

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

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



## **1.0 SUMMARY OF RECOMMENDATION**

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

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

2. The proposed development will result in residential accommodation that fails to achieve appropriate levels of natural daylight and sunlight and result in windows immediately abutting the public footway, resulting in a substandard level of amenity for future occupiers of the development to their detriment. The proposal is therefore contrary to policies EN1 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the National Planning Policy Framework 2023.

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

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

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

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

## PART A: BACKGROUND

### **2.0 Proposal**

- 2.1 The application seeks full planning permission for the demolition of the existing building on site and the redevelopment to provide a new single building that provides 50 flats with associated landscaping and parking.

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

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

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

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

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

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

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

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

- Amended Design and Access Statement
- Highways Response Note

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

### **3.0 Application Site**

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

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

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

## **4.0 Site History**

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

P/00490/054

To create a new entrance to the front elevation

Approved 13/07/2020

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

P/00490/052

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

F/00490/051

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

Refused 05/09/2015

The reason for refusal off prior approval reads as follows:

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

## **5.0 Neighbour Notification**

5.1 Due to the development being a major application, in accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), site notices were displayed outside the site on 1/02/2023. The application was advertised in the 27/01/2023 edition of The Slough Express.

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

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

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

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

## **6.0 Consultations**

### **6.1 Highways and Transport**

#### Pre-application Advice

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

#### Vehicle Access

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

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

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

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

#### Car Parking Provision

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

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

Such a large shortfall in parking provision would clearly be contrary to the NPPF Paragraphs 110 and 112 of the National Planning Policy Framework which requires that: *'Safe and suitable access to the site can be achieved for all users' and requires developments to: 'Minimise the scope for conflicts between pedestrians, cyclists, and vehicles'.* The development is also contrary to Local Plan Policy T2 which requires that: *'Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems, protect the amenities of adjoining residents'.*

### Car Parking Standards

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

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

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

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

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

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

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

### 2021 Car Ownership Data

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

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

Source: Office for National Statistics 2023. Datasets TS045 and CT21\_007.

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

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

### Section 106 Contributions

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

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

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

### Access by Sustainable Travel Modes

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



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

This is before the distance most people will walk to a rail station according to the Chartered Institute of Highways and Transport document 'Planning for Walking' advises that: *'People will walk up to 800 metres to access a railway station, reflecting it's greater perceived quality and the importance of rail services'*.

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

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

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

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

### Trip Generation

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

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

### Cycle Parking

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

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

### Deliveries and Servicing

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

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

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

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

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

### Summary and Conclusions

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

#### Car Parking Provision

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

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

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

6.2 Lead Local Flood Authority

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

6.3 Thames Water

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

6.4 Environmental Quality

Air Quality Comments

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

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

In line with the Slough Low Emission Strategy, the scheme is considered to have a minor impact on air quality. An assessment of exposure risk has also been completed which concludes that the development is at low risk of exposure to poor air quality. As such, the scheme only requires the integration of Type 1 mitigation measures, contained in the LES Planning Guidance and replicated below.

*Mitigation Requirements*

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. Electric vehicle charging points should be provided for each parking space.
- As specified within the TS, 6 car club spaces will be provided. It is expected that each of these spaces will have access to EV charging infrastructure to support the Council's Electric Car Club Programme.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It should include noise and dust controls.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report.

- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report
- The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure

### Environmental Noise Comments

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

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

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

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

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

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

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

#### 6.5 Contaminated Land Officer

No comments received.

#### 6.6 Crime Prevention Design Advisor (CPDA)

Provided input on design with the following comments:

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

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

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

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

## 6.7 Natural England

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

## 7.0 **Policy Background**

### 7.1 Slough Local Development Plan and the National Planning Policy Framework (NPPF)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current version of the National Planning Policy Framework (NPPF) was published on 5<sup>th</sup> September 2023. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant paragraphs of the NPPF are outlined below. However, before doing so officers first identify the relevant policies in the Development Plan which is the starting point of an assessment of the application consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

The National Planning Policy Framework 2023 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2023, the Local Planning Authority can not demonstrate a Five Year Land Supply. Therefore, when applying

Development Plan Policies in relation to the distribution of housing, regard will be given to the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2023 and refined in case law.

The weight of the harm and benefits are scaled as follows:

- Limited
- Moderate
- Considerable
- Substantial

Planning Officers have considered the revised National Planning Policy Framework 2023 which has been used together with other material planning considerations to assess this planning application.

## 7.2 National Planning Policy Framework 2023:

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

## Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies, December 2008:

- Core Policy 1 (Spatial Strategy)
- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability and the Environment)
- Core Policy 9 (Natural, Built and Historic Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 12 (Community Safety)

## Local Plan for Slough March 2004 policies:

- EN1 – Standard of Design
- EN2 – Extensions



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

Other Relevant Documents/Statements:

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

7.3 Emerging Preferred Spatial Strategy for the Local Plan for Slough

The emerging Preferred Spatial Strategy has been developed using guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

This site is not allocated for development within the emerging Spatial Strategy. Protecting the built and natural environment of Slough’s suburban areas is one of the key elements in the emerging Spatial Strategy.

7.4 National Planning Practice Guidance (NPPG)

The NPPG was first published in 2014 and is iterative web-based guidance that is designed to complement the NPPF across a range of topics.

7.5 Fire Safety Provisions - DLUHC Guidance - Fire safety and high-rise residential buildings (from 1 August 2021)

The Department for Levelling Up, Homes and Communities (DLUHC) has brought in changes to the planning system whereby HSE Gateway One are a statutory consultee on specified planning applications. The DLUHC Guidance states that the changes are intended to help ensure that applicants

and decision-makers consider planning issues relevant to fire safety, bringing forward thinking on fire safety matters as they relate to land use planning to the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety.

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

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This sets out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough.

The consultation document contained a revised Local Plan Vision which supports the Council's vision for Slough as a place where people want to "work, rest, play and stay."

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues.

#### 7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals as set out in Section 24 of this report.

#### 7.8 Written Ministerial Statement (2021) – First Homes

The Written Ministerial Statement (WMS) 2021 states that First Homes should account for at least 25 per cent of affordable housing units delivered through planning obligations, which is a material consideration for decision making from 28th June 2021. First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.

Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.

The transitional arrangements set out in the Written Material Statement and Planning Practice Guidance confirm that the First Homes requirement will not apply to sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021 or applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022.

## 7.9 Habitats Regulations Assessment of Projects, Natura 2000 and European Sites

Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive.

Since 31st December 2020, the UK requirements for Habitat Regulations Assessments (HRA) is set out in the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019). Together, the National Site Network of the UK comprises over 25,500 sites and safeguards the most valuable and threatened habitats and species across Europe and the UK; it represents the largest, coordinated network of protected areas in the world.

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

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

#### 7.10 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

Buckinghamshire Council adopted (in November 2020) a Supplementary Planning Document (Burnham Beeches Special Area of Conservation – strategic Access Management and Monitoring Strategy) which requires developers to make a financial contribution per dwelling for mitigation irrespective of dwelling type or size in a zone between 0.5km and 5.6km from Burnham Beeches. The threshold, in terms of the size of development, when a contribution will apply is understood to be for schemes of 100 net additional homes.

#### 7.11 Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the 1990 Act imposes a general duty on the Council as respects listed buildings in the exercise of its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

- Principle of Development
- Supply of housing
- Design and impact on the character and appearance of the area
- Landscape
- Impacts on neighbouring residential amenity
- Impacts on amenity of future occupiers of the development
- Transport, Highways and parking
- Drainage
- Energy and Sustainability
- Air Quality
- Crime Prevention
- Affordable Housing and Infrastructure
- Habitat Impacts

- Equalities Considerations
- Neighbour representations
- Presumption in favour of sustainable development

## 9.0 Principle of Development

- 9.1 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built-up area, predominately on previously developed land. The policy seeks to ensure high density housing is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings. Core Policy 1 also outlines that comprehensive regeneration of selected key locations within the Borough will be encouraged at an appropriate scale and some relaxation of the policies or standards in the Local Development Framework may be allowed where this can be justified by the overall environmental, social and economic benefits that will be provided to the wider community. Furthermore Paragraph 7.12 within the Core Strategy states that *“Parts of Britwell and the Slough Trading Estate are examples of such areas which would benefit from being redeveloped in a comprehensive, properly planned and coordinated manner. The scale of development in these areas will depend upon the existing and proposed accessibility of sites and the extent of any environmental constraints”*.
- 9.2 Core Policy 4 again emphasises that high density housing should be located in the Town Centre area and that outside the Town Centre the development will be predominately family housing at a density related to the character of the area. In particular, in suburban residential areas, there will only be limited infilling consisting of family houses which are designed to enhance the distinctive suburban character and identity of the area. The site is not identified as a development site within the Slough Local Development Framework Site Allocation Document Development Plan Document.
- 9.3 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non-family type housing to be located in the town centre or urban areas.
- 9.4 The site is located within a built-up area of Slough and within a defined Business Area (Slough Trading Estate). Core Policy 5 of the Core Strategy seeks to resist the loss of employment uses within defined Business Areas.
- 9.5 The development proposed will result in the loss of an existing business unit in designated employment land. Although it is a retail unit as opposed to a more traditional employment use such as office space, the site is in business use and does generate employment. Therefore, the proposal is contrary to Core Policy 5 which seeks to retain such sites.

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

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

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

## **10.0 Supply of Housing**

- 10.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.
- 10.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the period between 2020 and 2041.
- 10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 104 residential units would make a contribution to the supply of housing, it is unclear as to how quickly the units could be built out which lessens the weight the units are afforded. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.

10.4 In terms of housing mix, the recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

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

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

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

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

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

## **11.0 Design and Impact on Appearance and Character of the area**

11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.

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



- 11.3 The external detailing of the building is a typical design that centres on vertical and horizontal rhythm created through windows positioning and balcony detailing with external materials used to create visual break in the appearance. The design approach is the type of development that would be seen anywhere in Slough and, as is often the case, the difference between a high quality development and an ordinary development is usually in the detailing, materials and implementation.
- 11.4 The footprint of the building is such that the west elevation abuts the footway. The design of the building is such that there are windows on this elevation, including at ground floor level. It means that the windows at ground floor level would be subject to direct overlooking and loss of privacy from pedestrians using the footway. To counter this it would be likely that occupiers of the units would install blinds/curtain on the windows that remain closed which would, in turn, affect amenity levels of these units. The lack of defensible space on a prominent location is a symptom of an overdevelopment of the site. The issues of overdevelopment also has implications on the extent of natural light that is received to windows on the development as a whole and the level of parking that is available. Therefore, it is considered that the overall built form of development results in overdevelopment that would not achieve a high quality of design and would not enhance the quality of the built environment.
- 11.5 Objection has been received from the landowner of 20 Wellcroft Road to the immediate south of the site on the grounds that the scheme include numerous south-facing windows that would subsequently compromise the potential to redevelop this neighbouring plot in the future. The point raised is relevant and the scheme relies heavily on south facing windows to enable the number of units proposed to be achieved and would overlook the adjacent land, creating issues for future redevelopment to the south. The proliferation of windows that directly overlook neighbouring land is a symptom of overdevelopment of the site. The windows are a characteristic of piecemeal development which goes against the goals of Core Policy 1 and shows a disregard for achieving a comprehensive approach to redevelopment. This is an adverse impact that should be afforded negative weight.
- 11.6 On the basis of the considerations above, while the scale of the development is acceptable on its merits, the bulk and overdeveloped nature of the scheme for consideration is such that it creates a poor relationship with the public realm and does not adopt a comprehensive approach, compromising the potential for development of land to the south. The scheme is not aligned to the goals of saved policy EN1 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF. The impact will be appropriately weighted as part of the planning balance.

## **12.0 Landscaping**

- 12.1 The proposal includes some street-level landscaping and 2no roof gardens for the use of occupiers of the proposed residential units.
- 12.2 Detailed landscape proposals are not submitted with this application, and they will need to be secured by condition as a result. Conceptual landscape details were submitted.
- 12.3 The existing site is devoid of landscaping features and therefore the proposals represent an improvement to the landscaping character at the site. The gains are minimal however they are considered to be acceptable from the perspective of increasing landscaping at the site overall. It is unclear if the roof construction would be able to facilitate for the long term establishment of a roof garden, particularly in supporting the weight and root requirements of mature trees however if the scheme were to have been acceptable in planning terms additional information would have been requested. Along with the rooftop garden details, detailed landscaping proposals would have been conditioned had the scheme been considered acceptable in planning terms.

## **13.0 Impact on neighbouring amenity**

- 13.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.
- 13.2 As the site is in a designated employment area there are no impacts on neighbouring amenity due to there being no adjacent residential properties. The closest residential building is over 65m from the site and there are no impacts identified as a result.

## **14.0 Living conditions for future occupiers of the development**

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 14.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 14.3 The submitted details show that the proposed units will be compliant with the Nationally Described Space Standards for accommodation which is considered to be acceptable.
- 14.4 In terms of natural light, the application was submitted with a Daylight and Sunlight assessment. The assessment has concluded that the proposed

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

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

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

14.10 Based on the above, the proposal is not considered to provide a suitable level of amenity for all occupiers of the development by virtue of it being unable to demonstrate a suitable level of natural light to the proposed units. The scheme is therefore contrary to the goals of the NPPF, Core Policies 4 and 8 of Council's Core Strategy, and Policy EN1 of the Adopted Local Plan.

## **15.0 Highways and Parking**

- 15.1 The National Planning Policy Framework states that planning should seek to development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan policies T2 and T8. Paragraph 111 of the National Planning Policy Framework states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 15.2 The site is located in an out of centre location and under the parking standards the development generate a requirement for 78 parking spaces. 27 are proposed at a ratio of 0.54 spaces per unit, resulting in a shortfall of 51 spaces.
- 15.3 The site is in an urban location but the services and facilities that are close by are such that there would be a reliance on the private car for people to access shops and some facilities. It is not a location that would justify such a significant under-provision of spaces against the parking standards. Furthermore there is no capacity on the streets immediately close to the development to accommodate overspill legally which would likely lead to vehicles blocking footways and other areas of highway along with verges.
- 15.4 It is also likely that overspill parking would stretch to neighbouring streets in the surrounding road network where there are already high levels of on-street parking. This concern regarding the shortfall of parking space is also demonstrated through reviewing census data for car ownership in Slough and as a result there is a significant adverse impact on the highway. The shortfall in parking is another example of adverse impacts resulting from an overdevelopment of the site and lack of consideration for comprehensive redevelopment.
- 15.5 As set out in the Highways Officer's comments the site is not in a location that would render it accessible to sustainable modes of transport that would

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

- 15.6 In terms of access the proposal utilises the existing access to the site which is out of their ownership and used by 2 other sites, suitable visibility splays are provided. The width of the access does not allow two vehicles to pass and on-street parking by the occupiers of 20 Wellcroft Road reduce the width of the access even further during work hours. These are not in allocated parking spaces but, at the same time, it is not part of the public highway and there are no controls. The tracking drawings that are submitted with the application show that a larger waste vehicle would not be able to enter and leave the basement car park without swinging over the threshold of the adjacent site 20 Wellcroft Road.
- 15.7 The Highways Officer has identified a number of Section 106 contributions that would be required from this development which are considered in section 20 of this report. It is important to note that these contributions are identified in spite of the harm caused through lack of parking and it is not the case that the contributions would address the harm identified.
- 15.8 Due to a significant shortfall in parking, the proposal has an adverse impact on highway safety and convenience and the scheme is therefore considered to be contrary to Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF 2023.

## **16.0 Drainage and Flood Risk**

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. Detailed drainage information was submitted with the application and considered by consultees.
- 16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to conditions. The Local Lead Flood Authority similarly has no objections subject to conditions, all of which are included in the recommendation.
- 16.3 There are no objections in respect of drainage and flood risk as a result.

## **17.0 Energy and Sustainability**

- 17.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim, to take account of the withdrawal of Code for Sustainable Homes new residential buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

17.2 The application was accompanied with an Energy Statement that considers the potential for the scheme to include sustainable energy technologies and achieve reductions in CO2 emissions. The statement is written for a scheme for 36 dwellings which is notably shorter than proposed here.

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

## 18.0 **Air Quality**

18.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. The proposal should not result in unacceptable levels of air pollution. This is reflected in the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

18.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic, requiring electric charging points, and low emission boilers within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.

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

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

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. Electric vehicle charging points should be provided for each parking space.
- As specified within the TS, 6 car club spaces will be provided. It is expected that each of these spaces will have access to EV charging infrastructure to support the Council's Electric Car Club Programme.

- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It should include noise and dust controls.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report.
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report
- The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure

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

18.5 On the basis of the above considerations there are no objections in respect of air quality impacts.

#### 19.0 **Crime Prevention**

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

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

#### 20.0 **Affordable Housing and Infrastructure**

20.1 Core Policy 1 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.

20.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

20.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which claims that the development would not be viable if it were required to provide full infrastructure contributions and affordable housing in line with the Developer's Guide.

20.4 Without prejudice, in accordance with the Developers Guide, this scheme would, in principle, result in the following contributions being sought:

Affordable Housing

The application proposes 50 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an affordable housing requirement of 35% which equates to 19 units from this development.

Education

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

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

Total = £150,550

Recreation/Open Space

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

Highways

The following contributions have been identified:

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

20.5 In respect of viability, the NPPF states, at para 58:



*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.*

20.6 The viability assessment has been considered by the Council's consultant. The applicant's position is that the scheme is not viable with the requirement to provide affordable housing and infrastructure contributions. The Council's consultant has reviewed the information and as part of their assessment and has identified areas of disagreement with the applicant's viability appraisal although the disagreements were minor in terms of affecting the overall conclusions. Where differences were discovered, the consultant recalculated viability using more appropriate figures. For this proposal the assessment by the Council's consultant concluded that there would be a deficit of approximately £3.7million as opposed to a concluded deficit from the applicant of approximately £4.58million.

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

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

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

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

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

## **21.0 Habitat Impacts**

- 21.1 In accordance with the Natural Environment and Rural Communities Act 2006 Local Planning Authorities have a statutory duty to show regard for conserving biodiversity in the exercise of all public functions.

- 21.2 Paragraph 180 of the NPPF 2023 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Core Policy 9 of the Core Strategy relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.
- 21.3 Regulation 61 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), requires the local planning authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive
- 21.4 Evidence put forward within the Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019' recognises that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.
- 21.5 The site is located approximately 4km (as the crow flies) from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.
- 21.6 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff based mitigation strategy for all new housing applications within 5.6km of the SAC. However this is yet to be agreed, and therefore each application needs to be considered on its own merits.
- 21.7 The applicant has submitted a Habitat Regulations Assessment as part of the application. Natural England has been consulted and objection is raised due to the anticipated impact on the SAC as a result of increased population. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park and this contribution would mitigate the impact to the point that it would address the objection raised. The applicant has agreed to pay this fee in principal and it would be secured through S106 agreement if the scheme were acceptable in planning terms. The contribution is considered to be a benefit that can be given moderate positive weight due to the payment

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

## **22.0 Fire Safety**

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

## **23.0 Neighbour Representations**

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

## **24.0 Equalities Considerations**

24.1 The Council is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.

24.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

24.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.

24.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is

a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.

- 24.5 Throughout this report, regard has been had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 24.6 The proposal would provide new residential accommodation. No details are provided in terms of the number of proposed units will be constructed to meet Part M of Building Regs requirements to provide units for wheelchair users. Access from the public footway to the building is considered appropriate and units can be safely accessed directly from the disabled parking spaces in the basement via lifts.
- 24.7 In relation to the car parking provisions, the plans show the provision of 5no disabled spaces that are closely located to access points to the building. Internal corridors are designed to accommodate the needs of residents and visitors with disabilities
- 24.8 It is considered that there would be temporary (but limited) adverse impacts upon all individuals with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction would have the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This could be secured by condition should the scheme be acceptable.
- 24.9 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

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

- 25.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result, Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

25.2 In consideration of whether or not development is sustainable, para 8 of the NPPF set out 3 objectives that should be met in order for a scheme to be considered sustainable development; the economic, social and environmental objective.

25.3 In the application of the appropriate balance, it is considered that the considerations are made to the planning balance:.

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

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

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

## **26.0 PART C: RECOMMENDATION**

26.1 Having considered the relevant policies set out above, comments from consultees as well as all relevant material considerations it is recommended the application be delegated to the planning manager for approval subject to the completion of a Section 106 Agreement to secure

habitat and infrastructure mitigation contributions, a viability review mechanism and highway works and the following conditions listed below.

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

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

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

2. The proposed development will result in residential accommodation that fails to achieve appropriate levels of natural daylight and sunlight and result in windows immediately abutting the public footway, resulting in a substandard level of amenity for future occupiers of the development to their detriment. The proposal is therefore contrary to policies EN1 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the National Planning Policy Framework 2023.

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

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

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