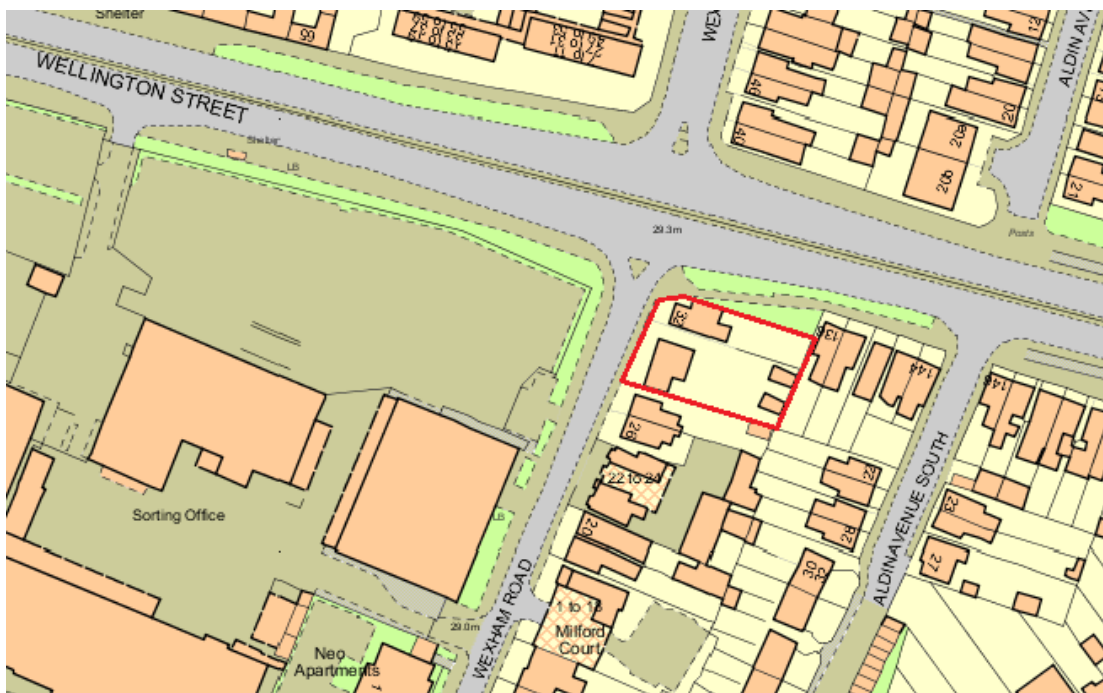


Registration Date:	23-Jan-2023	Application No:	P/19443/009
Officer:	Michael Scott	Ward:	Central
Applicant:	Wexham Construction Ltd.	Application Type:	Major
		13 Week Date:	24 April 2023 [EoT 09 June 2023]
Agent:	GA&A Design, Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location: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

Recommendation: Delegate to the Planning Group Manager for Refusal



P/19443/009

1.0 **SUMMARY OF RECOMMENDATION**

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

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

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

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

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for:

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

3.0 **Application Site**

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

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

4.0 **Relevant Site History**

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

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

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

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

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

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

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

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

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

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

5.0 **Neighbour Notification**

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

6.0 **Consultations**

6.1 **Local Highway Authority**

Introduction

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

Vehicular Access

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

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

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

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

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

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

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

Access by Sustainable Travel Modes

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

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

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

Trip Generation

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

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

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

Car Parking

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

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

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

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

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

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

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

EV Charging

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

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

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

Cycle Parking

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

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

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

Deliveries, Servicing and Refuse Collection

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

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

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

Summary and Conclusions

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

6.2 **Thames Water**

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends a number of conditions and informatives be attached to this planning permission.

6.3 **Lead Local Flood Authority**

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

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

6.4 **SBC Environmental Officer**

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

Air Quality Background

Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated concentrations of Nitrogen Dioxide (NO₂, annual average), including:

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

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

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

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

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

Air Quality

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

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

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

There was concern that due to the proximity of the development to Wellington Street, there was potential for exposure of future residents to high concentrations of NO₂. However, data taken from passive and

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

Mitigation Requirements – secured via condition for the following:

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

Environmental Noise

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary:

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

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

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

PART B: PLANNING APPRAISAL

7.0 Policy Background

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

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

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

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

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

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

Other Relevant Documents/Statements

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

7.4 Slough Local Development Framework Site Allocations DPD (2010)

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

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

The stated Reasons for Allocation are:

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

The Site Planning Requirements in the DPD are:

Redevelopment and/or reconfiguration proposals should:

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

7.5 Centre for Slough Interim Planning Framework (2019)

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

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

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

7.6 The Proposed Spatial Strategy (November 2020)

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This sets out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough. The consultation document contained a revised Local Plan Vision which supports the Council’s vision for Slough as a place where people want to “work, rest, play and stay.”

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council’s position with regards to strategic planning issues. As a result, it is relevant for the consideration of this application (but only very limited weight can be afforded to the specific and strategic guidance therein).

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

Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. Since 31st December 2020, the UK requirements for Habitat Regulations Assessments (HRA) is set out in the Conservation of Habitats and Species Regulations 2017 (as amended by the

Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019). Together, the National Site Network of the UK comprises over 25,500 sites and safeguards the most valuable and threatened habitats and species across Europe and the UK; it represents the largest, coordinated network of protected areas in the world.

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

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

7.8 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

Buckinghamshire Council adopted (in November 2020) a Supplementary Planning Document (Burnham Beeches Special Area of Conservation – strategic Access Management and Monitoring Strategy) which requires developers to make a financial contribution per dwelling for mitigation irrespective of dwelling type or size in a zone between 0.5km and 5.6km from Burnham Beeches. The threshold, in terms of the size of development, when a contribution will apply is for schemes of 10 net additional homes.

7.9 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published in July 2021.

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

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

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

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

7.10 The planning considerations for this proposal are:

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

8.0 **Principle of development**

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

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

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

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

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

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

10.0 **Impact on amenity of neighbouring occupiers**

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

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

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

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

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

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

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

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

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

13.0 **Crime Prevention**

13.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed; so, as to reduce the potential for criminal activity and anti-social behaviour.

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

14.0 **Highways and Parking**

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

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

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

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

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

15.0 **Flooding & Drainage**

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

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

16.0 **Trees & Landscaping**

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

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

17.0 **Heritage Issues**

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

18.0 **Land Contamination**

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

19.0 **Environmental Issues**

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

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

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

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

20.0 **Infrastructure and Section 106 requirements**

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

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

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

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

Affordable housing

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

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

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

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

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

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

22.0 Equalities Considerations

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

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

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

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

22.4 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

23.0 **PART C: RECOMMENDATION**

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

24.0 **PART D: INFORMATIVES**

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

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

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

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

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

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

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

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

(q) Arboricultural Impact Assessment by Hallwood Associates ref. no. HWA10594_APIII Version 1.0; Dated 14/04/2021; Recd On 23/01/2023

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

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

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

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

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

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

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

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

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

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

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

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