façade, facing Vanburgh Court and Abbey House. The horizontal distance between the proposed building and my LKD window is approximately 31 metre according to their site plan [Figure 2], and less than 30m to my outdoor garden space. If the vertical distance is larger than the horizontal distance, simple trigonometry will tell us that the angle of elevation will be larger than 45 degrees, and that all sunlight below 45 degrees will be blocked by the new building. According to the BRE Guidelines, a surrounding existing building to a proposed scheme will retain the potential for good interior daylighting if the scheme subtends less than 25 degrees from the horizontal as measured from the lowest habitable windows in the neighbouring windows. Although the “25 degrees” rule may not be directly applicable to urban settings, such principle of sharing sunlight should not be undermined.*

*In terms of orientation, the Automotive House is on the southeast of my flat and the majority of Vanburgh Court block A. This means the proposed building is extremely likely to block my sunlight, especially in winter, when it is the rarest but most needed. The modelling in Daylight and Skylight report P/04920/008(007) suggested significant impact on Vanburgh Court block B [3]. In some scenarios, the proposed building will reduce sunlight hours by 44%. With such detrimental Daylight and Sunlight impact to the neighbours, there is no way I can support the plan. I also expect the Council to protect the interest of the current residents.*

*Lack of Daylight and Skylight Report on Vanburgh Court block A:*

*The Daylight and Skylight report P/04290/008(007) excluded the entire Vanburgh Court block A (where I live in) from their analysis. As explained, because of the height of the proposed building, the proximity and orientation to Vanburgh Court, such analysis is essential to investigate the impact on the latter building.*

*While this application wrongly excluded Vanburgh Court block A from the Daylight and Skylight analysis, a similar report by another application P/06271/021 (erection of a new four-storey building to the rear of Abbey House, 18-24 Stoke Road) sheds some light on the potential impact of the new Automotive House. Their Daylight and Sunlight Report P/06271/021(14) included some windows from Vanburgh Court block A, and also studied two background scenarios: i) with the current low-rise Automotive House, and ii) with the assumption of the new 10-storey Automotive House as described in this application. The results from the two scenarios can be found in P/06271/021(14), in Appendix 2.1 and 2.2 respectively. While the full results are scattered across multiple pages of tables, I re-compiled a table to include results that are relevant to the ground floor Vanburgh Court block A. The table can be found in Figure 3 and the attached pdf file. In particular, windows W7-W8 on the ground floor (highlighted in red) are my windows in the LKD. The proposed Automotive House reduces VSC and NSC, two important daylight and sunlight measurements, for both windows. The impacts on my APSH (both Annual and Winter) are severe and worrying. The Annual APSH is expected to decrease by more than 10% (ratio>0.9). In Winter, the APSH of window W8 decreases by more than a half, from 7% to only 3% (ratio=0.43, failing BRE recommendation). For W7, the reduction of Winter APSH is nearly a third (ratio=0.72). All these Daylight and Sunlight measures will be further reduced if both planning applications are granted.*

*To summarise, a Daylight and Skylight report by a third-party has found that the proposed Automotive House will have severe impact on Vanburgh Court block A. I cannot think of why the applicant chose to ignore our building, other than being reckless and ignorant. Another speculation is that they might have done some analysis on Vanburgh Court block A but chose not to report the results, this practice may even look more suspicious. The applicant will have the sole responsibility to further demonstrate that there will no daylight and sunlight impact to the nearby buildings, but quite frankly, it is impossible with the current design.*

*Out of character design with neighbouring buildings:*

*One feature of the plan is that the proposed building will be 5-storey tall on its east side, extending to 10-storey to the west side. This design contradicts to the existing planning and layouts, as explained here: To the east of Automotive House there are mainly taller buildings: Lexington Apartments (15 storeys), Intercity House (10 storeys), Rivington apartments (8 storeys), Holiday inn Express (8 storeys). To the west of Automotive House we have lower-rise buildings: Abbey House (5 storeys), Vanburgh Court Block B (4 storeys), Vanburgh Court Block A (6 storeys, <18m, confirmed by the management company), and other shorter (~3-4 storey, such as ex-driving test centre) buildings on Grays Place. To summarise, the existing town planning intentionally puts the tallest buildings closet to the train station (to the east of Automotive House), then gradually descends away from it (to the west of Automotive House), creating "an elegant, consolidated skyline for the town centre" and "focusing the tallest buildings in the most sustainable locations near the railway station and retail core" (Slough Local Plan) [2]. By placing the highest point of the building to the west, this plan breaks not only all the precedents laid by the existing buildings and planning, but also the continuity of the skyline. The design creates a sharp edge between the west of Automotive House and its nearest neighbours (e.g. Abbey House), intimidating other buildings to its west, and is incoherent to all existing design. The proposed building will be a permanent one for the foreseeable future, thus will have long-lasting impact on the town's appearance and skyline.*

*Lack of Transport Statement and traffic generation:*

*Automotive House is on the quieter Stanley Cottages and Grays Place. Grays Place is a narrow two-way street with no central marking/line, with off-street parking throughout. Stanley Cottages is an arc/bend like street connecting Grays Place with the main road Stoke Road. With the adjacent bus depot, this proposal will further increase the traffic volume of the two streets. It is not difficult to think that the segments just outside Automotive House, Abbey House, Vanburgh Court, and the bus depot will be highly congested at peak hours. While some new markings and pedestrian crossing were included in their drawings (there are already road markings on Stanley Cottages), there was no mention on widening the road or pedestrian pavement to increase traffic capacity or enhance road safety. I always find walking along Stanley Cottages quite dangerous, as there lots of blind spots due the bend with elevation. In fact, the applicant did not even submit a Transport Statement or any traffic analysis. Such incomprehensive application should never be accepted.*

*ZERO affordable housing:*

*In the pre-application meeting the Council recommended the development to provide 30-40% of affordable housing (paragraphs 5.42, 5.43 of P/04290/008(006)). As mentioned, the development refused and will provide **ZERO** affordable housing. I am proud to be a resident of Vanburgh Court, where a significant proportion of units are affordable. The inclusion of affordable housing is vital as demonstrated in many developments (e.g. Abbey House, Beacon House (50 Stoke Road), Horlick quarters). This application lacks social responsibility, and treats the project as a pure money-grabbing opportunity.*

*Perhaps I should emphasis again that I welcome to redevelopment of Automotive House. However, a more careful and sympathetic plan is needed. I am also frustrated by the lack of consultation, as many residents in Vanburgh Court were not informed. If this application is to be decided by councillors during a meeting of the Development Control Committee, please take this as notice that I would like to speak at the meeting in opposition of the application when it is decided by councillors. Please let me know as soon as possible the date of the meeting. More information can be provided upon request. References and figures can be found at the end of the letter. I look forward to hearing from you.*

## 6.0 Consultations

### 6.1 Natural England

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

Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment is required to determine Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. Our advice is outlined below. Please re-consult Natural England once this information has been obtained.

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

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

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

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

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees



from climbing);

- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

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

In March 2020 Buckinghamshire Council (formally Chiltern and South Bucks Councils) produced the now adopted Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) for Burnham Beeches. The SPD requires net dwellings within 5.6km of Burnham Beeches to make financial contributions towards the Strategic Access Management and Monitoring strategy (SAMM).

Development in accordance with the Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

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

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

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it.

## 6.2 Thames Water

### *Waste Comments*

Thank you for consulting Thames Water for the discharge of matters relating to FOUL WATER networks. Thames Water confirms the foul water condition referenced, can be discharged based on the information submitted.

Thank you for consulting Thames Water for the discharge of matters relating to SURFACE WATER. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted.

#### *Water Comments*

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

#### *Supplementary Comments*

These comments are based on foul and surface water flows connecting to the public sewers by gravity (not pumped).

There is concern on the high discharge of surface water, however, the site is situated at the head of the surface water sewer run and feeds into a wider 300mm sewer downstream.

#### 6.3 Berkshire Archaeology

No comments had been received at the time of writing; any received will be reported in the amendment sheet.

#### 6.4 Berkshire Fire and Rescue Service

No comments had been received at the time of writing; any received will be reported in the amendment sheet.

#### 6.5 Crime Prevention Design Advisor, Thames Valley Police

No comments had been received at the time of writing; any received will be reported in the amendment sheet.

## **SBC consultees**

### 6.6 Air Quality

In line with the Low Emission Strategy (2018-2025), this development will not contribute to air quality issues due to the reduction in car parking spaces, nor is it in an area with high exposure levels. As such, this is classed as a minor impact development and the following mitigation is required:

- A suitable electric vehicle charging point, in line with table 7 of the Low Emission Strategy Technical Guidance and specified within the Low Emission Programme, shall be provided for 10% of the parking spaces.
- A Construction Environmental Management Plan must be produced and submitted to the Local Planning Authority for approval. It must include details of dust and noise mitigation, and clearly outline measures for the demolition phase and construction phase.
- Any gas fired heating plant should meet the minimum emission standards in table 7
- All construction vehicles shall meet a minimum Euro VI Emission Standard
- All non-road mobile machinery (NRMM) shall meet the criteria in table 10

### 6.7 Environmental Noise

A number of noise sources have potential to cause disturbance to future occupants of the development, including Slough railway ~100m south of the site and the bus depot.

The noise survey was conducted from 16th-21st July 2020. During this period, noise from the railway, bus depot including workshop noise, and construction noise from nearby developments was audible. As construction noise is temporary, this would result in a worst case assessment approach.

The assessment indicates that noise is highest at the south of the site, measuring at 60dB LAeq16h, 55dB LAeq8h, and 72dB LAmax during the night. When taking into consideration noise from the bus depot and incorporating corrections to account for noise character, glazing capable of achieving 33dB Rw+Ctr such as 4/12/4mm double glazing, and ventilation capable of achieving 50dB Dnew+Ctr is required to maintain suitable internal noise levels and should be applied to the worst impacted (southern) facade. A full glazing and ventilation strategy for all facades must be submitted to the LPA for approval once at the detailed design stage. This may need to be informed by additional monitoring which excludes construction noise sources.

This assessment has been completed assuming windows are kept closed and not used for natural ventilation, therefore a full overheating assessment is required once at the detailed design stage. In the case that overheating is likely with windows closed to maintain internal noise levels, mechanical ventilation will be recommended.

Regarding external amenity, the upper threshold of 55dB will be exceeded on the southern façade balconies however use of the balconies will be optional for future occupants. Remaining balconies are expected to meet external amenity criteria.

### 6.8 Scientific Officer, Ground Conditions

I reviewed the Phase I Geo-Environmental Risk Assessment (ref. no. 20-213.01), dated July 2020, prepared by Aviron Associates Limited. The report identified potentially viable pollution pathways, and due to the remaining uncertainties

additional investigation and monitoring was recommended. I agree with these findings.

Conditions are recommended in the event that planning permission is granted.

## 6.9 Transport and Highways Development

This document provides additional Highways and Transport comments on transport issues for the planning application for the development of 61 dwellings at Automotive House (Ref: P/04290/008).

Highways and Transport comments were previously provided on this planning application dated: 02/12/2020. In response to those comments, a Transport Technical Note (Ref: P20110 TN/PC) has been submitted by Crosby Transport Planning.

The following revised drawings have been submitted:

- 19039-GAA-ZZ-B1-DR-T-2001
- 19039-GAA-ZZ-GF-DR-T-2002
- 19039-GAA-ZZ-XX-DR-T-2202

### Vehicular Access

Following previous comments provided on the width of the proposed access ramp, the proposed ramp width has been increased to 4.8m wide. Swept path analysis has been provided for the revised ramp design which is shown on Drawing No. 19039-GAA-ZZ-B1-DR-T-2001 dated 17/12/20.

The swept path analysis shows that an inward bound car and outward bound car would conflict on the straight section of ramp and also on the bend in the ramp where the swept paths clearly show the overlap between a car entering and a car leaving the car park. The swept paths show that should two vehicles approach each other on the access ramp, one would need to reverse down the ramp or a considerable distance onto Stanley Cottages.

The agent has confirmed that the gradients for the proposed car park would be 1:20 for the first 5 metres from Stanley Cottages, followed by a 1:10 gradient for the majority of the ramp, with a further 1:20 transition gradient at the bottom of the ramp as it enters the car park. The headroom of the ramp at the point of entry to the car park would be 2.15m. The transition at the top of the ramp is not confirmed.

The Transport Technical Note confirms in paragraph 6 that the applicant has obtained information which demonstrates the extent of Stanley Cottages and demonstrates that the proposed development will not result in construction on the public highway.

The agent has confirmed that the access to the Barratt Homes development to the east of Automotive House is only used infrequently for maintenance purposes, typically no more than once or twice per year.

The information submitted is considered insufficient to demonstrate a safe and convenient access is proposed and SBC request the following further information:

- SBC require the provision of a controlled one-way ramp, controlled by traffic lights which give priority to cars egressing the car park. The swept paths show that two cars cannot pass each other on the ramp and the ramp would need to be significantly wider to enable this.
- SBC require the applicant to confirm the transition length and gradient at the top of the ramp. At present there would appear to be an abrupt transition between the ramp at 1:10 gradient and the flat surface of Stanley Cottages. This may damage vehicles which could ground without a transition.

- SBC require the agent provide the information referred to which demonstrates that the proposed development will not result in construction on the public highway.

#### Access by Sustainable Travel Modes

At SBC's request, the agent has confirmed within paragraph 5 of the Transport Technical Note that removal of moss from the southern footway on Stanley Cottages will be completed at the applicants cost to ensure pedestrian safety.

#### Trip Generation and Traffic Impact

The agent has provided an assessment of the site's potential trip generation at the request of SBC Highways and Transport. A calculation has been completed based on trip survey data from the TRICS database which is the national database for Trip Generation Surveys.

The assessment presents a calculation of the site's existing B1a Office Land Use and estimates that the existing site use generates approximately 17 two-way vehicle trips during the AM Peak Hour of 08:00 – 09:00 and 23 two-way vehicle trips during the PM Peak hour (16:00 – 17:00).

SBC Highways and Transport require the exclusion of TRICS survey sites located in Greater London with a PTAL rating of 6a and 6b from the trip generation calculation. Sites within Greater London have a higher level of accessibility than the proposed site and a greater employment and retail offering is accessible by public transport. Survey site HM-03-C-02 in Hammersmith is located in close proximity to Hammersmith Tube Station and produces a particularly low trip rate.

SBC require the agent to take a consistent approach to selection of TRICS Survey Sites to calculate the trip generation of the site's existing use and its proposed use. The survey sites for the site's existing use includes sites in towns across the South East including Slough, St Albans, Bedford and Hove. These sites benefit from less public transport accessibility than the sites selected in Greater London to forecast the future trip generation of the site.

#### Parking Provision

SBC previously requested that the scheme provide an allocated parking ratio of 0.40 parking spaces per dwelling, as has been permitted for other residential housing schemes located within the town's highly accessible town centre area.

The agent confirms in paragraph 8 of the Transport Technical Note that the number of car parking spaces within the development site has reduced to 12 spaces in order to provide wider and more accessible spaces and that this would equate to an allocated parking ratio of 0.20 spaces per dwelling.

The agent has provided 2011 Car Ownership Data which shows 0.57 cars per dwelling were recorded in the local ward during the 2011 Census and that 50% of dwellings in the local ward owned at least one car, whilst 50% did not.

The Transport Technical Note states that an amended parking restriction on the surrounding roads will not be required to prevent parking overspill given the existing parking restriction is 8am – 7pm. The applicant does not appear to have considered possible parking provision associated with visitors to the development.

The submitted information remains unsuitable justification that parking demand will be sufficiently met and will not cause overspill of parked vehicles onto the surrounding highway network.

SBC Highways and Transport wish to make the following additional comments regarding parking provision:

- SBC require the applicant to confirm where visitors for the proposed development will park. Given no visitor parking will be available on site, the amendment of parking restrictions maybe required to allow a small number of visitors to park on the surrounding highway for short periods between 8am – 7pm.
- SBC consider the site highly accessible and suitable for a reduced parking ratio of 0.40 spaces per dwelling which falls well below the number required by the adopted Slough Car Parking Standards. However, further reduction in provision below a ratio of 0.40 spaces per dwelling cannot be accepted as some residents are still likely to own a car for leisure or employment purposes despite the proximity of town centre amenities. It is important to note that some professions require a vehicle. In addition the Car Ownership Data supplied by the applicant demonstrates that despite the proximity of town centre amenities there is still demand for 0.57 cars per dwelling in the ward. SBC also do not wish to set a precedent for parking ratios below 0.40 spaces for developments in the town centre area.
- SBC require the applicant to detail the measures implemented to support sustainable travel to/from the development and support a parking ratio of 0.40 spaces per dwelling. Nearby developments with a low parking ratio (Stoke Wharf, Beacon House and 23-25 Mill Street) have provided car clubs and cycle hire stations to encourage travel by sustainable travel modes.
- SBC Highways and Transport remain unable to accept the proposed parking ratio of 0.20 spaces per dwellings and cannot support the application unless an allocated ratio of 0.40 spaces per dwelling is provided.

#### Cycle Parking Provision

The applicant has amended the proposed cycle parking provision to sub-divide residents' cycle parking into stores of 20 cycle spaces or less. A mix of two-tier and Sheffield stands is provided (acknowledging that some residents have particular preferences).

The proposed site plan (Drawing No. 19039-GAA-ZZ-B1-DR-T-2001) now display a total of 66 cycle spaces, comprising the following mix:

- 29x Sheffield stands providing 58 cycle spaces
- 4 x two-tier cycle racks, providing 8 cycle spaces (4 of which are in the overhead tier).

The proposed resident cycle parking would comply with the amendments previously requested by the SBC Highway and Transport Team and the SBC Developers Guide – Part 3: Highways and Transport which requires the allocation of 1 cycle space per dwelling.

The proposed site plan has also been amended to show 2 short-stay Sheffield Stands providing 4 short-stay cycle parking spaces for visitors.

SBC request a minimum of 4 Sheffield Stands providing 8 short-stay cycle parking spaces.

#### Servicing and Refuse Collection

The agent has confirmed that delivery vehicles will not be able to enter the Ground Floor Car Park and that the Stanley Cottages frontage of the site will be utilized for servicing and deliveries of food shopping and online retailers such as Amazon and that such daily deliveries will be able to pull up in front of the building entrance and turn at the eastern end of Stanley Cottages.

SBC require the swept path analysis to demonstrate a 7.5t Luton Box Van can turn at the eastern end of Stanley Cottages. The swept path analysis shows a 4.6t Light Van

which is smaller than some of the vehicles used for online shopping deliveries by Tesco, Sainsburys etc.

### Summary and Conclusions

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

#### 6.10 Heritage advisor

Automotive House is a circa mid 20th century 3-storey flat roofed office property, the application proposes its demolition and the construction of new residential development on the site up to 10 storeys in height. Approximately 100 metres to the south of the site lies Slough railway station which includes 3 grade II statutory listed buildings; Slough Station booking hall (fronting Brunel Way), an island platform building and the Area Managers Building (which fronts Railway Terrace). The station buildings were all constructed in 1882 and were designed by J. E. Danks, a Great Western Railway architect in the 'Second Empire' style; the buildings are separately listed but clearly have group value. These are the only designated heritage assets that could be impacted. The prime conservation consideration is whether the proposal will preserve the setting (and thereby the significance) of these designated heritage assets.

In accordance with NPPF, para. 189 the application has been accompanied by a Heritage Statement which assesses the significance of the designated heritage asset (the listed buildings) and considers any impacts there may be upon the significance of the asset through development within its setting. The NPPF defines setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'

Historic England advises that setting itself is not designated. Whilst every heritage asset has a setting, its importance, and therefore the degree of protection it is offered in planning decisions, depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation.

Views of the southernmost listed station building from Brunel Way already features several tall developments in the background. The setting of the grade II listed modest scale station buildings has changed since their construction by virtue of late 20th century and more recent high-density development within Slough town centre and the existing development is considered to detract from its setting to a degree however any impact upon significance is low. The development will be seen in context with the southernmost station building from the station forecourt area and Brunel Way when looking north, The CGI views provided within the Heritage Statement are not of great quality and before BEAMS provides further advice it is recommended improved CGI / Visually Accurate Representations are submitted (as seen from Brunel Way). Details such as the station chimney stacks currently stand out above the distinctive roof of the station, they should be included on any VAR views. Slough Borough Council should also be mindful of the cumulative impact of redeveloping sites in this area upon the setting of the Slough Station buildings.

## 6.11 Lead Local Flood Authority

We have reviewed the following information in relation to the above planning application:

- Flood Risk Assessment report (Rev:0, issue date:7/8/2020)
- *Drainage Strategy plan (drwg no:ST-3006-01)*
- *Geo-environmental Risk Assessment (rev A, July 2020)*
- Surface Water Proforma

We understand from the report that the applicant would like to submit the maintenance plan when they undertake the detail design, hence we recommend the following condition.

*“No development shall take place until a maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.”*

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework 2019 and National Planning Practice Guidance:**

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 6: Building a Strong Competitive Economy
- Chapter 7: Ensuring the vitality of town centres
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 10: Supporting high quality communications
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which, for decision-taking, 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; 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.

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 4 - Type of housing  
Core Policy 5 - Employment  
Core Policy 6 - Retail, Leisure and Community Facilities  
Core Policy 7 - Transport  
Core Policy 8 - Sustainability and the Environment  
Core Policy 9 - Natural and Built Environment  
Core Policy 10 - Infrastructure  
Core Policy 11 - Social Cohesiveness  
Core Policy 12 - Community safety

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

Policy H9 - Comprehensive planning  
Policy H11 - Change of Use to Residential  
Policy H14 - Amenity space  
Policy EMP6 - Stoke Road area  
Policy EN1 - Standard of Design  
Policy EN3 - Landscaping  
Policy EN5 - Design and Crime Prevention  
Policy T2 - Parking Restraint  
Policy T7 - Rights of Way  
Policy T8 - Cycling Network and Facilities  
Policy T9 - Bus Network and Facilities

7.4 Slough Local Development Framework Site Allocations (November 2010)

Part of the site is allocated under site reference SKL3 (Stoke Road and Mill Street) in the Slough Local Development Framework Site Allocation Development Plan Document for possible Residential or mixed use development.

7.5 Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4:
  - Part 1: Planning application procedure and decision making
  - Part 2: Developer contributions and affordable housing
  - Part 3: Transport and highway guidance
  - Part 3: Update to Table 3 charges for highways agreements and licences
  - Part 4: General development guidance
- Proposals Map 2010
- SBC Slough Low Emission Strategy (LES) 2018 – 2025 Technical Report

7.6 Planning and Compulsory Purchase Act 2004

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

The revised version of the National Planning Policy Framework (NPPF) was published in June 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF 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.

#### 7.7 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.

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. The *Local Plan Spatial Strategy Key Components* report was considered by the Planning Committee at the extraordinary meeting of 26<sup>th</sup> August. The three key themes for the Spatial Strategy which are derived from the Local Plan Vision and analysis of the most important issues that are facing Slough. These are:

- To make Slough a place where people want to “work rest, play and stay”, by making sure that people who have prospered in Slough have the opportunity to “stay” in the Borough
- By making sure that we have “inclusive growth” in Slough by ensuring that more of the wealth that is generated in Slough stays in Slough, by enabling residents to participate in more of the well paid employment opportunities in the town and providing more facilities in the Borough for people to use and enjoy.
- Making Slough a place where residents can meet all of their needs and be able to “live locally” in their own community, which will help to develop local communities and reduce the need for people to travel.

Given its current status minimal weight is afforded to the “Strategy”.

## **8.0 Planning Assessment**

8.1 The planning considerations for this proposal are:

- The principle of redevelopment
- Impact on the character and appearance of the area
- Mix and density of dwellings
- Impact on amenity of neighbouring occupiers
- The amenities of future residents at the site
- Burnham Beeches SAC
- Wind conditions / microclimate
- Highways / Transport and parking
- Sustainable Design and construction
- Surface water drainage
- Archaeology
- Safe and Accessible Environment
- Fire Strategy
- Infrastructure/S106 requirements

## **9.0 Principle of development**

9.1 The existing site is within the boundary of the town centre. Core Policy 1 of the Slough Core Strategy relates to the Spatial Strategy for Slough, which states that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre. Core Policy 4 of the Core Strategy (Types of Housing) reaffirms this point, and also sets out affordable housing requirements.

9.2 The site is within an existing Business Area on the Proposals Map within allocated site SKL3 (Stoke Road and Mill Street). This sets out that

*The area needs to be comprehensively planned in order to accommodate the pressure for development in this location close to the railway station. This could be achieved by relaxing the policy for the Existing Business Area which prevents the loss of employment land. Residential or mixed use development may be appropriate as part of the comprehensive regeneration of this area.*

9.3 The reference here to loss of employment land relates to Saved Local Plan policy EMP6, which sets out that:-

*Within the Stoke Road, Mill Street and Grays Place areas, redevelopment schemes which provide a range of business and residential uses, either independently or combined as mixed use schemes, will be permitted if they comply with all of the following:*

- a) *there being no adverse effect on the amenities of neighbouring residential areas;*
- b) *there is adequate access, servicing arrangements and landscaping;*
- c) *on site car parking being limited to reflect the area's good public transport links; and*
- d) *that the proposals make a positive contribution to enhancing the local environment in accordance with the design policies contained in this Plan.*



**Figure 2: Site Allocation SKL3**

9.4 It is recognised that since the Site Allocations DPD was adopted, there has been a significant amount of development in the area, including the land on the north side of Grays Place, which includes the former Driving Standards Agency site (ref. P/16122/000, approved in 2015), and Vanburgh Court (ref. P/00731/032, approved in February 2018). Development to the east of the application site, while not shown on the above Site Allocation plan, was permitted prior to the adoption of the Site Allocations DPD. In the case of Intercity House, the largest building adjacent to the site, the principal planning permission was approved in July 2006 (ref. P/10406/006). The Bus Station site to the south opposite side of Stanley Cottages is now the largest remaining site within close proximity of the site which is within the Site Allocation SKL3 area. There are currently no plans before the Council for its redevelopment. A smaller piece of land on the western side of Grays Place, land to the rear of 18-24 Stoke Road, is subject of a separate application for *Construction of a part 1, 2, 3 and 4 storey building comprising of 9 flats (6 x one bedroom, 1 x two bedroom and 2 x 3 bedroom) with associated parking and landscaping* (planning ref. P/06271/021). The site layout plan for the site is illustrated below:










neighbouring site is suggested as being lower than that at the application site. It is also notable that this is predicated on the basis of a significant separation of built forms at this neighbouring site from the northern boundary, whereas as the application proposal abuts its main boundary lines to the north, west and south. While this is a useful indicative layout, it has not been subject to assessment in any depth, and in conjunction with the proposed site layout for land to the rear Abbey House, it is considered that this serves best to illustrate that a more comprehensive consideration of how this area can be developed is needed before an acceptable scheme can be brought forward at the application site. For this reason, the first of several grounds on which the application is recommended for refusal is its failure to consider the redevelopment of the site as part of a more comprehensive development, which would be in line with the aspirations of the Site Allocations DPD.

- 9.7 The planning agent has made a case for the scale of development proposed based on the Draft Interim Framework of 2019. The Interim Framework does not form part of the Local Plan, and likewise the subsequently produced Slough Regeneration Framework of 2020, also does not form part of the Local Plan, although both were referenced in the Proposed Spatial Strategy Document November 2020 (Regulation 18 Consultation document). This was consulted on around the turn of the New Year. The Local Plan is at a very early stage of preparation and carries little weight in decision making at this stage. Nevertheless, it is noted that the Regeneration Framework 2020 does form part of the evidence base for the emerging local plan, and as such its content establishes a direction of travel for the redevelopment of key parts of Slough including the application site. General building heights are shown in the extract below from the Framework indicate potential for an urban scale of 5-7 stories:



	Intense urban (8 - 14 storeys)
	Dense urban (6 - 8 storeys)
	Urban (5 - 7 storeys)
	Moderate scale (4 - 5 storeys)
	Low scale, typically 2 and with some 3 storeys

**Context heights (extract from Regeneration Framework 2020).**

9.8 More specifically, the site is identified as Development Site 5 in the Appendix to the Framework, which provides indicated development capacities and possible forms of development for over 30 potential development sites. This suggests a potential capacity of 36 units at the site.

9.9 While the ability to provide a greater number of units than suggested in the Regeneration Framework must not be discounted, this further illustrates how a more comprehensive development would assist in providing a more coherent form of development for the area as a whole.

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

10.1 The National Planning Policy Framework 2019 at paragraphs 124 and 128 - 131 encourages new buildings to be of a high quality design that should improve the character and quality of the area in which it is set and the way in which it functions. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2.

10.2 The surrounding area to the site has been through a transition in recent years from a mix of primarily business uses to a predominantly residential area, and while some older houses remain on the north side of Grays Place these are in sharp contrast to the large apartment buildings to the east and south (numbers 61 - 65). Moreover recent development comprising smaller and mid-size flatted developments are more predominant in the western part of Grays Place. These include four-storey flats at the former Driving Test Centre and five-storey flats at Vanburgh Court Block B both including accommodation in the roof space, having their top floors accommodated within steeply hipped crown roofs. Buildings scale rises to six and seven stories at Vanburgh Court Block A where the taller elements primarily address their Stoke Road frontage. To the west and on the opposite side of Grays Place, Abbey House at 18-24 Stoke Road is a recent office to residential prior approval development that will provide 47 flats in a five storey building, which is also located adjacent to a Stoke Road frontage. The current application on land to the rear of this site, for nine flats opposite the Automotive House site is also limited to four stories (refer para. 9.4 above). Land directly north of the application site is outdoor car parking associated with Intercity House, and as such this land is highly unlikely to come forward as a development site any time within the mid-term future. The bus depot on the south side of Stanley Cottages is therefore the only substantial remaining site suitable for redevelopment within the area. As already alluded to in Section 9 of this report, the emerging character of the western part of Grays Place is more strongly coherent than to the east, and while unmistakably urban this setting is rather more “domestic” in scale than at Intercity House and the other higher buildings located around Mill Street to the north of the Railway Station - for example Rivington Apartments and the Holiday Inn. The application site is in a prominent location within the western

Grays Place setting, and the scale and form of the proposed development would be highly visible from the smaller scale residential properties surrounding the site.

10.3 Although the provision of flats that comply with the criteria of saved policy EMP6 and Core Strategy policy 8 is acceptable in this location, the proposed ten storey building would be highly dominant in this streetscape. The proposal maximises coverage of the site to the extent that there is very little scope here for landscaping, and no scope for the landscaping to be of a scale that would help to integrate the building into its surroundings. While much of the space around existing buildings in the immediate vicinity is occupied with car parking, landscape planting has been provided which will in time mature to provide a setting for the smaller scale buildings noted above. Abbey House to the west already has some trees within the rear carpark, and while the future of all of them is not assured, at least one better quality tree is to be retained there in conjunction with one of the conditions of development relating to the residential conversion. In contrast to these neighbouring sites, the application proposal would completely fill its site, apart from an area on the north-western side of the site where an outdoor refuse and recycling store is proposed.

10.4 For a development of the size proposed here, the refuse / recycling store should be provided within the building rather than in this street frontage location, and the small area shown for this purpose on the site layout could then be used for some significant structural landscaping. This is not considered to be representative of good design. Notwithstanding, this would not overcome the issues of excessive scale in the context of the site's immediate surroundings, rather it remains as an opportunity to be considered in any acceptable redesign of the site. It is acknowledged that the proposed building has some interesting design features which could suit another location, but in this context it represents an overdevelopment of a small site and would constitute an overdominant extension of the denser and bulkier built forms into this low- to mid-rise area, with the result that the emerging higher-quality character of this area would be harmed. As such, it is considered to be contrary to saved policy EMP6 and Core Strategy policy 8, and to design advice in the NPPF.

## 11.0 Mix and density of dwellings

11.1 The mix of units sizes as proposed is as follows:

Unit Type	Number	Proportion
1-Bed 2 person	28	46%
2-Bed 3 person	14	23%
2-Bed 4 person	15	25%
2-Bed 5 person flats	2	3%
2-Bed 5 person duplex	2	3%
<b>Total</b>	<b>61</b>	

11.2 Notwithstanding the objections noted above, as already discussed Core Strategy Policies 1 (Spatial Strategy) and 4 (Types of Housing) provide for high density housing within Slough town centre. The Core Strategy notes a tendency to formation of smaller households and a corresponding demand to smaller units, and while the unmet needs for family housing in Slough remains acute, the mix of units proposed is considered to be an acceptable in this location.



11.3 However, given the constrained size of the site, 1013 sq.m. the proposal would result in a density of 602 dwellings per hectare. This reinforces the objection in para. 10.3 above; while high densities are supported in Town Centre locations, this would be uncharacteristically high in this location.

## 12.0 Impact on amenities of neighbouring occupiers

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

12.2 The building height at the eastern end of the development is five storeys high, as against three stories for the existing building to be demolished. The new building would be located in close proximity to windows at Intercity House that serve habitable rooms, which currently have outlook to the west and to the south of Automotive House. The existing neighbouring building is set about 5m in from the common boundary, and the two buildings would in addition be separated by the access road to the proposed basement car parking area, approximately 10m in all from the existing west-facing windows to the wall of the new building. Internal arrangements in this part of Intercity House provide two flats at each level; one with outlook to the north and west, the other to the south and west. Eight apartments are located in the first to fourth floor levels of this part of the neighbouring building, with the west facing windows primarily serving bedrooms where they face Automotive House and in secondary windows are provided for with either a northern or southern aspect. For the north facing flats at first and second floor, existing separation from Automotive House is approximately 7.5m, so the increased separation between buildings to 10m would result in an improvement for these rooms (albeit that the closest element at Auto House has a restricted footprint). However, for the flats on the other side of the neighbouring building the same 10m separation distance would replace outlook to the west across the Automotive House carpark while for flats at fourth and fifth floor levels which currently have outlook across the roof at Automotive House, that outlook would be lost and replaced by the same 10m separation distance that would result for the other existing west-facing windows. It is noted that the fourth floor at the neighbouring building recesses to provide terraces on the north and south sides of the building. For six of the eight flats, a significant loss of outlook would therefore result.

12.3 It is noted that any inter vision between habitable room windows from this 10m distance would result in a loss of privacy. First to fourth floor windows on the facing wall at the proposed development would serve kitchens but would be obscure glazed; nevertheless any windows located in line with existing windows are likely to result in a perception of overlooking and loss of privacy for adjacent occupiers at Intercity House.

12.4 A Daylight and Sunlight Report was submitted with the application which assesses impacts on natural light for these and other neighbouring residential properties using the Building Research Establishment (BRE) standard methodologies, namely the Vertical Sky Assessment (VSC), Annual Probable Sunlight Hours (APSH) and Daylight Distribution (DD) tests. In the case of Intercity House, impacts on four west facing windows at first floor level and two each at second and third floor levels were assessed. All of these were assessed as bedroom windows, where lower levels of natural lighting are considered in the BRE guidance to be more acceptable than for rooms that are used in the daytime - kitchens and living rooms. However reference to the approved floor plans at Intercity House shows that the use of some of the

rooms in this assessment was not correctly identified. The assessment in the Report found that one first floor bedroom window would underperform terms of VSC and APSH guidance on minimum light levels, while four windows fail the Daylight Distribution (DD) test. The report does not assess living room windows, on the basis that they are on the secondary elevation of these rooms, and they are located at the corners of the neighbouring building. The Report also does not assess windows at third and further level, which currently have unrestricted outlook. The Report goes on to justify non-compliant rooms on the basis of the mirror image principal, which provides for lower standards in situations that “have the potential to unduly affect the reasonable utilisation of adjacent land”. In these situations, lower natural lighting targets can be set for side-facing windows on the basis of the impact of a "mirror-image" building of the same height and size, set an equal distance away from the boundary that the actual existing building. Applying this principle, the windows tested can be said to comply more broadly with BRE guidelines.

- 12.5 The Report also notes that several windows serving flats in Vanburgh Court Block B and the adjacent flats in Grays Place would underperform in terms of BRE natural light standards. The ‘mirror image’ principle does not apply in this case, so the loss of light must be taken into consideration as part of the overall impacts on the amenity of neighbouring residents. In addition, a resident in Vanburgh Court Block A has also objected on grounds of the combined impacts of multiple developments in the area, specifically on the daylight / sunlight impacts of this application in combination with the proposed for-storey apartment block applied for under ref. P/06271/021 on land to the rear of 18-24 Stoke Road, which is opposite the application site on the western side of Grays Place. This serves to highlight that the 2010 Site Allocation requirement for comprehensive planning in the area remains relevant.
- 12.6 Setting to one side the question of the development’s technical compliance with BRE guidance, the scale and proximity of the development would lead to a significant sense of over dominance for neighbouring property occupiers, particularly in the flats considered above at Intercity House but also for properties to the north of the development on the northern side of Grays Place. In combination, it is considered that the proposal would result in unacceptable impacts on the residential amenities of occupiers at the site.
- 12.7 Taking all of the above points into consideration, it is considered that the development fails to meet the requirements of the NPPF and saved policies EMP6(a) and EN1(k), and Core Strategy Policy 8(2) in relation to impacts on neighbouring residential properties, and as such should be refused.

### 13.0 Living conditions for future occupiers

- 13.1 The submitted Daylight and Sunlight Report considers the amenities of neighbouring properties, but does not assess the availability of natural light to the proposed flats. There is little doubt that the south and west-facing flats would have good natural light levels, although for those at the south-eastern corner of the development the obscure glazed kitchens may not be illuminated to an acceptable standard in terms of BRE guidelines. The availability of natural light to single aspect north-facing flats is less certain, and it is considered that this should be subject to further testing in any otherwise acceptable development.
- 13.2 All of the proposed flats comply with the Council’s minimum internal space standards, which are set out in the Developer’s Guide Part 4 supplement and were adopted in November 2018 and is in line with the national ‘*Technical*

*housing standards – nationally described space standard*'. However, it is noted that the floor areas for the majority of the flats are at or are close to the minimum set out in these standards. While no objection is made on this point, this does serve to emphasise the high dwelling density to which the development has been designed.

- 13.3 Eighteen flats have a single aspect to the north, and for a further four at first to fourth floor levels where the aspect would be generally to the north but with the addition of obscure glazing for one east-facing window, towards Intercity House, in each of these flats. The number of single aspect north facing flats appears to be increased here due to the long northern elevation, which in turn is a feature of the way that the building almost fills the plot, with minimal spacing between it and Intercity House. In addition to the four north-facing flats noted above that have eastern facing obscure glazed windows, there are also four south-facing flats also at first to fourth floor levels which also have the same feature. In all eight of these flats, the obscure glazed windows serve the kitchens. A single 1B2P flat at fifth floor level would also have its sole bedroom window obscure glazed, also east-facing, although in this case it would be set 20m in from the line of Intercity House. The use of obscure glazing means that there is no direct outlook from any of these rooms, which would detract from the levels of amenity that they would otherwise be provided for future occupiers of the dwelling. In addition it has not been demonstrated that sufficient internal illumination would be provided for the occupiers in this room, and this point would need to be tested in a Sunlight and Daylight Assessment for any acceptable proposal with a similar feature.
- 13.4 The fifth floor flat noted above is also one of the few within the development that would not have its own balcony or other amenity space. It would however have close access to the shared fifth floor level amenity space, with a distance of about 5m between the doors serving the flat and the amenity space. However, this amenity space would be located on the north side of the adjacent built form, which would limit its use to the warmer months only. Most of the other flats would have their own private balconies or, for four of the ground floor level flats, small terraces. The remaining exceptions are two ground floor level flats, both of which would be north facing single aspect flats. These two flats comprise a 1B2P flat with internal area of 51 sq.m. and a 2B3P flat of 64 sq.m. These areas are 1 sq.m. and 3 sq.m. respectively over the minimum standards noted at para. 13.2 above. While occupiers would have access to the communal amenity space on the fifth floor, this is not readily accessible and it is therefore considered that in any acceptable proposal, improved levels of amenity should be provided for those flats without either private amenity space, or good access to a shared space.
- 13.5 In conclusion, while the flats would meet most of the standards required of them the number of single-aspect north facing flats, the limited value of the shared amenity space due also to its northern aspect, and use of obscure glazing to protect privacy between the development and its near-neighbours serve to demonstrate that the proposal represents poor design and an overdevelopment of the site.
- 13.6 In the event that the application is approved, a condition would be required to provide for a proportion of the flats, and access to them, to be laid out to disabled access standards. It is noted that the access within the main lobby includes ramped access, but there are no specifically designated disabled parking standards within the development although there are two larger spaces within the basement car parking area that could be redesigned and designated

as such. This would also require redesign / redesignation of the lifts, which includes a residents lift and a fire fighting lift. At present, only the fire fighting lift provides access to and from the basement. The Council's section 106 guidance Part 2 *Developer Contributions and Affordable Housing* (Section 106) notes the high levels of housing need for disabled residents across all tenures. A requirement is set for 5% of homes on all developments of 25 or more dwellings to be wheelchair accessible, so if the application is considered to be acceptable in all other respects, a condition or conditions would be required to ensure that a minimum of three flats in the development are provided to Part M4(3) standard (wheelchair user dwellings).

#### **14.0 Impacts on Burnham Beeches Special Area of Conservation**

- 14.1 Paragraph 17 of the NPPF 2019 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 14.2 Natural England's comments and objection in relation to effects on Burnham Beeches Special Area of Conservation refer to a South Buckinghamshire SPD which is not adopted in or applicable to Slough. However, the principle of providing mitigation for any identified significant effects is accepted. Natural England (NE) has asked for a suitable strategy to be agreed that will provide on-going mitigation for future major development within a 5.6km buffer zone around the SAC. This would require mitigation to be secured for an identified project through a planning obligation, in order to ensure that there will not be any in-combination effect as a result of additional recreation pressure on the Burnham Beeches SAC.
- 14.3 Informal discussions with NE regarding all proposed future development in Slough and the need for mitigation have been held and a way forward has been identified by officers. This is based on financial contributions to be provided for mitigation works within Slough, with Upton Court Park identified as a key site for such works. The applicant has indicated that a Habitats Regulation Assessment will be provided, and when that has been received further comment will be sought from NE. While it is hoped that further discussion with NE will result in the withdrawal of their objection, it is not likely that this will be concluded within the timespan of this application. It is therefore considered that unless that is achieved, the application must be refused on grounds that no mitigation for impacts on the SAC has been provided.

#### **15.0 Wind conditions and microclimate**

- 15.1 Potential impacts of this tall and somewhat irregularly shaped building have been considered and a wind report was requested during the assessment of the application. A Pedestrian Wind Environment Statement has now been submitted, which demonstrates that the wind environment around the building will be acceptable for pedestrian and cyclist use. As such, there is no objection on the basis of the building's impacts on the local wind environment.

## 16.0 Highways, transport and parking

- 16.1 Paragraph 106 of the NPPF 2019 states that in town centres local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists. While the site is not currently within the Town Centre, this policy is considered applicable in this edge-of-centre location.
- 16.2 Paragraph 108 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
- 16.3 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.
- 16.4 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.
- 16.5 The Transport and Highways Officer has provided detailed comments at Section 6.9 in this report, which include an objection on grounds of
- not having demonstrated that the vehicle access ramp to the basement car park will not result in conflict,
  - insufficient turning space for delivery vehicles on the public highway, and
  - Insufficient car parking.
- 16.6 The first point may be capable of being resolved through further detailed design of the proposal, but in view of the other objections planning officers have not pursued this option. It is less certain whether the second point can be resolved within the parameters of the proposed design. With regards to the numbers of car spaces that would be provided; the proposed low provision must be weighed against the highly sustainable location of the development in terms of public transport availability. The Council's Parking Standards are dated, and it is noted that an acceptable number of cycle spaces have been provided. While the Environmental Quality Officer has noted that the reduced vehicle trips would have a positive impact in terms of air quality (AQ), and no request for AQ mitigation has been made, in this instance an appropriate financial contribution towards a car club would provide future occupiers with a

viable alternative to owning and using their own cars for the purposes of trips that cannot conveniently be made by more sustainable means. Delays to the delivery of a Slough Car Club are noted, and it is therefore considered that in the event that planning permission is granted it would be necessary to restrict occupation of the units until the car club is in place and operational. However the first two of the bullet points above remain to be resolved, so for that reason are the subject of one of the reasons for refusal as recommended in paragraph 1.1 of this report.

## 17.0 Sustainable design and construction

17.1 The NPPF 2019 seeks to promote high levels of sustainability, and to avoid increased vulnerability to climate change through planning of green infrastructure and reducing greenhouse gas emissions.

17.2 Core Strategy Policy 8(1) requires all development to include measures to:

- a) *Minimise the consumption and unnecessary use of energy, particularly from non renewable sources;*
- b) *Recycle waste;*
- c) *Generate energy from renewable resources where feasible*
- d) *Reduce water consumption; and*
- e) *Incorporate sustainable design and construction techniques, including the use of recycled and energy efficient building materials.*

17.3 The Planning Statement sets out general aspirations in regards to building sustainability and a separate Energy Statement is provided which sets out details of energy use and avoidance of overheating. The Council's sustainability requirements could be required by condition, if the application was considered acceptable in all other respects. For any acceptable application, consideration should be given to making the building connection-ready for any future district heating system.

## 18.0 Environmental quality

### Air Quality

18.1 The Council's EQ officer has commented that the development will not contribute to air quality issues due to the reduction in car parking spaces. As a result the application is classed as a minor impact development and the mitigation requested is limited to issues that can be controlled by conditions. Notwithstanding this, a financial contribution towards a car club is requested as a result of the Highways objection to the low car parking ratio.

18.2 In the event that planning permission is granted, and subject to the submission and approval of a Construction Environmental Management Plan and the other measures noted in the Environmental Officer's comments, there would be no objection to the proposal on grounds of impacts on air quality.

### Environmental Noise

18.3 The Council's EQ officer comments on Environmental Noise raise no objections to the development on grounds of noise impacts on residents. Conditions were requested which would be applicable if the application were to be approved. These would need to be submitted when the proposed development is at the detailed design stage, and would require:

- A glazing and ventilation strategy for all facades, and
- An overheating assessment.

18.4 Subject to submission and approval of these further assessments, there would be no objection to the proposal on grounds of impacts on environmental noise.

## 19.0 Flood Risk and Surface water drainage

19.1 A Flood Risk Assessment and Surface Water Drainage pro forma were submitted with the application. The site lies within Flood Zone 1 where there is a less than 0.1% (1 in 1000) chance of tidal/fluvial flooding; however there is a high risk of surface water flooding.

19.2 Both Core Strategy Policy 8 and paragraphs 155 and 163 of the NPPF 2019 require development to be directed away from areas at highest risk of flooding and to ensure flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

19.3 The Council's drainage consultant has reviewed the submitted information, and requested a condition to require submission and approval of a maintenance regime for the entire surface water drainage system including individual SuDS features.

## 20.0 Affordable housing

20.1 The NPPF 2019 at paragraph 62 requires that *planning policies should specify the type of affordable housing required, and that in most cases this need should be met on-site.*

20.2 Core Policy 4 provides for residential developments for 15 or more dwellings to have between 30% and 40% of the dwellings as social rented units, along other forms of affordable housing, with the affordable housing should to be secured by a section 106 planning obligation. The Council's updated Developer Guide Part 2, (September 2017) requires developments of 25 to 69 units to make a 30% on-site provision of affordable housing (split between Slough Affordable / Social Rent, Slough Living Rent Intermediate). However, in this case a Financial Viability Assessment (FVA) has been submitted by the applicant, which sets out a case that the development would not be able to support affordable housing either on-site or by way of an off-site contribution.

20.3 The Council's viability consultant has subjected the FVA to a rigorous review, and summarises his findings as follows:

*"We have identified a deficit on a 100% private basis despite our changes outlined in our report and therefore agree with Aspinall Verdi that affordable housing cannot be provided. It appears from our calculations that the scheme has a gross to net floor area of 67%. This is surprisingly inefficient and may be the cause of the scheme's lack of viability.... We recommend that the scheme is subject to a late stage review of viability if consented."*

20.4 Any grant of planning permission should therefore be subject to completion of a section 106 agreement to secure an off-site contribution, if property values improve over the course of the development of the site and a late review shows that this can be supported. However, the consultant's comment about the inefficient gross to net floor

area is significant, and it is also noted that the design of the building results in

- the higher floors accommodating progressively fewer units, and
- provision of a basement that accommodates only twelve car parking spaces, in addition to cycle stores.

20.5 It follows that this is a building with some expensive features, for example, the build cost per car parking space would be very much more expensive than for a basement that accommodates twice the number of cars. While the results of the FVA review show that it would be difficult or just not possible to robustly defend a refusal on the grounds of not providing affordable housing, it is considered that this lack should be noted in the reasons for refusal as a more efficiently designed building may be able to overcome this key area of policy non-compliance.

## 21.0 Housing supply

21.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. However this is updated by the Council's Housing Delivery Action Plan (July 2019), which confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of something approaching 20,000 new homes over the lifetime of the emerging Local Plan.

21.2 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, it is acknowledged that the Local Planning Authority cannot currently demonstrate a Five Year Land Supply. The benefits of the additional housing offered in this application therefore form a key element of weight in the planning balance.

## 22.0 Safe and Accessible Environment

22.1 Paragraph 91 of the NPPF 2019 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other
- Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

22.2 These objectives are consistent with Core Strategy Policies 8 and 12, and Local Plan Policy EN5.

22.3 No comments have been provided on the application at the time of writing this report by the Crime Prevention and Design Advisor, and any that are provided prior to the Planning Committee meeting will be reported on in the amendment sheet.

## 23.0 Fire Strategy and safety

23.1 The NPPF 2019 does not have any policies relating to fire safety; this is normally considered under Building Control rather than planning. However, the Royal Berkshire Fire & Rescue Service was consulted. No consultation comments have been provided on the proposals at the time of writing this report, and any that are



provided prior to the Planning Committee meeting will be reported on in the amendment sheet.

#### 24.0 **Impact on Heritage Assets including archaeology**

24.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As a consequence the desirability of preservation must be given considerable importance and weight in the decision making process.

24.2 Paragraph 190 of the NPPF 2019 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 199 of the NPPF which 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".

24.3 There are three Grade II statutory listed buildings located approximately 100 metres to the south of the site at the Slough railway station. These are the booking hall fronting onto Brunel Way, the Area Managers Building which has street frontage to the north, and an "island" platform building between the above two buildings which is separated from them by rail tracks to either side of it.

24.4 A Heritage Statement was provided and while it was noted by the Council's Heritage consultant that CGI views within this Statement are not of great quality, improved views were subsequently submitted. These demonstrate that the proposed redevelopment of the application site will change the setting of the southernmost listed railway station building in particular, as there will be views across with the building clearly visible to the north. However, The setting of the station buildings has changed markedly since their construction, and it is not considered that the additional significant impacts on the significance of the listed Slough Railway Station buildings would result be significantly harmful. No objection is therefore raised on this issue.

24.5 Berkshire Archaeology has been consulted; however, no comments have been provided on the application at the time of writing this report. Any that are provided prior to the Planning Committee meeting will be reported on in the amendment sheet.

#### 25.0 **Infrastructure requirements / Section 106**

25.1 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. Section 106 contributions excluding mitigation of impacts on Burnham Beeches SAC would be as follows:

<b>Infrastructure area</b>	<b>Contribution</b>
Education	£184,608
Transport	£50,000
Recreation	£30,500
Public realm	£12,200
<b>Total excluding Burnham Beeches mitigation</b>	<b>£277,308</b>

25.2 Clarification of an appropriate sum for mitigation of impacts on the Burnham Beeches SAC will be included in the amendment sheet.

## **26.0 Equalities Considerations**

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

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

26.2 This report identifies the need to ensure the new development provides new residential units which are suitable for individuals with respect to access and use. The Design and Access Statement identifies design measures that will be incorporated to make the development safer and more secure, therefore considerate of all individuals with protected characteristics. In the event that the proposals were considered acceptable, conditions would be recommended to ensure the development and its external areas are laid out to be easily accessible to all protected groups.

26.3 The proposals will be required to make provision for wheelchair accessible car parking spaces, level accesses and thresholds to the buildings and communal terraces.

26.4 It is considered that there would be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development e.g.: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into a demolition method statement and construction management plan to mitigate the impact and minimise the extent of the effects.

26.5 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the local planning authority exercising its public duty of care, in accordance with the 2010 Equality Act.

## **28.0 Planning Balance**

28.1 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. Given that the Council does not have a 5 year supply of housing land it is necessary for the planning balance exercise to be undertaken.

28.2 The development would make a positive contribution to the supply of housing in the Borough, including smaller units, and would be located in a sustainable location. Significant weight is given in the planning balance to this contribution.

28.3 However, the proposal would extend a high building typology into an area of midrise housing, and would not make any provision towards much-needed affordable housing, for which there is an acute need in the Borough. Very significant weight is given in the planning balance to these issues. It would also be an unneighbourly development for adjacent occupiers and this must also be given significant weight in the planning balance.

28.4 The proposal fails to make financial contributions for necessary infrastructure and the mitigation of impacts on Burnham Beeches SAC. In the absence of a completed section 106 agreement to secure the contributions, and also to secure a late stage review in respect to off-site affordable housing contributions, the development is not considered to be sustainable and this is considered to be a strong negative in the planning balance. The proposal would result in significant and demonstrable harm as identified in this report and is unacceptable.

## **PART C: RECOMMENDATION**

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 that the application be refused for the reasons set out in Section 1 of this report.