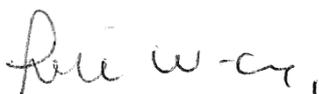


Date of issue: Tuesday, 7 September 2021

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Ajaib (Chair), A Cheema (Vice-Chair), Dar, J Davis, R Davis, Gahir, Mann, Muvvala and S Parmar)
<b>DATE AND TIME:</b>	WEDNESDAY, 15TH SEPTEMBER, 2021 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	NICHOLAS PONTONE 07749 709 868

NOTICE OF MEETING

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



**JOSIE WRAGG**  
Chief Executive

**AGENDA**

**PART 1**

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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**APOLOGIES FOR ABSENCE**

**CONSTITUTIONAL MATTERS**

- |    |                          |   |   |
|----|--------------------------|---|---|
| 1. | Declarations of Interest | - | - |
|----|--------------------------|---|---|

*All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 28th July 2021	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-
<b>PLANNING APPLICATIONS</b>			
5.	P/00072/108 - Akzo Nobel Site, Wexham Road, Slough, SL2 5DS  <i>Officer's Recommendation: Delegate to Planning Manager for approval</i>	9 - 76	Central
6.	P/16742/002 - 31-41 Beckwell Road, Slough, SL1 2XA  <i>Officer's Recommendation: Delegate to Planning Manager for refusal</i>	77 - 110	Chalvey
7.	P/01125/009 - 2A Bower Way, Slough, SL1 5HX  <i>Officer's Recommendation: Delegate to Planning Manager for refusal</i>	111 - 132	Cippenham Green
8.	P/16947/002 - 45 The Myrke, Datchet, Slough, SL3 9AB  <i>Officer's Recommendation: Delegate to Planning Manager for approval, subject to conditions.</i>	133 - 160	Upton
9.	P/19460/000 - Riverside Park, Millbrook Way, Slough, Poyle, Slough, SL3 0HG  <i>Officer's Recommendation: Delegate to Planning Manager for approval</i>	161 - 192	Colnbrook with Poyle
<b>PRE-APPLICATION PRESENTATION</b>			
10.	324-374 Bath Road, Cippenham	193 - 198	Cippenham Green
<b>MISCELLANEOUS REPORTS</b>			
11.	Slough Local Plan - Proposed consultation on the release of Green Belt sites for family housing	199 - 228	All

**MATTERS FOR INFORMATION**

12.	Planning Appeal Decisions	229 - 280	-
13.	Members' Attendance Record	281 - 282	-
14.	Date of Next Meeting - 13th October 2021	-	-

**Press and Public**

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

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

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

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

**Covid-19:** To accommodate social distancing there is significantly restricted capacity of the Council Chamber and places for the public are very limited. We would encourage those wishing to observe the meeting to view the live stream. Any members of the public who do wish to attend in person should be encouraged.

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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

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

### Predisposition

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

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

### Pre-determination / Bias

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

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

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**Planning Committee – Meeting held on Wednesday, 28th July, 2021.**

**Present:-** Councillors Ajaib (Chair), A Cheema (Vice-Chair), Dar, J Davis, R Davis, Gahir, Mann and S Parmar

**Apologies for Absence:-** Councillor Muvvala

**PART I**

**28. Declarations of Interest**

Items 5 (Minute 33 refers) – Garages rear of 1 Alexandra Road: All members of the committee had received an email from the agent in support of the applications.

Items 6 (Minute 34 refers) – Units 2C, 3A and 3B Slough Retail Park, Twinches Lane: Councillor Parmar declared that the application was in his ward. He participated and voted on the application.

**29. Guidance on Predetermination/Predisposition**

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

**30. Minutes of the Last Meeting held on 23rd June 2021**

**Resolved –** That the minutes of the meeting held on 23<sup>rd</sup> June 2021 be approved as a correct record.

**31. Human Rights Act Statement**

The Human Rights Act statement was noted.

**32. Planning Applications**

The Amendment Sheet, which included details of alterations and amendments received since the agenda was circulated had been sent to Committee Members and published on the Council website. Members confirmed that they had received and read it prior to the consideration of planning applications.

The Amendment Sheet included an update on the revised version of the National Planning Policy Framework which had been released since the committee agenda had been published. The relevant corrections to committee reports where references to NPPF were made were noted in both the Amendment Sheet and orally by Planning Officers in the introductions to their reports.

Oral representations were made to the Committee under the Public Participation Scheme prior to the applications being considered by the Committee as follows:-

## Planning Committee - 28.07.21

Application P06651/103 – Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane – the agent addressed the Committee.

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

### 33. P/00114/008 - Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ

Application	Decision
Demolition of existing garages and construction of 1no. two bedroom and 2no. one bedroom flats.	Delegated to the Planning Manager for approval, subject to conditions set out in the committee report and Amendment Sheet, once the following issue was addressed: <ul style="list-style-type: none"><li>• Drainage details provided to satisfy the Network Rail holding objection.</li></ul>

### 34. P/06651/103 - Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane, Slough, SL1 5AL

Application	Decision
Variation of conditions 7 (Items to be sold), 8 (Hours of opening) & 9 (Hours of deliveries) of planning permission P/06651/086 dated 05/11/2015.	Approved, subject to the addition of an informative to seek to minimise deliveries during drop off/pick up times for Eden Girls School.

### 35. P/03138/014 - 10 The Grove, Slough, SL1 1QP

Application	Decision
Construction of an upward extension, external alterations and change of use of the existing office building to create 11no. self-contained flats and the erection of 5no. new dwellings to the rear, including landscaping and the provision of secure cycle and bin storage.	Delegated to the Planning Manager for approval, subject to conditions.

**Planning Committee - 28.07.21**

**36. P/01158/033 - 19-25, Lansdowne Avenue, Slough, SL1 3SG**

Application	Decision
<p>Construction of 2no. buildings containing 34 no residential dwellings together with associated, car parking, landscaping and amenity space.</p>	<p>Delegated to the Planning Manager for approval subject to:</p> <ol style="list-style-type: none"> <li>1. Confirmation of satisfactory amendments to housing mix, design and layout as set out in Sections 10 and 11 of the report, by 15th September 2021;</li> <li>2. Satisfactory completion of a Section 106 planning obligation agreement to secure financial contributions towards education, HRA mitigation, open space improvements, recreation and other ecological improvements, and affordable housing (including onsite);</li> <li>3. Finalising conditions, including agreement of the pre-commencement conditions with the applicant/agent; and any other minor changes;</li> <li>4. The addition of a further condition agreed by the committee to require a landscape management plan.</li> </ol> <p>Or to refuse the application if the outstanding matters were not satisfactorily concluded or if the completion of the Section 106 planning obligation was not finalised by 15th December 2021 or if pre-commencement conditions were not agreed, unless a longer period was agreed by the Planning Manager (or his successor in title) in consultation with the Chair of the Planning Committee.</p>

## Planning Committee - 28.07.21

### 37. P/00827/032 - 10, Albert Street, Slough, SL1 2BU

Application	Decision
Redevelopment of site to allow for 11 flats, associated visitors parking, amenity space and landscaping.	<p>Delegated to the Planning Manager for approval subject to:</p> <ol style="list-style-type: none"><li>1. the satisfactory completion of a s106 agreement to ensure a financial contribution of £3300 towards local public open space enhancements,</li><li>2. finalising conditions, and</li><li>3. any other minor changes.</li></ol> <p>Or refuse the application if a satisfactory s106 Agreement was not completed by 31st January 2022, unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee.</p>

### 38. Planning Appeal Decisions

Members received and noted details of planning appeals determined since the previous report to the Committee.

**Resolved** – That details of planning appeals be noted.

### 39. Members' Attendance Record

**Resolved** – That the record of Members' attendance for 2021/22 be noted.

### 40. Date of Next Meeting - 15th September 2021

The date of the next meeting was confirmed as 15<sup>th</sup> September 2021.

Chair

(Note: The Meeting opened at 6.31 pm and closed at 9.04 pm)

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

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

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

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

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

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

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Registration Date:	13-Apr-2021	Application No:	P/00072/108
Officer:	Christian Morrone	Ward:	Central
Applicant:	C/O Agent, Yondr Group	Application Type:	Major
		13 Week Date:	13 July 2021
Agent:	Sarah Fabes, Lichfields The Minster Building, 21 Mincing Lane, London, EC3R 7AG		
Location:	Former Akzo Nobel Site, Wexham Road, Slough, SL2 5DS		
Proposal:	Approval of reserved matters following the outline approval reference P/00072/096 dated 19th November 2020 for the mixed use development of land at the former Akzonobel Decorative Paints facility, Wexham Road, Slough SL2 5DB. Reserved matters application for full details of access (internal site arrangements), appearance, layout, scale, and landscaping for the first phase of the approved commercial floorspace, comprising data centre use (including ancillary office space and associated plant and infrastructure provision); car parking, landscaping and vehicular and pedestrian access.		

**Recommendation:** Delegate to Planning manager for Approval



## **P/00072/108 Former AkzoNobel**

### **1.0 SUMMARY OF RECOMMENDATION**

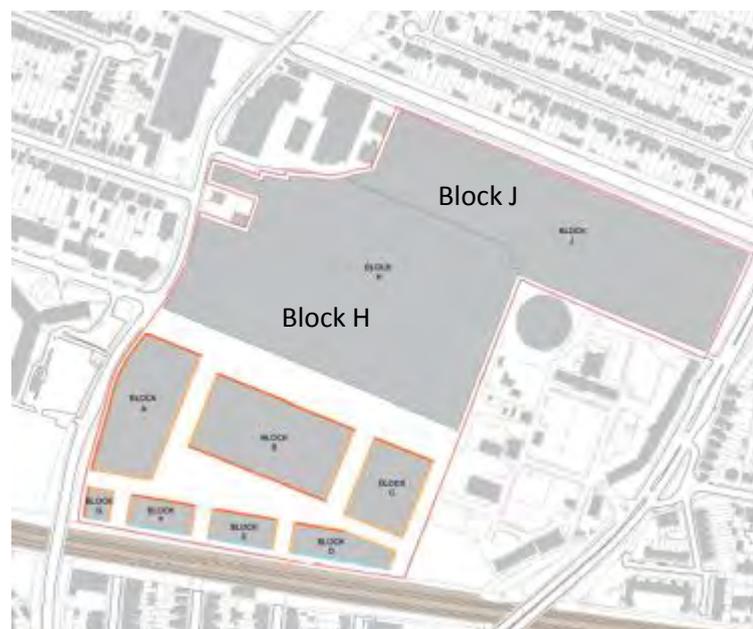
- 1.1 This application has been referred to the Planning Committee for consideration as the application is for a major development.
- 1.2 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager:

A) For approval subject to finalising conditions.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This application seeks reserved matters approval for appearance, layout, scale, and landscaping for the first phase of commercial floor-space in connection with the outline permission (with Access approved) for the redevelopment of the former Akzonobel Decorative Paints facility, Wexham Road.
- 2.2 The reserved matters site comprises an area of approximately 5.5 hectares within the northern commercial area of the outline application site. In reference to the approved development zones, the reserved matters application site includes all of Block H and a southern part of Block J of the outline planning permission (ref. P/00072/096) as shown below:



2.3 The detailed proposals comprise the following:

- The erection of 2 x three storey Data Centre buildings with a Gross Internal Floor Area of 41,311.5 square metres. Building A would measure 23.5 metres in height. Building B would measure 23.35 metres in height.
- The above heights do not include the proposed generator ducts which extend to a height of 24.5 metres and the proposed flues extend to a height of approximately 25.5 metres.
- The proposed site comprise the following:

**Building A:**

Ground floor:	26 Diesel generators Space for IT Racks Reception Ancillary storage, offices, and technical rooms
First Floor:	Electrical rooms Space for IT Racks Ancillary storage, offices, technical rooms, plant rooms
Second Floor:	Electrical rooms Space for IT Racks Ancillary storage, offices, technical rooms, plant rooms
Roof:	PV Panels Generator ducts and flues

**Building B:**

Ground floor:	26 Diesel generators Space for IT Racks Reception Ancillary storage, offices, and technical rooms
First Floor:	Electrical rooms Space for IT Racks Ancillary storage, offices, technical rooms, plant rooms
Second Floor:	Electrical rooms Space for IT Racks

Ancillary storage, offices, technical rooms, plant rooms

Roof: PV panels  
Generator ducts and flues

- vehicular access via western end of internal spine road and secondary emergency access via eastern end of internal spine road
- public cycleway / footway to connect to Uxbridge Road
- 95 Parking spaces to include 4 x wheelchair accessible bays and 29 EV charging bays
- 6 x Loading Bay (3 into each building)
- 40 x cycle storage parking spaces (noted but not shown on plans)
- waste storage
- substation to include transformers and 2no. control and switch gear rooms
- mechanical yard to include:
  - 7 x diesel storage tanks at approximately 12.5 metres in height totalling 1,000 cubic meters of diesel. Diesel filling area, and underground diesel drainage tanks.
  - 4 x water storage tanks approximately 4.8 metres in height totalling 591 cubic meters of water for cooling
  - 1 x water sprinkler tank approximately 4.8 metres in height totalling 160 cubic meters of water
  - Pump house
  - 2 x site wide generators
  - Underground greywater tank and pump
  - 5 x pump rooms and break tank

2.4 The proposed development is within the tolerances of the approved parameters of the approved outline planning permission (ref. P/00072/096).

### 3.0 **Application Site**

3.1 The proposed development site is approximately 5.5 hectares of previously developed land formerly used for General Industrial purposes (Use Class B2). The site is the first phase of the wider AkzoNobel site which measures approximately 12.7 hectares, and accommodated industrial buildings, hardstanding areas, and external plant. The site is now largely cleared.

3.2 The site subject to this reserved matters application neighbours 'The Business Village' to the northwest, which comprises a number of relatively small scale industrial and business units. Adjoining the site to north is the remainder commercial area of the outline application site (Block J) which then boarder the Grand Union Canal, with two storey housing on the opposite side.

3.3 Adjoining the site to the west is a two storey former tyre repair garage (100a Wexham Road) which has recently been granted planning permission for a change of use to two residential houses and neighbours an existing residential bungalow

(100 Wexham Road). Further west, on the opposite side of Wexham Road is a car dealership which fronts the northern side of Petersfield Avenue, and on the southern side of Petersfield Avenue is the four storey AkzoNobel building which contains offices and laboratories.

3.4 Adjoining the site to the east is the National Grid site and former gas works. The site is currently occupied by the gas supplier Cadent and comprises a depot accommodating a mixed range of office and storage buildings, open storage, and parking areas. A gas holder which was positioned in the north-west corner of the site, adjoining the application site has recently been removed. Further east on the opposite side of Uxbridge Road is predominately two storey housing.

3.5 To the south of the site is the proposed spine road and the proposed residential area of the outline application site, which adjoins the Great Western Railway line. To the south of the rail line comprises a residential area containing two storey dwellings.

#### 4.0 **Site History**

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

P/00072/115 Submission of details pursuant to condition 26 (Canal Embankment Risk Assessment and Method Statement).of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/114 Submission of details pursuant to condition 19 (Construction Traffic and Environment Management Plan) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/113 Submission of details pursuant to condition 27 (Piling Environment Agency) & 28 (Piling Thames Water) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/112 Submission of details pursuant to condition 23 (BREEAM sustainable Development for Commercial Area) & 39 (Low or Zero Carbon energy for Commercial Area) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/111 Submission of details pursuant to condition 22 (Interference with Telecommunication Signals) & 36 (Lighting Scheme) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/110 Submission of details pursuant to condition 16 (Details of the

pedestrian/cycle link), 18 (Tree Protection), (Electric vehicle charging facilities), 21 (Servicing and Delivery Layout Plan), 33 (Landscaping Details) & 35 (Landscape Management Plan) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/109 Submission of details pursuant to condition 10 (Ecological mitigation, compensation and enhancements) & 11 (Bird Hazard Management Plan Heathrow Safeguarding) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/107 Submission of details pursuant to condition 9 (Surface Water Drainage) of planning permission P/00072/096 dated 19/11/2020

P/00072/096 Outline planning application (to include matter of principal points of access), to be implemented in phases, for mixed use development comprising:

- a) Demolition of existing buildings and structures and preparatory works (including remediation) and access from Wexham Road;
- b) up to 1,000 residential dwellings (Use Class C3); along with flexible commercial uses including all or some of the following use classes A1 (Shops), A2 (Financial and Professional Services), A3 (Food and Drink), D1 (Non-residential Institutions) and D2 (Assembly and Leisure); car parking; new public spaces, landscaping; vehicular and pedestrian access; and
- c) the provision of commercial floorspace including all or some of the following use classes B2 (General Industry), B8 (Storage or Distribution) and sui generis data centre (including ancillary office space and associated plant and infrastructure provision); car parking, landscaping and vehicular and pedestrian access.

(Matters of Scale, Layout, Appearance, and Landscaping to be dealt with by reserved matters).

Approved with Conditions; Informatives ; 19-Nov-2020

P/00072/106 Submission of details pursuant to condition 12 (Noise assessment for commercial area ) & 17 (Air Quality associated with Data Centre end) of planning permission P/00072/096 dated 19/11/2020  
Currently under assessment

P/00072/105 Environmental Impact Assessment Screening for a Reserved Matters application for full details of access (internal site arrangements), appearance, layout, scale and landscaping for the initial phase of approved commercial floorspace, comprising data centre use (including ancillary offices space and associated plant and infrastructure provision); car parking, landscaping and vehicular

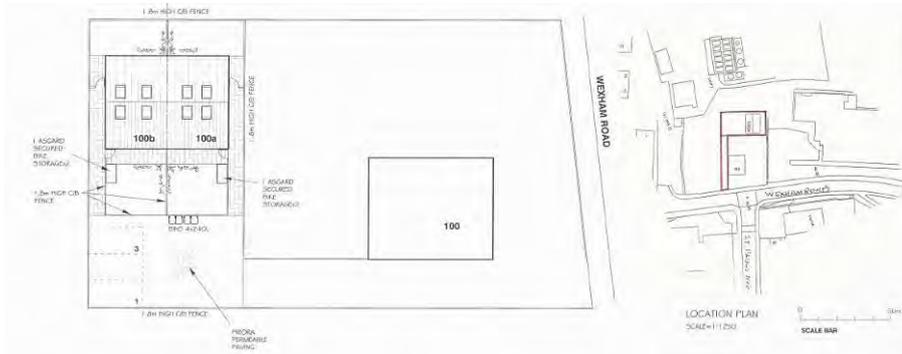
and pedestrian access.

- P/00072/095 Submission of details pursuant to condition 3 (Routing Plan) of planning permission P/00072/092 dated 15/07/2019.  
Conditions Complied With; Informatives; 09-Apr-2020
- P/00072/094 Submission of details pursuant to condition 5 (Archaeological Investigation) of planning permission P/00072/092 dated 15/07/2019  
Conditions Complied With; Informatives; 06-Apr-2020
- P/00072/092 Application for the prior approval for the demolition of established industrial area  
Prior Approval; Permission Granted/Inf; 15-Jul-2019
- P/17377/001 Screening Opinion for - Outline and full details applications for the redevelopment of the former ICI Paint Manufacturing facility for the construction of new commercial and residential floorspace, along with associated parking, new/improved pedestrian and cycle links, means of enclosure, landscape infrastructure and associated engineering operations including retaining structures, earthworks and drainage  
EIA Required; 20-Aug-2019

#### **100A Wexham Road**

- P/13542/016 Submission of details pursuant to conditions 3 (Contaminated Land; Phase 1 Desk study and preliminary risk assessment), 4, (Contaminated Land; Phase 2 Intrusive investigation method statement) 5, (Contaminated Land; Phase 3 Quantitative risk assessment and site specific remediation strategy), 7 (Drainage), & 8 (Landscaping) of planning permission P/13542/015 dated 17/07/2017  
Conditions Complied With; Informatives; 02-Oct-2019
- P/13542/015 Conversion of existing tyre shop into 2no. 3 bed houses. Infill exiting openings and addition of new windows.  
Approved with Conditions; Informatives; 04-Oct-2017  
**[Implemented]**
- P/13542/010 Erection of new two storey building for use of storage, sale and repair of tyres following demolition of existing tyre garage.  
Approved with Conditions; Informatives; 27-Mar-2014

Approved site and block plans:



Approved floor plans:



### 100 Wexham Road

P/13542/011 Application for lawful development certificate for two proposed side facing and one proposed rear facing dormer windows.  
Approved Grant CLU/D;Informatives; 30-Jun-2014  
**[Not Implemented]**

#### 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and following revised plans a number of site notices were displayed around the site on 08/06/2021. The application was advertised as a major application in the 11/06/2021 edition of The Slough Express

5.2 No neighbour representations have been received at the time of writing this report.

#### 6.0 **Consultation**

6.1 **Local Highway Authority:**

I'm satisfied with the swept paths and the internal site layout, car parking and vehicular access.

Please design the proposed pedestrian/cycle link to better tie into the existing footpath on the northern side of the carriageway. The path should be designed to sweep south-west and tie in with the footpath.

My overall feeling is that the existing design looks like a cycleway interrupted by an emergency access. The emergency access will be rarely used (hopefully never) so I wanted them to design this corner to look more like a continuous walking and cycling route, which can facilitate emergency access on rare occasions if needed.

6.2 Landscape Advisor:

No objections based on the revised plans.

6.3 Environmental Quality (Noise):

I have carried out a full assessment of the details submitted in relation to noise. In summary:

The generator testing would result in acceptable noise impacts subject to the testing to be carried out during the daytime (07:00-23:00), with the maximum number of generators being tested at any one time being 2 (one offload and one at load). This should be secured by condition.

Subject to the conditions recommended in our detailed response, the remaining plant and the HGV deliveries are all predicted to fully comply with the limits set out in condition 12 of the outline planning permission.

6.4 Environmental Quality (Air Quality):

I have carried out a full assessment of the details submitted in relation to air quality. In summary:

The emergency scenario is tested by assuming all generators running at full capacity. In this scenario, to the north in Hazelmre Road there would potentially be a moderate - adverse worsening of air quality. Given the emergency scenario would be limited and temporary this is acceptable.

The generator testing would result in acceptable air quality impacts on existing human receptors and future receptors to the south that may come forward via the outline permission for the residential development. This is subject to the testing to be carried out during the daytime (07:00-23:00), with the maximum number of generators being tested at any one time being 2 (one offload and one at load). This should be secured by condition.

Dust during construction phase has be adequately addressed.

The Electric Vehicle Charging Facilities are acceptable and all charging unit suppliers and model details should be supplied to the LPA for approval.

6.5 Environmental Health:

I've had a read over the noise report for the site.

Ambient noise measurements indicate there should be no adverse effects to surrounding sensitive sites due to plant activity and fall within Condition 12.

Given the activity of the site I think noise from cooling fans and plant is the primary concern and with mitigation it appears adequate dB levels can be reached.

The construction plan associated with noise and vibration is also adequate.

I am happy with the dust management plan. All bases appear to be covered.

6.6 Council's Environment Officer:

The application proposes the installation of diesel storage tanks. The tanks are in a similar position to the previous tank farm on the site. Hazardous Substances Consent is not required as they are under the controlled quantity threshold of 2500 tonnes. However, they must have in place suitable containment and second containment measures

They need to follow the guidance as set in all the links below:

Prevent groundwater pollution from underground fuel storage tanks - Guidance - GOV.UK ([www.gov.uk](http://www.gov.uk)).

Diesel is covered by Dangerous Substances and Explosive Atmospheres Regulations 2002, so they need to follow that to the letter: The Dangerous Substances and Explosive Atmospheres Regulations 2002 - Fire and explosion ([hse.gov.uk](http://hse.gov.uk)). The DSEAR document is found here: The Dangerous Substances and Explosive Atmospheres Regulations 2002 ([legislation.gov.uk](http://legislation.gov.uk)).

The Governments 'Oil storage regulations for businesses' also apply.

<https://www.gov.uk/guidance/storing-oil-at-a-home-or-business#design-standards-for-containers>

They will need to prepare a detailed design with Monitoring and Maintenance measures in place, etc

6.7 Lead Local Flood Authority (Hampshire):

No based on the additional information received.

No objections have been raised in regard to the relevant submission of details applications.

6.8 Environment Agency:

No comments received in relation to this reserved matters application.

6.9 Canal & River Trust:

As per our comments on the outline application, any development should seek to maximise the value of the waterway and provide a high-quality development which interacts with the canal, enhancing its character and setting. The canal corridor is a sensitive receptor, and the provision of tall buildings has the potential to create an unattractive backdrop to the canal corridor and adversely impact on its amenity value. It is therefore disappointing to note that the proposal would result in a substantial building which would present a largely blank and featureless elevation to the waterway.

It is acknowledged that the proposed buildings would be set back from the canal boundary however, due to their overall size and bulk they would still be dominant features when viewed from the canal corridor. The visual relationship to the canal could be improved if Block B, closest to the canal, were 'flipped' or rotated 180 degrees to benefit from the more attractively 'designed' elevation and louvred section associated with the office areas.

This would also aid in providing an overall more active frontage to the waterway and the plans should be amended accordingly. The Trust wish to be consulted on any amendments when submitted.

The Trust have reviewed the details submitted and have no further comments to make at this stage regarding canal bank stability. If the Council is minded to grant planning permission, the Trust request that the following informative is attached to any decision notice:

The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

6.10 Heritage Advisor:

This application is for providing 2 data centres within phase 1 of the commercial area of the former Akzo Nobel Decorative Paints Facility. These comments respond to the additional information kindly provided by Lichfields in relation to any potential impact upon designated heritage assets.

Previous BEAMS advice for the site, as a whole, stated: Any potential harm arising from impact upon setting and significance of these designated heritage assets is deemed to be of 'less than substantial harm' (NPPF, para. 202) and within the category of less than substantial harm the impact is likely to be at the lower end given the distance between the site and the heritage assets and the scale of new

development.

The 2 data centres in the centre of the site have a large footprint but will be lower in height than much of the adjacent residential development upon the Akzo Nobel site. Blocks A, B and C, which will be sited immediately to the south of the data centres, all contain elements which will be 7 storeys (25.5 metres) in height, there is also an 8 storey (28.5 metre) element to block A. The proposed data centres will be lower in height than the residential development to the south, as such the data centres will be largely concealed by this intervening residential development (if built as per the proposed scheme) when viewed from the south.

BEAMS would agree with the view taken by Lichfields that whilst the southern part of the site may be part visible, the data centres will not be visible in views from the railway station buildings (designated heritage assets). As such there will be no impact upon these assets or their significance.

In relation to any impact upon the setting of the St Bernards Conservation Area which is located circa 0.5km to the south of the application site; BEAMS appreciate the points made by Lichfields in relation to the distance between the current application site and Conservation Area and the position / scale of intervening development (both existing and of that proposed within the Akzo Nobel site).

For these reasons BEAMS advise that the current proposals will not have an adverse impact upon these designated heritage assets and thus their significance will be preserved in accordance with National and Local Plan Policy.

#### 6.11 Health & Safety Executive:

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline;
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

The proposed development site in planning application P/00072/18 no longer lies lie within the consultation distance of any sites which are subject to the Control of Major Accident Hazard Regulations 2015 (COMAH). The former AkzoNobel and Slough Gas Holder Station sites were denotified under COMAH some years ago.

Slough Borough Council informed HSE in 2019 that the hazardous substances consent for the AkzoNobel site had been revoked in 2018 and the HSE consultation zones associated with that site were therefore withdrawn. Although the former Gas Holder Station is no longer operational and has been denotified under COMAH, the Council has not yet informed HSE that the hazardous substances consent associated with that site has been revoked and so the HSE consultation zones for that site remain in place.

The documents which have been submitted with planning application P/00072/108 do not mention that any hazardous substances will be present on the site or that it will require hazardous substances consent. However, I note that the Planning Statement mentions fuel tanks. The site will require hazardous substances consent if the fuel to be stored falls into one of the hazardous substances categories listed in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 (legislation.gov.uk) in amounts which are equal to or greater than the controlled quantity. That is a matter for Slough Borough Council, as the hazardous substances authority to determine.

If an application for hazardous substances consent is submitted, HSE should be consulted for advice through [hazsubcon.CEMHD5@hse.gov.uk](mailto:hazsubcon.CEMHD5@hse.gov.uk)

HSE's website provides advice on a wide range of topics, including the fire and explosion risks associated with flammable substances – see About dangerous substances - Fire and explosion (hse.gov.uk) and Storage of flammable liquids in tanks HSG176 (hse.gov.uk).

If planning permission is granted for the proposed development, the employer will be subject to the requirements of the Health and Safety at Work etc Act 1974 (HSWA) and associated legislation, including The Dangerous Substances and Explosives Atmospheres Regulations 2002 – see The Dangerous Substances and Explosive Atmospheres Regulations 2002 - Fire and explosion (hse.gov.uk).

Under sections 2 and 3 of the HSWA, an operator must conduct the undertaking in such a way as to ensure that, so far as is reasonably practicable, employees and other persons, including people living nearby, are not thereby exposed to risks to their health or safety.

6.12 Aircraft Safeguarding:

*First Response:*

This development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the Submission of a Bird Hazard Management Plan by condition.

*Second Response:*

Having looked at the submitted Bird Hazard Management Plan in relation to the associated application to discharge conditions via ref. P/00072/109, I am satisfied with the content of it. Therefore, under P/00072/109, we are happy for condition 11 (Bird Hazard Management) to be discharged.

6.13 Thames Water:

No comments received in relation to this reserved matters application.

No objections have been raised in regard to the relevant submission of details applications.

6.14 Network Rail:

I can see from the attached plans that the works are away from the railway line. Network Rail therefore has no objections in principle to the proposals.

No objections have been raised in regard to the relevant submission of details applications.

6.15 National Grid Gas:

No comments received.

6.16 Cadent:

Due to this being an application for reserved matters in respect of application P/00072/096, the comment previously received for P/00072/096 will still stand covering application P/00072/108.

Planning Officer Note: The following comments were provided on the outline application (ref. P/00072/096):

The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)
- Above ground gas sites and equipment.

To confirm that Cadent Gas have no objection to the proposed planning application at Akzonobel Decorative Paints Wexham Road Slough as the HP gas pipeline in the vicinity will not be affected

In relation to the gas venting that is carried out on the Cadent site, the following

comments on behalf of the applicant have been agreed by Cadent:

“gas venting is carried out twice per year as part of regular maintenance and this is carried out under strict risk assessment and method statement controls, incorporating health and safety protocols as required by the Health and Safety Executive and all governing gas safety regulations. The gas venting is controlled over a period of around 10 minutes and gas is vented at height (at least 3m above ground level), which allows vented gas to quickly rise and dissipate, ensuring low concentrations in the air and that the process does not pose any significant risk to 3rd parties outside the Cadent premises.

I also understand that there is a requirement to have 24 hour access to carry out venting in an emergency but this is a rare occurrence and when it does need to take place it is carried out under the same strict protocols as the regular maintenance to ensure fire safety”.

Cadent also recommend that noise surveys, especially during winter months is carried out the gas pipes distribute a high volume of Gas to the local network which can be noise generating.

6.17 Economic Development:

No comments received

6.18 Housing Land Team:

No comments received

6.19 British Research Establishment

The British Research Establishment (BRE) has been commissioned by Slough Borough Council to evaluate the submitted daylight and sunlight report.

The evaluation was to review the scope and methodology, text and conclusions of the report, but not verification of the calculations. The assessment has been carried out against the guidelines in the BRE Report Site Layout planning for daylight and sunlight: a guide to good practice’.

The submitted report states that for properties in St Paul’s Avenue, Hazlemere Road in Uxbridge Road the BRE 25° angular criterion would be met and further analysis need not be carried out. This is agreed by the BRE.

There are no existing open spaces that could lose significant sunlight as a result of the proposed development. The Grand Union canal and gardens to Hazlemere Road lie to the north, but are too far away for the new development to cause significant shadowing.

The only nearby existing dwellings appear to be at 100 and 100A Wexham Road.

Across the Wexham Road is a car showroom, and to the east are industrial and office buildings on the Slough Gasworks site. Loss of light would be less important to these buildings, and in any case would be expected to be within the BRE guidelines as they are further away.

*100A Wexham Road:*

According to the submitted report, the loss of vertical sky component to the windows at 100A Wexham Road would be within the BRE guidelines. The daylight distribution Road would be within the BRE guidelines.

The four amenity areas directly to the front and rear of 100A Wexham Road are currently poorly sunlit because of the fences around them and the shading by 100A itself. The sunlight to three of the four areas would not change appreciably and the BRE guideline would be met. For the remaining amenity area directly to the front of 100A Wexham Road and closest to the application site, the proportion of garden receiving two hours' sun on March 21 would drop from 15% to 3%. This is 0.18 times the previous area. Despite the low ratio, this would count as a minor adverse impact because the actual area losing sun is small. It is not known how this area is or will be used; on aerial photos it appears to be part of a larger yard.

The larger area (case officer note: these are the turning areas and parking areas in front of the front gardens) would easily meet the BRE guidelines.

*100 Wexham Road:*

100 Wexham Road is further from the proposed development. Strictly speaking this is not single storey as stated by the submitted report, but the lower floor probably contains a garage and storeroom for which loss of light would not be covered by the BRE guidelines. Loss of daylight and sunlight to all windows on the main floor would be within the BRE guidelines.

The external areas would easily meet the BRE guidelines.

*Future housing to the south:*

The proposal site forms part of a wider area which is the subject of an earlier outline planning permission where residential development is proposed to the south but not included in this reserved matters application.

The submitted report has assessed daylight and sunlight provision to the outline blocks of the illustrative residential scheme by calculating vertical sky components and annual probable sunlight hours on the faces of the proposed residential blocks. This is a recommended approach in situations like this where window positions and room layouts have not yet been established.

The results are given on coloured contour plans showing ranges of vertical sky component (VSC) and annual probable sunlight hours (APSH) on the proposed

residential facades. There is some ambiguity about the VSC plans because on screen the nearest residential facades to the proposed data centre appear as a greeny-yellow colour which does not appear in the key. It is assumed that these facades are supposed to be coloured yellow, corresponding to VSCs of 27% and above. If this is the case, these facades should retain adequate access to daylight with the new data centre in place. There are some areas of the residential development with lower VSCs and where special design measures such as larger windows would be required in order to provide adequate light; however these are in areas inside courtyards and where blocks are close to each other, and not those affected by the data centre.

It can be concluded that the data centre would not form a significant constraint on the daylighting of the residential development. Annual probable sunlight hours on the facades facing the data centre are low, generally below the recommended 25% in the BRE Report. However this is because the facades face close to due north, rather than because of any shading caused by the data centre. The data centre would lie to the north or north east of the proposed residential blocks, and have very little impact on the sunlight they receive

6.20 Thames Valley Police:

We have reviewed the submitted security strategy with colleagues, and we are happy with the proposals provided in relation to the proposed public cycleway / footway.

6.21 Ecology Advisor

Following the submission of further information, No objection to onsite and offsite ecology.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

The National Planning Policy Framework (NPPF) 2021

The relevant chapter within the National Planning Policy Framework are:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- 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  
Chapter 15: Conserving and enhancing the natural environment  
Chapter 16: Conserving and enhancing the historic environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.

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

Core Policy 1 – Spatial Strategy

Core Policy 5 – Employment

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 8 – Natural and Built Environment

Core Policy 9 – Natural and Built Environment

Core Policy 11 – Social Cohesiveness

Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

CG4 - Slough Arm of the Grand Union Canal

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

EN6 - Interference with Telecommunication Signals

EN22 - Protection of Sites with Nature Conservation Interest

EN24 - Protection of Watercourses

EN34 - Utility Infrastructure  
EMP2 - Criteria for Business Developments  
EMP12 - Remaining Existing Business Areas  
T2 – Parking Restraint  
T8 – Cycle Network and Facilities  
T9 - Bus Network and Facilities

### Slough Local Development Plan and the NPPF

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

The revised version of the National Planning Policy Framework was published on 20 July 2021.

The relevant Local Development Plan Policies in relation to determining this application are largely considered to be in compliance with the National Planning Policy Framework 2021. Any non compliance parts are addressed in the planning assessment.

### Other relevant documents

- Slough Local Development Framework, Site Allocations, Development Plan Document (adopted November 2010)
- Slough Local Development Framework Proposals Map 2010
- Slough Borough Council Developer's Guide Parts 1-4
- Guidelines for the Provision of Amenity Space Around Residential Properties (January 1990)
- Emerging Local Plan for Slough 2016-2036:
  - Review of the Local Plan for Slough Issues and Options Consultation Document 16 January-27 February 2017(Dated 16/01/2017)
  - Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036 (Dated 01/11/2017)
  - Update on Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036 (Dated 21/02/2018)
  - Local Plan Spatial Strategy Overall Approach (Dated 29th July 2020)
- The National Design Guide (January 2021)
- Slough Low Emission Strategy 2018 – 2025
- DEFRA Technical Guidance TG (16). (Air quality).

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- Principle of development

- Impact on the character and appearance of the area
- Impact on Heritage Assets
- Impact on amenity of neighbouring occupiers / uses
- Parking and highway safety.
- Air Quality
- Impact on biodiversity and ecology
- Crime Prevention and anti-social behaviour
- Contaminated Land
- Health and Safety
- Flood Risk and Drainage
- Land stability
- Sustainable design and construction
- Economic impact
- Environmental Considerations
- Presumption in Favour of Sustainable Development

## 8.0 **Principle of Development**

- 8.1 This Reserved Matters application is submitted pursuant the outline planning permission (ref: P/00072/096) dated 19 November 2020. A number of development scenarios were permitted under the outline application. Of relevance, a data centre use, with a floor area up to 71,535 sqm, and building heights up to 23.5 metres within development zone Block H was approved on the northern commercial part of the outline application site.
- 8.2 This reserved matters application site is located within the northern commercial area of the outline application site and within development zones Block H and a southern part of Block J. Most of the development proposed is sited on Block H which allows for a maximum building height of 23.5 metres. Block J only incorporates the landscaping, the publically accessible footway / cycleway; and part of vehicular circulation road.
- 8.3 The two data centre buildings would comprise a Gross Internal Floor Area of 41,311.5 square metres and a maximum height of 23.5 metres. The proposed flues and flue ducts which are attached to the data centre buildings would extend above 23.5 metres at a maximum height of 25.5 metres. The 'Maximum Building Heights Parameter Plan' approved by the outline planning permission (ref: P/00072/096) permits plant rooms, flues and vent shafts extending above the maximum parameters by a further 4m. As such, the proposed data centre buildings comply with the parameters set by the outline planning permission.
- 8.4 The application also includes ancillary plant, substation, water and diesel storage, associated structures / equipment and a publically accessible footway (see paragraph 2.2 for full details). The publically accessible footway / cycleway has also been established through the outline planning permission. The remaining plant, substation, storage, associated structures and equipment are ancillary to the data centres and therefore would fall within the scope of the outline planning permission.

8.5 Based on the above, the proposal would fall within the uses and parameters set outline planning permission (ref: P/00072/096) which is extant. The proposal is therefore acceptable in principle.

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

9.1 Policies EN1 and EMP2 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy require development to be of a high standard of design which respects, is compatible with and/or improves and the character and appearance of the surrounding area. Chapter 12 of the National Planning Policy Framework states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”.

9.2 Paragraph 134 of the National Planning Policy Framework requires development that is not well designed to be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design and / or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

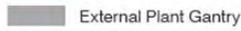
9.3 **Reserved Matters - Scale and Layout:**

9.4 *Brief description:*

The proposed 2 x data centres at a maximum height of 23.5 metres would fall within the height parameters approved as part of the outline planning permission. The 2 x proposed data centres would be largely rectangular in shape and measure approximately 170 metres wide x 60 metres deep. They would be sited towards the eastern part of the site and their 170 metre width would face north and south. Each building (Building A to the south and Building B to the north) would be separated square-on by approximately 19.65 metres between their northern elevation (Building A) and southern elevation (Building B). A substation is proposed to the southwest of the site, and to the north of this is a mechanical yard which accommodates above ground silo storage of water and diesel, along with ancillary buildings and structures.



**Option 4**

- |   |  |
|---|--|
|  Data Hall             |  Mechanical Plant Compound (Mechanical Yard) |
|  External Plant Gantry |  Site Entrance and Gatehouse                  |
|  Facilities Support    |  Substation                                   |

Above: Image above showing the site proposed site layout.

9.5 *Detailed assessment:*

A visual impact assessment has been submitted which is based on a number of key views carried out in the Townscape Visual Impact Assessment submitted with the outline application. The images below show the scale of the proposed data centres in relation to visual receptors in St Paul's Avenue (Fig 1.) and Wexham Road (Fig 2 & 3).

9.6



Figure 1: Image taken from the submitted visual impact at in the assessment showing the proposed scale in blue from the west in St Pauls Avenue.



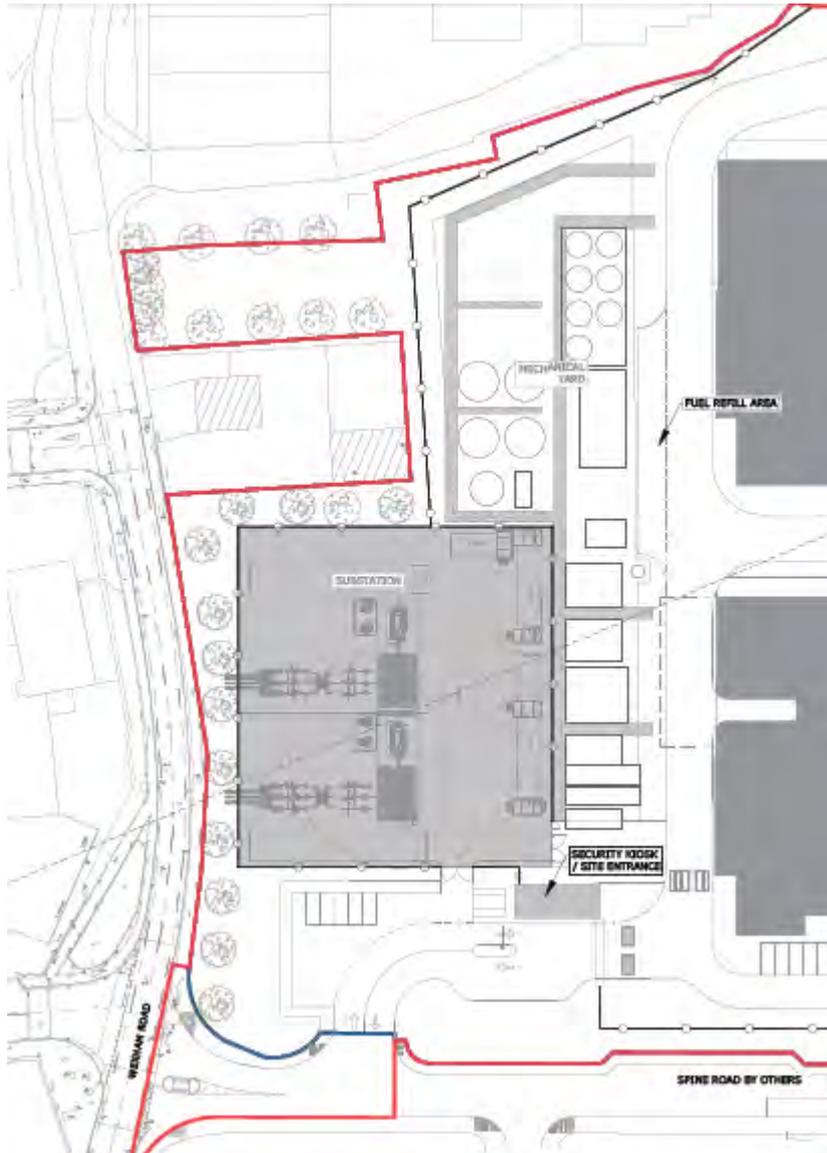
Figure 2: Image taken from the submitted visual impacts assessment showing the proposed scale in blue from the west Wexham Road. Illustrative residential blocks in red are shown further in the background (not part of this application).



Figure 3: Image taken from the submitted visual impacts assessment showing the proposed scale in blue from the southwest in Wexham Road.

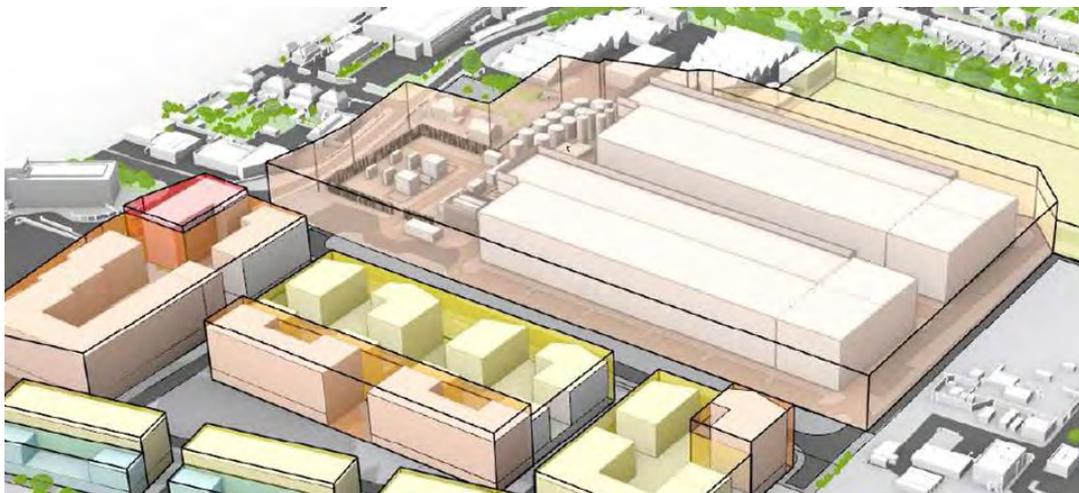
- 9.7 Clearly there will be views of the proposal from the west, including the northwest and southwest and the development will be experienced by a number of visual receptors including pedestrians, car/vehicle drivers and cyclists passing along these streets. However the proposed data centres would set back from Wexham Road by approximately 89 metres (min) and separated from the 100 and 100A Wexham Road by approximately 54 metres (min). While the proposed data centres would still be viewed as large structures, these distances are considered to provide a sufficient amount of space between Wexham Road and the neighbouring dwellings at the 100 and 100A Wexham Road to prevent harmful dominating visual relationships.
- 9.8 The area between the proposed data centre and Wexham Road, would contain the mechanical yard and substation, along with access roads / hardstanding.

The following images show these areas on plan.



Above: Illustrative image showing the mechanical yard and substation.

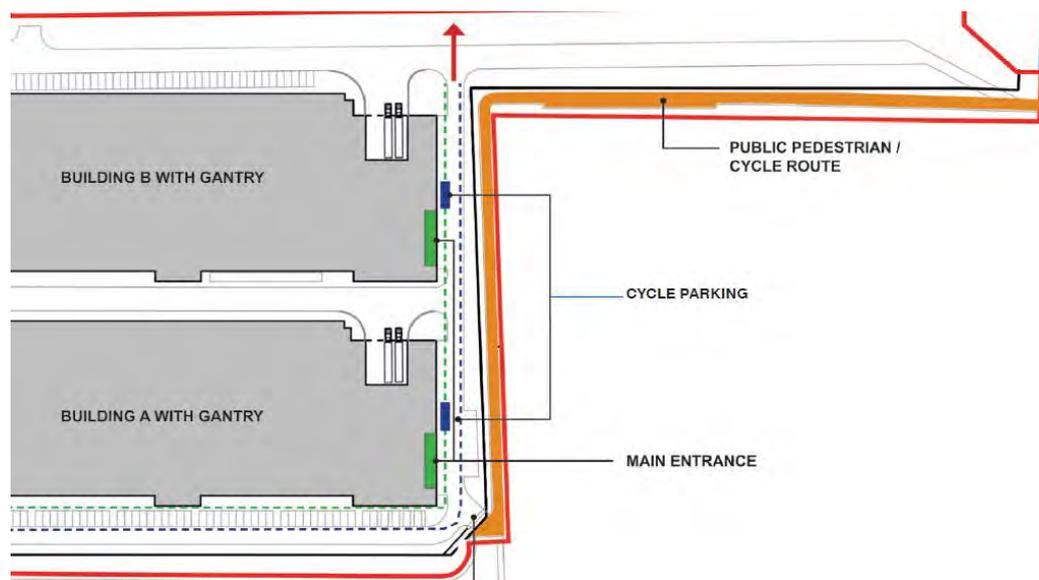
- 9.9 The mechanical yard would include silo type containers storing diesel fuel (approx. 12.35 metres high), and water (approx. 4.75 metres high). These would be separated from Wexham Road by approx. 75.9 metres and 53 metres (respectively). From the neighbouring residential buildings at 100 and 100A Wexham Road, they would be separated by approx. 28.6 metres and 8.8 metres (respectively). These are appropriate separation distances to ensure the silo storage containers would not visually dominate the residential dwellings.
- 9.10 The substation would accommodate electrical plant (8.1 metres high max) and 2no. control and switch gear rooms (4.65 metres high). The substation would be bounded by a 5 metre high architectural screen to the south, west, and partially to the north. Some of the electrical plant would be visible from above the architectural screening. However, the plans clearly demonstrate they would be positioned an appropriate distance from the highway and the neighbouring residential buildings at 100 and 100A Wexham Road to prevent a harmful dominating visual impact. The 5 metre high architectural screening to the western boundary of the substation would be positioned within 4.35 metres (min.) – 10.6 metres (max) of Wexham Road, and at a stretch of approximately 62 metres roughly parallel with Wexham Road. Given the application site is below the level of Wexham Road, the architectural screening would not measure 5 metres above the highway. The submitted cross sections show a height of 3.2 metres above Wexham Road. The scale of this element of the development would not result a harmful dominating visual impact in terms of scale and height.
- 9.11 The southern facade of Building A (the southern data centre) is planned to front the future east-to west estate road. On the opposite side of the road, lies the proposed residential development of up to 1,000 dwellings. The estate road and housing development have been granted by the associated outline planning permission (ref: P/00072/096). The southern elevation of Building A would be positioned approximately 23.4 metres from the future estate road, and approximately 54.4 metres (min.) from the approved residential parameter zones B and C that could provide building heights up to 23.5 metres / 7 storeys. The image below shows the massing proposed massing relationship.



Above: 3d massing image taken from the submitted design and access statement showing the relationship between the proposed data centres and the illustrative residential scheme submitted with the outline application.

9.12 These separation distances provide an appropriate sense of space from the future estate road and future residential development to the south. In addition a good degree of space is reserved for landscaping and tree planting within the site. It is noted that at the dimensions proposed, the southern elevation of Block A, would be very elongated. Given this elevation would address the future public realm and residential buildings, the proposals have been designed to ensure due attention is paid to its appearance and landscaping fronting the elevation. An assessment of the appearance of Buildings A and B, along with the associated structures are set out below.

9.13 To the east, the proposal would be set well away from Uxbridge (approx. 199 metres min.), with the Cadent gas site intervening. While there may be views from Uxbridge Road, the scale of the development and intervening distance would ensure there are minimal adverse impacts on the local townscape.. The public cycleway and footway approved in principal by the outline permission (P/00072/096) would be positioned between the proposed data centres and the neighbouring Cadent site. The cadent site does not include any structures of significance by the boundary with the application site. A separation distance between 18.7 metres and 21 metres from the neighbouring Cadent site is sufficient distance to prevent the data centre buildings resulting in unacceptable visual impacts in terms of scale and siting. In addition, due to the proposed separation distance, it is considered the data centres and associated structures and landscaping would not unreasonably sterilise future residential development at the Cadent site, particularly as any future development would need to be set back from the public cycleway and footway. The image below shows the proposed layout in relation to the approved public cycleway and footway and the neighbouring cadent site.



Above: image taken from the submitted design and access statements showing the proposed layout in relation to the approved public cycleway and footway.

- 9.14 The proposed data centres would be positioned between 16.5 metres and 14 metres (approx.) from the public cycleway and footway which would measure 3.5 metres wide. This distance may result in a degree of visual dominance when using the public cycleway and footway. However, sufficient space is provided for meaningful landscaping which could soften this impact. In addition, it is recognised that the public cycleway and footway could potentially be very isolated and have limited natural surveillance. It is noted that the eastern end of each data centre incorporates the access into the buildings, and office space with windows which would overlook the public cycleway and footway. Given the 3.5 metre width of the public cycleway and footway, the appropriate space for meaningful landscaping together with the active elevations fronting the public cycleway and footway, the scale and layout of the proposal in this location is acceptable.



Above: Illustrative view demonstrating the active elevations and landscaping at south eastern corner of the site

- 9.15 To the north, the proposed data centre buildings would be set back from the northern boundary with the Grand Union Canal by approximately 96 metres. The Canal and River Trust commented that due to their overall size and bulk there would be dominant features when viewed from the canal corridor. Planning Officers consider the separation distance of approximately 96 metres is a sufficient distance to prevent a harmful dominating visual impact when viewed from the canal corridor.

In summary, officers have considered the proposed siting, layout and scale of the proposed data centres and associated development having regard to the visual impacts on the adjoining local townscape and surrounding area. It is considered the scale, siting and layout of the proposals are acceptable in terms of the visual relationships and impact on the surrounding townscape.

- 9.16 **Reserved Matters – Appearance:**

- 9.17 *Brief summary:*

The proposed data centre buildings would be metal clad with curtain wall clear glazing with brisesoleil to the south east corner returns. The buildings incorporate detailed articulation to address the east-to-west estate road to the south, and the

public cycleway / footway to the east approved by the outline planning permission (P/00072/096). The substation to the southwest of the site would be bounded by a 5 metre high architectural screen to the south, west, and partially to the north. The above ground water and diesel storage tanks, along associated ancillary buildings / structures to the northwest would be functional structures, finished in a grey colour.



Above: illustrative image taken for the design an access statement.

9.18 *Detailed assessment:*

The southern elevation of Building A would form part of the future streetscene and provide an important part of the setting for the future residential development to the south. This elevation would comprise three projecting elements that would be finished in horizontally laid composite metal panels, with secret fixings and coloured white. The inset parts of the elevation would be finished in vertically laid composite metal panels with secret fixings coloured in dark grey and brass tone sections. The brass tone sections would incorporate the green wall system using stainless steel rope or mesh.

- 9.19 To the western end, the set in part of the southern elevation would be clad in continuous line acoustic louvres that wrap around to the western elevation. To the eastern end of the southern elevation, curtain wall clear glazing with aluminium brissoleil in brass tone would wrap around to the eastern elevation.



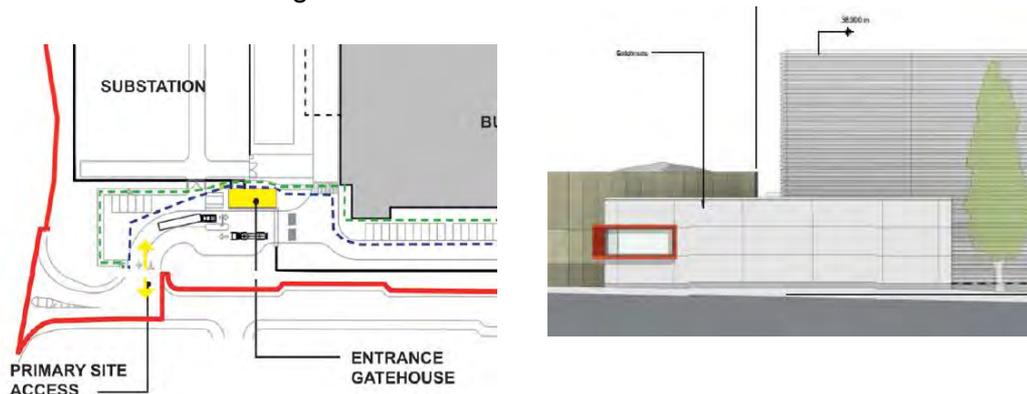
Above: Extract taken from the submitted elevations showing the proposed southern elevation to Building A.

- 9.20 Planning Officers consider an appropriate level of articulation and detailing is applied to the southern elevation to suitably address the future estate road to help create streetscene that would successfully integrate residential and commercial

uses. Tree planting and landscaping will be fundamental to successfully integrate these mix of uses. The southern elevation of building A would be similar as above, without the inclusion of the green wall system which is suitable given the limited public views of this element. The southern elevations are considered to be acceptable and help achieve a visual improvement compared to the existing situation.

9.21 The submitted plans propose a 400sqm area on each building for photovoltaic panels. These are positioned to the eastern end of each building, and on the southern side of the shallow sloping roofs. The cross sectional drawings show the panels would extend above the roof slope by approximately 0.2 metres and be parallel with the roof slope. The southern elevations of the data centres extend above the roof eaves of the roof by approximately 1.15 metres to create a parapet. As such the panels would be largely screened from the surrounding area.

9.22 A relatively small single flat roofed Gatehouse is proposed to the western of Building A. The Gatehouse would be finished in white metal cladding and include feature overhangs around the windows coloured orange. While simple in its appearance, the detail around the windows provides an important visual feature. Overall the proposed Gatehouse would complement the character and appearance of the site and surrounding area.



Above: Extract taken from the submitted design and access statement showing the proposed Gatehouse.

9.23 The north elevations would include the vertical exhaust ducts risers for the generators that would project out from the continuous louvered elevation. This would break up the mass and provide some visual interest. The exhaust ducts would be finished in the same colour tones as the building cladding.

9.24 The eastern end of the northern elevations would be finished in the horizontally laid composite metal panels, with secret fixings and coloured white to the upper floors. At ground floor, this element would include the loading bay and part elevation to be clad in the vertically laid composite metal panel, with secret fixings with individual sections coloured in dark grey.

9.25 While the northern elevations are not as refined or as aesthetically pleasing as the proposed south and east elevations, they are considered to be appropriate for the within the site in this location and due to the limited and oblique views from the

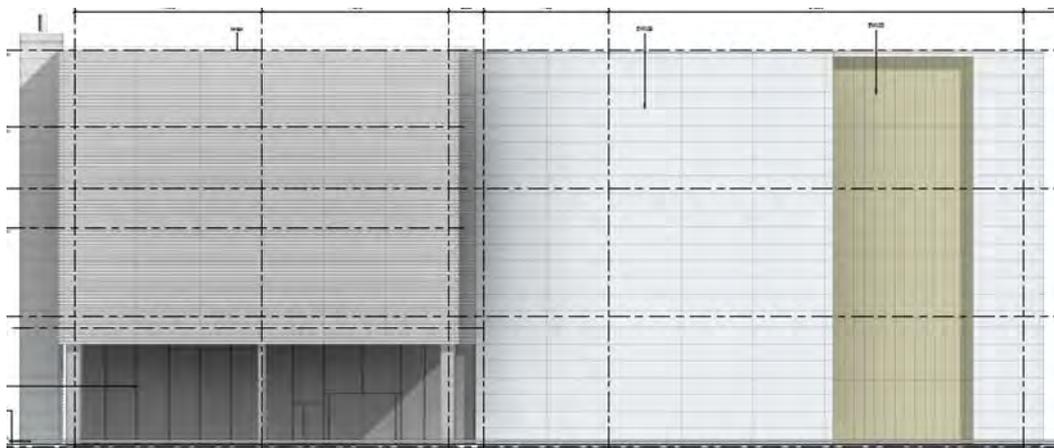
surrounding area.

- 9.26 The east elevations of each data centre would comprise the curtain wall clear glazing with aluminium brisesoleil in brass tone and the horizontally laid composite metal panels with secret fixings, coloured white. The ground floor would include the main entrance into each building being positioned within the curtain wall glazing element. The vertically laid composite metal panels, with secret fixings coloured in dark grey and brass tone is applied to the remaining ground floor part of the east elevations.



Above: Proposed east elevations

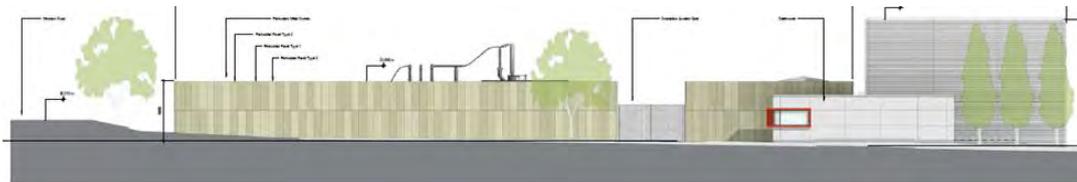
- 9.27 Planning Officers consider an appropriate level of articulation and detailing is applied to the southern elevation to suitably address the future public cycleway and footway. In addition the curtain wall glazing into the buildings and access provides a sense of activity and natural surveillance for the future public cycleway and footway.
- 9.28 The western elevation of Building A would comprise a projecting element to the north that would be finished in continuous line acoustic louvres and would wrap around to the northern elevation and southern return elevation. To the south, the west elevation would be finished in the horizontally laid composite metal panel, with secret fixings and coloured white. This section would include an inset panel of vertically laid composite metal cladding, coloured in a brass tone. The west elevation of Building B would be finished in a similar fashion to Building A, however, it would not include the bronze inset panel.



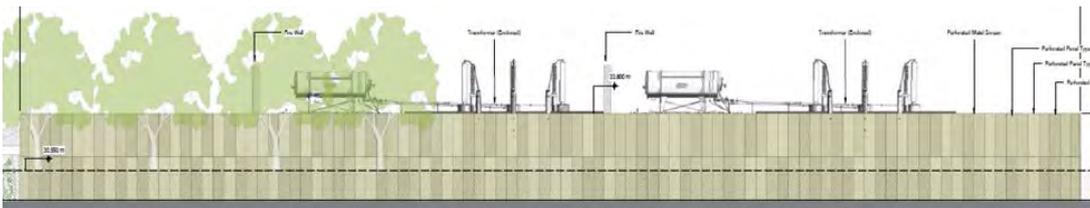
**Above: proposed west elevation of Building A**

9.29 The appearance of these elevations is relatively basic and lacks articulation. However the proposed data centres would set back from Wexham Road by approximately 89 metres (min) and separated from the 100 and 100A Wexham Road by approximately 54 metres (min). The distances and resulting gap are significant in spatial terms and provides a good degree of mitigation when considering the lack of articulation of these elevations. In summary, the functionally designed elevation is not considered to amount to a significant degree of harm to the local streetscene in views from the west given the distance from Wexham Road.

9.30 The electrical equipment within the proposed substation has no architectural merit. The 5 metre high screening around the substation would comprise perforated powder coated aluminium panels that would vary in their perforation sizes and shades. The panels would comprise three sets of perforations at different gauges (10%; 30%; 40%), and finished in varying brass tone colours. This would provide screening with a variation in texture and shading, and the bronze colours would relate to the bronze features in the proposed data centres. In addition, the perforated panels would relate to the aluminium perforated panels approved to clad the proposed extension to the Akzonobel headquarters on the opposite site of Wexham Road to the south (ref. P/00072/097). The images below show the proposed screening.



Above: Image of substation and architectural screening from south



Above: Image of substation and architectural screening from west (Wexham Road)

9.31 Planning Officers consider the proposed architectural screening would provide some visual interest to the streetscene elevations which are required to mitigate the visual relationship with the public realm and neighbouring dwellings. While some of the electrical equipment would protrude above the screening, these would be set back from Wexham Road and would not be visually prominent in the streetscene.

9.32 Officers have raised some concerns in relation to the proximity of the sub-station to Wexham Road, and this will need to be weighted in the context of the development as a whole. When having regard to the previous industrial appearance of the site, and the proposed commercial use of the site, and the context of the surrounding area; the substation as proposed, would not be wholly visually

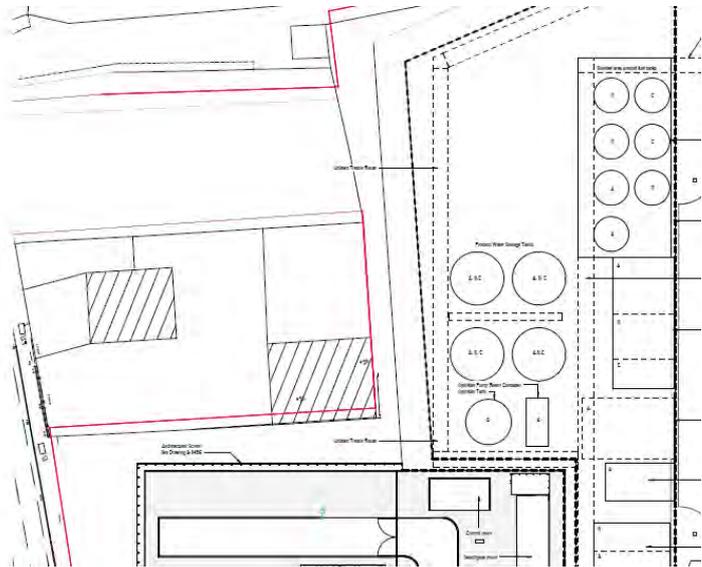
inappropriate. The development as a whole results in some visual improvements to the area and these need to be weighted in the balance.

9.33 Some concerns are raised in relation to the close visual relationship of the Silo tanks with the residential dwellings 100 and 100A Wexham Road. The silo tanks are located within the mechanical yard would have no architectural merit. As they would be sited beyond 100 and 100A Wexham Road, and well within the site, they would not be highly visible from Wexham Road. As such, there impact on the wider streetscene and townscape is considered to be limited.

9.34 The former site contained a silo tank farm located approximately 26 metres from the 100A Wexham Road. This is shown in the image below. The proposal silo storage area would be larger and closer to 100A Wexham Road (measured at approx. 8.7 metres min). While the previous silo tank farm would have been read as part of the setting for 100A and 100 Wexham Road, the proposed silo storage provision is larger and closer to the these dwellings and so officers have considered the new relationship between the buildings with regards to the historic context.



Above: Image showing the previous silo storage in relation to 100 and 100A Wexham Road



Above: Extract from the submitted plans showing the proposed silo storage in relation to 100 and 100A Wexham Road

9.35 The application proposes to mitigate this relationship by installing a 3 metre high weld mesh fence, fronted by a 3 metre high ivy screening to the western side of the mechanical yard. While this provides some screening, the 4.75 metre height of the water storage silos and the 12.35 metre height of the diesel storage silos would remain highly visible from above the ivy screening. It is considered that the mechanical yard and associated equipment/plant provides an industrial and unsympathetic visual setting to the residential dwellings. However, officers have given due regard to the previous industrial appearance of the site and the adverse implications of the proposals will need to be weighted in the context of the development as a whole.

9.36 The appearance of the data centres, on balance is considered to be acceptable. There remain some concerns about the design quality of the sub-station and silo storage and the associated enclosures which have a functional appearance and otherwise do not positively contribute to the character or appearance of the area. However, the overall appearance of these structures is considered to be adequate for the proposed purpose of housing the associated equipment and plant without causing undue harm to the streetscene. Officers have also given due regard to the existing and previous low environmental quality of the site and overall, the proposals are considered overall to result in improvements to the appearance of the area.

9.37 **Reserved Matters – Landscaping:**

9.38 Brief description:

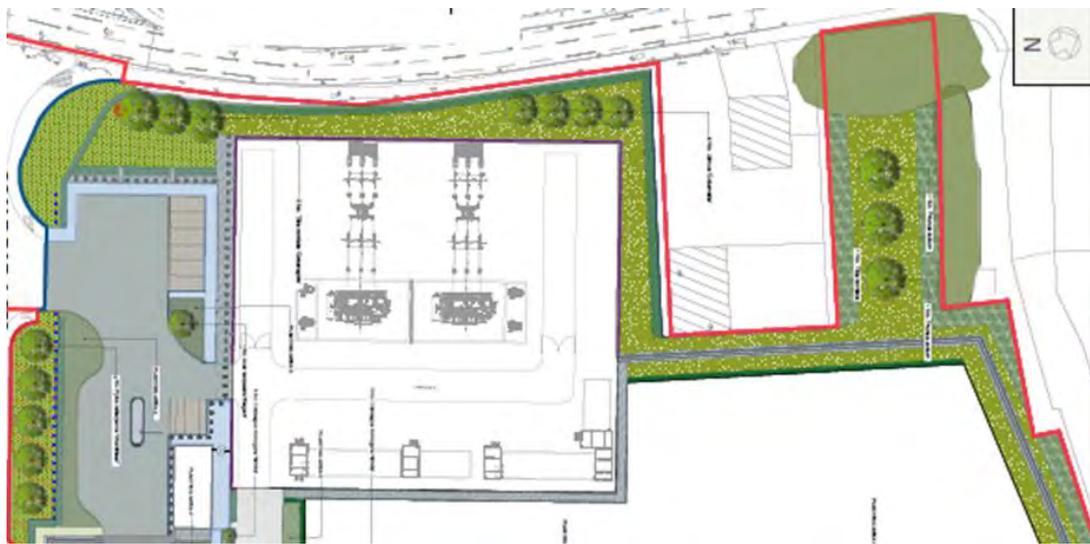
Soft landscaping is proposed to the entire perimeter of the site (other than the accesses). This comprises a mix of wildflower meadows, flowering lawns, native hedgerows, shrubs, & tree planting. The perimeter of the site would be bounded by 3 metre high weld mesh fencing. The public cycleway / footway would be soft landscaped to each side of the hardstanding which would be broken up by various differing concrete paving sets. Bench seating is proposed in the verges to the cycleway / footway and the east-to-west estate road.



Above: Image of the general landscaping layout.

9.39 *Detailed assessment:*

The existing trees and most of the shrubbery to the west and fronting Wexham Road would be removed. Replacement landscaping would comprise a flowering lawn and tree planting by the corner with Wexham Road and the future estate road. The area fronting the proposed substation and mechanical yard would comprise a wildflower meadow, native hedgerow & tree planting. Also the 3 metre high Ivy screen and decorative gravel would be located between the proposed mechanical yard 100A Wxham Road. The area to the north of 100 and 110A Wexham Road would comprise a wildflower meadow, tree planting, scrub borders, and retention of the existing shrubbery by Wexham Road.



- 9.40 Tree planting along the length of the proposed substation was requested, however, the applicant is unable to fulfil this due to fire risk, and security issues. The landscaping is clearly a formal arrangement to address the setting of the proposed development to Wexham Road. While it is considered to be of a good quality, the landscaping is relatively shallow in depth and absence of trees fronting the length of the proposed substation does not fully satisfy the concerns raised in relation to the proximity of the substation to the Wexham Road. The landscaping in itself is considered to satisfy the requirements of Policy EN3 of the Local Plan for Slough.
- 9.41 The landscaping to the south comprises a flowering grass verge lining the future estate road along with rows of narrow canopy trees, bench seating and necessary street furniture. The boundary to the data centre site would comprise a native hedgerow in front of a grass strip with gravel path and 3 metre high weldmesh boundary fencing coloured in light grey with a serrated topping. The access into the site comprises security gates to match the fencing with a row of vehicle bollards to the front of the hedgerow either side of the entrance.
- 9.42 Within the data centre site and to the front of the southern elevation of Building A, strips of flower bed planting and rows of narrow canopy trees are proposed. In addition the brass tone sections in the southern elevation of Building A would

incorporate the green wall using stainless steel rope or mesh.



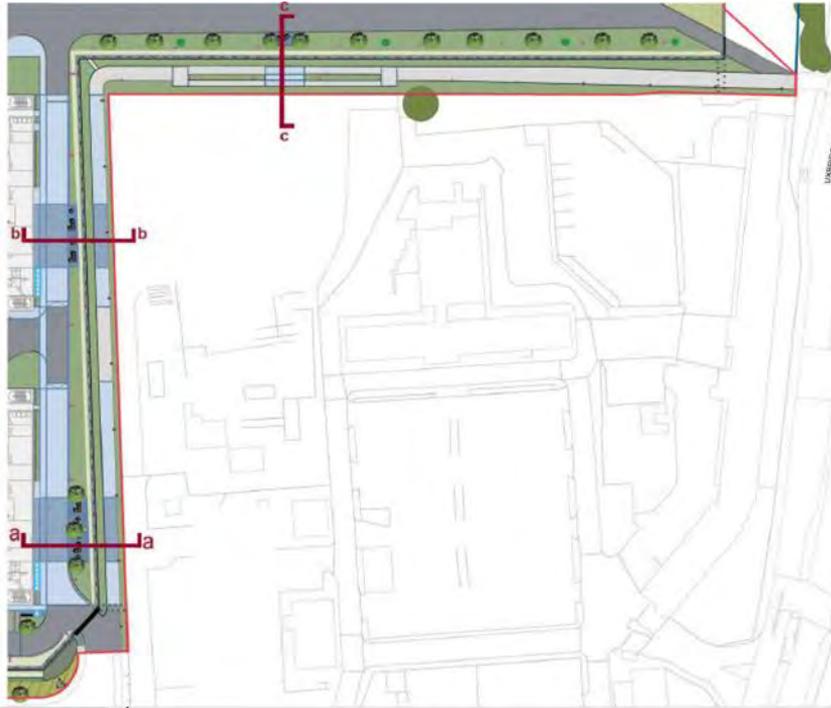
Above: Extract taken from the proposed plans showing the general landscaping layout to the south.

- 9.43 The proposed landscaping scheme to the south is considered to be of an appropriate size and of a high quality. Some concerns are raised regarding the visual appearance of the serrated topping to the boundary fence, particularly given the extent proposed. The image below is taken from the design and access statement which shows a reactively discrete solution. Given this is described as indicative, details of a similar serrated topping should be secured by condition. Overall, Planning Officers consider the proposed landscaping would suitably address the future estate road and soften the setting of the proposed development when viewed from the south including the future residential development to the south.



Above: Extract taken from the submitted design and access statement showing the indicative serrated topping to the proposed boundary fencing.

- 9.44 The landscaping proposals to the east comprises low level planting to each side of the proposed public footway and cycle way. These would be split up into various different planting zones which vary the mix of planting to aid visual interest. Trees lining the proposed public footway and cycle way were considered but later excluded for natural and CCTV surveillance issues.
- 9.45 The cycle footway itself would be finished in concrete paving, split up into different zones comprising different types of paving to add visual interest. The details of paving sets are not known but can be secured by condition. Within the site, adjoining the boundary fence, low level planting zones would line the boundary; tree planting, bench seating areas and a mix of paving types to the hardstanding areas.



Above: Extract showing the proposed landscape layout for the proposed public footway and cycleway.

- 9.46 The proposed landscaping strategy in this location is considered to be of a good quality, appropriate size, and the variation in materials and planting mix would suitably address proposed public footway and cycleway.
- 9.47 The access road to the northern side of Building B would comprise the hardstanding parking areas and an access road, followed by a verge of native species rich grassland to the north. Given the limited and oblique views from the surrounding area, the landscaping provision in this location is considered acceptable.
- 9.48 Based on the above, the proposed landscaping would comply with Policy EN3 of The Local Plan for Slough.
- 9.49 **Conclusion:**
- 9.50 The proposal would successfully address the new areas of public realm approved by the outline planning permission, and as such is considered to provide a high standard of design that would respect and improve and the character and appearance of the surrounding area. Some concerns have been raised regarding the appearance and sterile nature of the substation and to a much lesser degree, the west elevations of the data centres in relation to Wexham Road. In addition some concerns are raised over the visual setting of the silo tanks in relation to the residential dwellings 100 and 100A Wexham Road. However when considering the nature and industrial appearance of the previous use of the site, and the fact the development would in many cases improve character and appearance of the surrounding area, on balance the proposal is considered to comply with the relevant requirements of Core Policy 8 of The Core Strategy, Policies EN1, and EMP2 of The Local Plan for Slough, and the requirements of the National Planning

Policy Framework.

10.0 **Impact on Heritage Assets**

- 10.1 Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 seeks special regard to the desirability of preserving a listed building or its setting and to preserve or enhance the character or appearance of a conservation area.
- 10.2 Paragraph 194 of the National Planning Policy Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 10.3 Paragraph 195 of the National Planning Policy Framework requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.4 Chapter 16 of the National Planning Policy Framework intends to preserve and enhance the historic environment; paragraph 199 requires local planning authorities to afford great weight to the asset's conservation, irrespective of whether the potential harm is substantial harm, total loss or less than substantial harm.
- 10.5 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.6 Core Policy 9 of the Core Strategy, (2006 – 2026) Development Plan Document December 2008 states that development will not be permitted unless it:
- Enhances and protects the historic environment;
  - Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations;
- 10.7 Within the assessment of the outline application (ref. P/00072/096), the Council's Heritage Advisor commented that the likely potential impacts on the Grade II Listed buildings to west at Slough station and the St Bernards Conservation Area to south would result in the lower levels of Less than Substantial Harm.
- 10.8 This reserved matters application relates to a single phase comprising a part of the application site approved at the outline stage. The Heritage Advisor has reviewed the details of the application and further information submitted by the applicant's

agent explaining why they consider the proposal in this phase would not affect the above heritage assets.

- 10.9 The Council's Heritage Advisor has commented the proposed data centres would not be visible in views from Slough station, and therefore the proposal would preserve these heritage assets. The St Bernards Conservation Area is located circa 0.5km to the south of the reserved matters application site. This distance together with the positioning and scale of existing intervening development and also with due consideration to the positioning and scale of the residential development granted outline planning permission to the south, the proposal on this part of the site would not have an adverse impact upon the St Bernards Conservation Area, and would therefore preserve it. For these reasons, officers consider the proposals do not amount to any harm to the identified heritage assets which will be preserved along with their settings.
- 10.10 Based on the above, and having regard to the heritage advice received, the proposal would preserve the surrounding heritage assets and officers consider that the proposals would not lead to any level of harm as defined by the National Planning Policy Framework and would also comply with Core Policy 9 of the Core Strategy.

11.0 **Impact on amenity of neighbouring occupiers / uses**

- 11.1 Paragraph 130f of the National Planning Policy Framework requires planning decisions to ensure developments create places with a high standard of amenity for existing and future users. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EMP2
- 11.2 There are residential properties within close proximity of the application site. To the northwest there are three residential properties adjoining the site at 100 Wexham Road and 100A Wexham (comprises two properties). To the north of the site there are a number of houses on the northern side of the canal with south facing windows and south facing rear gardens. To the east of the site there are a number of houses on the eastern side of Uxbridge Road with west facing windows and west facing front gardens. To the south of the site there are a number of houses on the southern side of the railway line which are mostly orientated east to west. The impacts on these properties are assessed below.
- 11.3 The image below shows the relationship of the proposed development with 100 and 100A Wexham Road:



Above: extract from the submitted design and access statement image showing the relationship of the proposed development with 100 and 100A Wexham Road.

11.4 100A Wexham Road is orientated north to south and adjoins the application site to the east by its eastern side boundary. The approved plans 100A Wexham Road (ref. P/13542/015) show windows serving habitable rooms in the northern front elevation. To the rear, there are windows serving a kitchen and a study at ground floor. At first floor windows serving a bathroom and store are all shown on the approved plans. Side facing windows are shown to serve the first floor landing. The approved landscaping details show small enclosed amenity areas to the rear (south) and enclosed front gardens (north), adjoined by parking and access (north).

11.5 100 Wexham Road is positioned towards the northwest corner of the application site and neighbours 100A Wexham Road by its eastern rear boundary. This dwelling is single storey at the front (west), and due to the site sloping sharply towards the east, the dwelling is two storeys at the rear (east). The property contains driveway parking to the front. To the rear there is another vehicular access to the side of the property which provides access to a semi basement garage and an external hardstanding area which wraps around the side and rear and side. These external areas are at a much lower level compared to the Wexham Road approximately the same level as the adjoining application site to the south.

Based on plans submitted to the Council in 2014 (ref. P/13542/011) 100 Wexham Road comprises 3 bedrooms, one lounge, kitchen, separate dining room, bathroom, and separate W.C. There is also a semi basement level comprising a garage and storage areas and a roof void above the ground floor. South (side) facing windows serve the kitchen, bathroom, W.C, and store. North (rear) facing windows serve a dining area and a bedroom. Two windows to the west (front) serve the lounge and a bedroom, and the north (side) window serves a bedroom.

11.6 The application proposes a mechanical yard within close proximity of 100 and 100A Wexham Road. This would include silo type containers storing diesel fuel (approx.

12.35 metres high), and water (approx. 4.75 metres high). The 4.75 metre high water silos would be separated at a minimum distance of 8.8 metres from the common side boundary with 100A Wexham Road and approximately 22.9 metres from the rear boundary of 100 Wexham Road. The 12.7 metre high diesel silos would be separated at a minimum distance of 28.6 metres from the common side boundary with 100A Wexham Road and approximately 42 metres from the rear boundary of 100 Wexham Road.

11.7 The proposed data centre buildings would be separated at a minimum distance of 54.5 metres from the common side boundary with 100A Wexham Road and approximately 67.5 metres from the rear boundary of 100 Wexham Road.

11.8 The above distances provide an appropriate amount of separation space to prevent any unacceptable overbearing impact. The outlook from the external areas at 100A Wexham Road and the rear facing windows and external areas at 100 Wexham Road would include the silo tanks. While this is not an aesthetically pleasing outlook, it would not result in unacceptable harm to living conditions of the occupiers of these dwellings. The visual harm is considered in the 'Impact on the character and appearance of the area' section of this report.

11.9 The residential development granted by the associated outline planning permission (ref: P/00072/096) would comprise up to 1,000 dwellings on the southern side of the part of the application site. The future east-to-west estate road and landscaped areas each side of the estate road would separate the proposed development within the future residential development. Building A would measure a maximum height of 23.5 metres and be positioned approximately 54.4 metres (min.) from the residential development parameter zones B and C approved by the outline application to provide building heights up to 23.5 metres / 7 storeys. These distances provide an appropriate amount of separation space to prevent any unacceptable impacts in terms of overbearing and /or outlook for the future occupiers of the residential development granted by outline planning permission.

11.10 *Daylight and Sunlight:*

The application has been submitted with a daylight and sunlight report which assesses any potential loss of daylight and sunlight to relevant neighbouring properties.

11.11 The British Research Establishment (BRE) provides written guidance in relation to daylight and sunlight. For neighbouring external areas, it is advised that as a result of new development, if at least half of an existing amenity space does not receive at least 2 hours of sunlight on 21st March and the sunlight to this area is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

11.12 The sunlight to the amenity area directly to the front of 100A Wexham Road and adjoining the application site would be reduced to less than 0.8 times its former value. However its former value (as existing) is already poor and falls well short of

half its area receiving 2 hours of sunlight on 21st March. The area which is currently sunlit for at least 2 hours on 21st March is approximately 15% of the area and is positioned to the northwest corner of the amenity space. As a result of the development, this would reduce to 3%. While this is a significant loss, planning officers consider it would not significantly affect the amenity value for the occupiers. This is because the amount of sunlight the garden receives is already very poor. In addition the location of the sunlit area is a small area to the northwest part of the amenity space and forms part of a footway access to the dwellings and adjoins a parking space. Based on these factors, It is considered very unlikely this area would be particularly enjoyed for its sunlit properties. As such the resulting loss of sunlight is considered a minor adverse impact that would not result in unacceptable impact on the amenity of the neighbouring occupiers of 100A Wexham Road. The image on the bottom left shows the approved front garden of 100A Wexham Road, while the image on the bottom right shows the area of sunlight to be lost in yellow

<p>Above: Extract from the approved landscaping scheme at 100A Wexham Road.</p>	<p>Above: Extract from the submitted daylight and sunlight study. Yellow indicates sunlit area lost. Red outline indicates sunlit area to remain.</p>

- 11.13 There would be some minor reductions in the daylight and sunlight serving the internal habitable rooms at 100 and 100A Wexham Road. However, as these would fall within the guidelines recommended the BRE, they should not be noticeable to the occupiers, and therefore would be acceptable.
- 11.14 The submitted daylight and sunlight report assesses the impacts on the illustrative residential scheme which was submitted with the associated outline planning application (ref: P/00072/096). This has been done by calculating vertical sky components (VSC) and annual probable sunlight hours (APSH). The BRE has confirmed this is the correct approach in situations like this where window positions and room layouts have not yet been established.

- 11.15 VSC - the BRE advise a VSC of 27 degrees should provide reasonable daylight falling on the plane of the window. The submitted daylight and sunlight report finds that with the proposed development in place, the northern residential façade which front the future estate road and face the proposed development would have VSCs of 27% and above.
- 11.16 APSH – the BRE have commented that the northern residential façade which front the future estate road and face the proposed development are low, generally below the recommended 25%. However, the BRE have advised that this would be largely because the residential facades face close to due north rather than because of any shading caused by the proposal. The proposed data centres would lie to the north or north east of the proposed residential blocks, and have very little impact on the sunlight they receive.
- 11.17 Based on the above, it is considered the proposal would not unduly constrain the residential development to the south which is still subject to reserved matter applications in relation to scale, layout, appearance and landscaping. The reserved matters applications for the residential component will be subject to a more detailed and precise daylight and sunlight assessment where the impacts on the living conditions of the future occupiers will be carried out.
- 11.18 The submitted daylight and sunlight report has assessed by the BRE who have agreed the proposed development would not result in any unacceptable impacts on the existing neighbouring occupiers or cause a significant constraint on the potential future residential development to south granted outline planning permission.
- 11.19 *Glint and glare:*
- The submitted plans propose a 400sqm area on each building for photovoltaic panels. These are positioned to the eastern end of each building, and on the southern side of the shallow sloping roofs. The cross sectional drawings show the panels would extend above the roof slope by approximately 0.2 metres and be parallel with the roof slope. The southern elevations extend above the roof eaves of the roof by approximately 1.15 metres to create a parapet. As such the panels would be largely screened from the potential future residential development to south.
- 11.20 Given the outline residential development is limited to a similar height as the proposed data centres, and the that the parapet provide a good degree of screening from the panels which tile upwards, it is considered unlikely there would be any significant impacts on the potential future residential development to the south in terms of glint or glare.
- 11.21 However, in proposing metal cladding to the southern elevations of Building A, some concerns are raised in relation to glint or glare on the potential future residential development to the south. A glint and glare study should be secured by

condition.

11.22 *Noise:*

Noise impacts were assessed at the outline stage where officers were satisfied the issue could be dealt with by planning condition (condition 12) which requires details to be submitted alongside the submission of the reserved matters application. These details have been submitted via planning reference P/00072/106.

11.23 Condition 12 of the outline planning permission (ref. P/00072/096) require the cumulative noise from the commercial development to not exceed 2dB(A) above the background noise levels at noise sensitive receptors. The background noise levels were established at outline stage and are pre Covid lockdown noise levels. Noise from external areas are required to not exceed 55db LAeq (1hr) during the daytime (07:00-23:00) or 45dB LAeq (1hr) during the nighttime (23:00 - 07:00) or 60dB LAmx (15mins) during the nighttime (23:00 - 07:00) at facades of existing noise sensitive receptors.

11.24 The main concern in relation to noise comes from the proposed 52 diesel generators within the data centres, the plant and chillers associated with the data centre cooling, HGV deliveries, and the substation.

11.25 26 diesel generators would be positioned in the northern part of the ground floor of each data centre building. The generators are only required in emergency in the event of a power outage. However they will require regular testing.

11.26 The emergency scenario is tested by assuming all generators running at full capacity. In this scenario, internal noise levels within existing neighbouring dwellings and the dwellings approved at outline stage would fall within the limits of condition 12 during both the day and night with windows closed. With windows open, receptors to the east in Uxbridge road and to the west at 100 and 100A Wexham Road would experience noise levels exceeding the internal noise criteria from BS8233 during the day. During the night, receptors to the north by canal, to east in Uxbridge road, to the west at 100 and 100A Wexham Road, and the dwellings approved at outline stage would all experience noise levels above internal noise criteria during the night. The applicant asserts that these levels are acceptable given the rarity of power outages. The Council's Environmental Quality and Environmental Health Officers agree to this given the limited and temporary nature of power outages.

11.27 The submitted noise assessment sets out the following generator testing regime:

- Monthly testing for a duration of 15 minutes at no load; and
- 6 monthly testing for a duration of 6 hours – totalling 12 hours per year at load.

The Council's Environmental Quality Officer has confirmed that based on the information submitted, the testing regime would not result in noise that would exceed the background noise levels or the noise levels set out in BS8233 during

the day. A condition is recommended to ensure on-load testing is to be undertaken on one generator at a time; with the maximum number of generators being tested at any one time being 2 (one offload and one at load). The condition shall require the testing to be carried out during the daytime (07:00-23:00).

Subject to conditions, the remaining plant and the HGV deliveries are all predicted to fully comply with the limits set out in condition 12. The conditions relate to:

- Full details of the attenuation packs and/or enclosures for plant
- Generator testing regime (as above)
- Operational HGV deliveries may only occur during the day time period (07:00-23:00), up to a maximum of two deliveries in any one hour daytime period, and a maximum of two deliveries overnight
- Full details of construction plant noise levels

11.28 Given the noise issues are subject to separate conditions, and when considering the level of information submitted so far along with the projected results, planning officers are satisfied the noise issues can continue to be dealt with separately by the existing condition and proposed conditions.

11.29 Based on the above, and subject to conditions, the proposal is considered to comply with the relevant requirements of Core Policy 8 of The Core Strategy, Policies EN1 and EMP2 of The Local Plan for Slough, and the requirements of the National Planning Policy Framework.

## 12.0 **Parking and Highway Safety**

12.1 The National Planning Policy Framework requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by emergency vehicles, and provide facilities for electric vehicle charging. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree. This is reflected in Core Policy 7. Paragraph 111 of the National Planning Policy Framework 2021 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’.

12.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards. The Parking Standards have been updated within Part 3 of the Slough Developer’s Guide.

12.3 The point of access via Wexham Road was approved via the associated outline application (ref. P/00072/096). An internal vehicle and pedestrian access into the

reserved matters application site is proposed. This access would be sited approximately 27.3 metres to the east of approved Wexham Road access and on the northern side of the future east-to-west estate road. The positioning and layout of this access has been assessed by the local highway authority and commented that it is acceptable.

- 12.4 The proposed layout comprises 95 car parking spaces, including 4 x wheelchair accessible bays and 29 EV charging bays parking. 55 car parking spaces would be positioned to the south side of Building A and the remaining 40 car parking spaces to the northern side of Building B. No HGV parking spaces are proposed other the Loading bays are positioned to the northern side of each building.
- 12.5 The Parking Standards as updated within Part 3 of the Slough Developer's Guide does not include any specific guidance in relation to parking provision for data centres. The information submitted with the application asserts the proposed development would provide direct employment for 80 - 120 employees. The submitted transport statement assumes 100 staff would be directly employed and visit the facility over a 24 hour period. It is expected that the staff shift patterns over 24 hours will comprise two 12 hour shifts. The day shift (08:00 – 20:00) would comprise up to 77 staff. The remaining 23 predicted staff would visit the facility in the night shift (20:00 – 08:00). The transport statement asserts the site would generate up to 10 HGV deliveries per week. The proposed parking provision, HGV loading bays, and circulation / internal access have been assessed by the local highway authority and commented that it is acceptable.
- 12.6 The submitted Transport Statement asserts 40 staff cycle parking spaces which will be provided in dedicated cycle stores within each data centre building. The local highway authority has not objected to this quantum. Planning officers note the cycle storage is not shown on the floor plans. Given the size of the site, it accepted that cycle storage in accordance with the Developers Guide can be achieved by condition. In addition, the shower and changing facilities should be retained by condition as this would encourage cycling to work and is in accordance with the Developers Guide.
- 12.7 Details of the public cycleway / footway to connect to Uxbridge Road have been submitted both within this application and alongside this application to discharge condition 16 of the outline application via planning ref. P/00072/110. The local highway authority has requested the following:

Please design the proposed pedestrian/cycle link to better tie into the existing footpath on the northern side of the carriageway. The path should be designed to sweep south-west and tie in with the footpath.

My overall feeling is that the existing design looks like a cycleway interrupted by an emergency access. The emergency access will be rarely used (hopefully never) so I wanted them to design this corner to look more like a continuous walking and cycling route,

which can facilitate emergency access on rare occasions if needed

- 12.8 The above has been requested from the application the who responded with the following:

The change proposed in our view would in fact result in cyclists maintain and/or speeding up round this corner which we would rather they didn't and slow as the current design would require. We would be happy to have way finding signage be conditioned but we generally don't understand the reasoning behind the request. On safety grounds we would rather retain as is unless the highways team can properly justify this requested change/they will be objecting to the scheme unless a change is made

- 12.9 Further justification / explanation has been requested from the Local Highway Authority, however no response has been received. Officers are not aware of there being evidence to suggest that the proposed connection to / from the pubic cycleway /footway would result in conflicts within the highway at this part of the site, and this has not been suggested by the Highways Officers. Although it may be desirable for cyclists to have use of a continuous uninterrupted cycle route, the current proposals do not appear to fall short of highways safety standards. Given the current impasse, officers consider that the proposals would not amount to a significant degree of harm and therefore the proposed current arrangement could be supported on balance. .
- 12.10 Details of the management of servicing and deliveries alongside this application to discharge condition 21 of the outline application planning ref. P/00072/110. The Local Highway Authority has commented that these details are acceptable.
- 12.11 Based on the above, the proposal would accord with the in Core Policy 7 of the Core Strategy Local Plan Policies T2 and T8, and the requirements of the National Planning Policy Framework.

13.0 **Air Quality**

- 13.1 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. Proposal should not result in unacceptable levels of air pollution. This is reflected in Paragraph 181 of 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.
- 13.2 The Council has adopted the Slough 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 and requiring electric charging points within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.

- 13.3 The impacts on air quality were assessed in the outline application where it was concluded the air quality issues in relation to a data centre scenario would be dealt with by condition 17 of the outline planning permission which requires details to be submitted alongside the submission of the reserved matters application. These details have been submitted via planning reference P/00072/106.
- 13.4 The main concern in relation to air quality comes from the proposed 52 diesel generators within the data centres and the substation to the southwest of the site. Concerns are also raised regarding the construction phase.
- 13.5 26 diesel generators would be positioned in the northern part of the ground floor of each data centre building. The generators are only required in emergency in the event of a power outage. However they will require regular testing.
- 13.6 The emergency scenario is tested by assuming all generators running at full capacity. In this scenario, to the north in Hazelmre Road, there would potentially be a moderate - adverse worsening of air quality. The applicant asserts given the rarity of power outages, and their temporary nature, this is acceptable. The Council's Environmental Quality Officer has agreed to this given the limited and temporary nature of power outages. The submitted noise assessment sets out the following generator testing regime:
- Monthly testing for a duration of 15 minutes at no load; and
  - 6 monthly testing for a duration of 6 hours – totalling 12 hours per year at load.
- 13.7 The Council's Environmental Quality Officer has confirmed that based on the information submitted and the testing regime, the proposal would not result in unacceptable levels of air quality on existing human receptors or potential future human receptors via the residential development approved by the outline planning permission. A condition is recommended to ensure on-load testing is to be undertaken on one generator at a time; with the maximum number of generators being tested at any one time being 2 (one offload and one at load). The condition shall require the testing to be carried out during the daytime (07:00-23:00).
- 13.8 Dust during the construction phase has been adequately addressed.
- 13.9 Air quality in relation to ecological receptors is assessed within the 'impact on biodiversity and ecology' section of this report.
- 13.10 Based on the above, and subject to conditions, the proposal would accord with the in Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework.

#### 14.0 **Impact on biodiversity and ecology**

- 14.1 Paragraph 174 of the National Planning Policy Framework requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough. .
- 14.2 The impacts on biodiversity and ecology were assessed in the outline application where it was concluded the details regarding the ecological mitigation, compensation and enhancements could be dealt with by condition. This was secured by condition 10 to the outline planning permission (ref. P/00072/096) which requires the details to be submitted alongside each reserved matters application. The ecological details have been submitted alongside this reserved matters application (ref. P/00072/109) which include:
- wildflower meadows, along with shrubs incorporating a mix of native species with a focus on pollinator species around the site which will tie into the wider scheme plans to produce a pollinator loop around the site
  - Physical provisions for nesting birds and roosting bats as well as invertebrates.
  - Compliance with Natural England Bat Low Impact Class Licence Application (Class Licence 21)
- 14.3 The above compensation and enhancements would exceed those predicted at the outline stage, and the Natural England Bat Low Impact Class Licence has been complied with. These have been agreed by the Council's ecology advisor
- 14.4 The assessment on air quality is based on a worst case scenario and it is demonstrated that the annual mean contribution to nitrogen deposition at the relevant sensitive receptors is negligible. This has been agreed by the Council's ecology advisor.
- 14.5 Based on the above, the proposal would comply with Core Policy 9 of the Core Strategy and the requirements of the National Planning Policy Framework.

#### 15.0 **Crime Prevention and anti-social behaviour**

- 15.1 Policy EN5 of the adopted Local Plan and Core Policy 12 require all development schemes to be designed so as to reduce the potential for criminal activity and anti-social behaviour. Paragraph 92 National Planning Policy Framework seeks development to be inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 15.2 The application includes a public cycleway / footway to the east of the site that was approved in principle by the outline permission (ref. P/00072/096). The public cycleway / footway is intended to provide a link from the east- to-west estate road

and the residential scheme of up to 1,000 dwellings both also approved in principle by the outline permission (ref. P/00072/096).

- 15.3 The proposed data centres would be positioned between 16.5 metres and 14 metres (approx.) from the public cycleway and footway which would measure 3.5 metres wide. Given the proposed 23.5 metre maximum height of the data centres, this may result in a degree of enclosure when using the public cycleway and footway. However the proposed data centres are oriented so their main access and curtain wall glazed office space on would face and directly overlook the north to south part of the public cycleway and footway. This provides a degree of activity within the application site and adjacent to the public cycleway and footway along with natural surveillance.
- 15.4 Design and Crime Prevention Officers from Thames Valley Police have been involved in providing advice in the detailed design of the public cycleway and footway through a number of meetings with planning officers and the developer. The design of the public cycleway and footway has been refined and include low level landscaping to retain lines of site and reduce hiding spaces. A security strategy has been submitted which includes surveillance cameras in various locations including key locations to monitor the public cycleway and footway. The surveillance cameras will be actively monitored by security staff. In the event of an observed incident, security staff will take appropriate action. In addition the site boundary would be regularly patrolled over a 24 hour period.
- 15.5 It is considered the north-to-south part of the public cycleway and footway would benefit from appropriate design interventions to minimise the potential for crime and disorder, fear of crime, and anti-social behaviour. The east-to-west part of the public cycleway and footway would benefit from less natural surveillance and activity from within the site; however, this area would still be monitored by surveillance cameras and be regularly patrolled. The majority of the outline application site adjacent to the east-to-west part of the public cycleway / footway is yet to come forward as a phase of development under the outline planning permission (ref. P/00072/096). This future phase would be expected to contribute towards minimising the potential for crime and disorder, fear of crime, and anti-social behaviour within the public cycleway / footway.
- 15.6 The data centre itself would be completely fenced and gated off across all its boundaries. Access into the site would be controlled and monitored. The submitted security strategy demonstrates a very comprehensive level of security would be provided. The plans as submitted demonstrate a satisfactory level of physical security for the data centre. Planning Officers understand the importance of data centre security for the operator and that it would evolve with new technologies. On this basis it is not considered necessary to require the data centre itself to be carried out in accordance with the submitted security strategy. However, it is considered necessary to ensure the security measures in respect of the public cycleway / footway is carried out in accordance with the submitted security strategy. This is secured by condition.

15.7 Based on the above, the proposal would accord with the in Core Policy 12 of the Core Strategy Local Plan Policy EN5, and the requirements of the National Planning Policy Framework.

#### 16.0 **Contaminated Land**

16.1 Paragraphs 183 and 184 of the National Planning Policy Framework require a site to be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This is reflected in Core Policy 8 of the Core Strategy.

16.2 The site has been directly contaminated due to past operations on the site. This has been addressed at the outline application which secured an appropriate remediation strategy by condition.

16.3 The application includes the above ground silo storage of 1,000 cubic meters of diesel, a diesel filling area, and underground diesel drainage tanks. The Council's Environment Officer has advised the storage tanks must provide suitable containment and secondary containment measures, along with monitoring and maintenance measures in accordance with the relevant regulations. This can be secured by condition.

16.4 The Environment Agency has been consulted in relation to the storage and dispensing of diesel, however no comments have been received.

16.5 Based on the above, subject to conditions the proposal would accord with the in Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework.

#### 17.0 **Health and Safety**

17.1 Adjoining the site to the east is the National Grid site and former gas works. The site is currently occupied by the gas supplier Cadent and comprises a depot accommodating a mixed range of office and storage buildings, open storage, and parking areas. A gas holder was previously positioned in the north-west corner of the neighbouring Cadent site. This has since been removed and has been de-notified under the Control of Major Accident Hazard Regulations 2015 (COMAH). The site is no longer within the consultation distance of any sites which are subject to COMAH. The Health and Safety Executive have commented they have no objections in this regard.

17.2 The proposed development is within the Consultation Distance of a major hazard pipeline. The Health and Safety Executive have commented they have no objections in this regard, and advised contacting the pipeline operator (Cadent) before determining the application. Cadent have commented that the previous advice provided on the outline application (ref. P/00072/096) still apply. These previous comments confirmed that Cadent Gas have no objection as the high pressure gas pipeline in the vicinity will not be affected. Further comments were

provided in relation to gas venting which concluded the process does not pose any significant risk to 3rd parties outside the Cadent premises.

- 17.3 The application includes the 7 x diesel silo storage tanks totalling 1,000 cubic meters of diesel, a diesel filling area, and underground diesel drainage tanks. The Health and Safety Executive have advised that hazardous substances consent would be required if the quantity of fuel would exceed the controlled amount listed in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015. The Council's Environment Officer has advised this controlled amount is set at a threshold of 2500 tonnes and the proposed 1,000 cubic meters of diesel would fall below this threshold. As such hazardous substances consent would not be required.
- 17.4 Although the storage of diesel would not be controlled by a hazardous substances consent, the Health and Safety Executive have advised the employer will be subject to the requirements of the Health and Safety at Work etc Act 1974 (HSWA) and associated legislation. Under sections 2 and 3 of the HSWA, an operator must conduct the undertaking in such a way as to ensure that, so far as is reasonably practicable, employees and other persons, including people living nearby, are not thereby exposed to risks to their health or safety.
- 17.5 In addition to the above, the Council's Environment Officer has advised the storage tanks must provide suitable containment and second containment measures, along with monitoring and maintenance measures in accordance with the relevant regulations. This can be secured by condition.
- 17.6 A substation is proposed to the southwest corner of the site. An electromagnetic fields assessment report has been carried out on behalf of the applicant. The reports explains that the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines recommends human exposure to members of the public is limited to 100µT magnetic field limit and 5000V/m electric field limit at both 1m height and at ground level.
- 17.7 Calculations have been carried out by the existing residential boundary at 100 / 100A Wexham Road, the residential development to the south approved at the outline application, and to the northern and southern boundaries of the substation. All the results in each of the locations fall below the limits within the ICNIRP guidelines.

In relation to aircraft safeguarding, the Aerodrome Safeguarding Specialist from Heathrow Airport has raised no objections in relation to the application based on the information submitted in the associated application to discharge conditions via ref. P/00072/109 (condition 11 Bird Hazard Management).

- 17.8 Based on the above, and subject to conditions there is no evidence to suggest proposal is considered to have unacceptable impacts in terms of the health and safety.

## 18.0 **Flood Risk and Drainage**

18.1 Paragraph 161 of the National Planning Policy Framework requires all plans to apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk. Paragraph 033 of the NPPG clarifies that any development proposal should take into account the likelihood of flooding from other sources, as well as from rivers and the sea. The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding.

18.2 The application proposes above ground silo storage of water comprising:

- 4 x water storage tanks totalling 591 cubic meters of water for cooling the data centres
- 1 x water sprinkler tank a totalling 160 cubic meters of water

It is understood that the preference is to achieve a mains connection, however, to date; the applicant has not achieved the required agreement with Thames Water.

18.3 The site is located in Flood Zone 1. The proposed above ground water storage does present a potential flood risk in the event of any failure of the tanks. In this instance a sequential approach is not considered appropriate. This is because the potential flood risk is generated by the use of the site, and would very unlikely be reduced by relocated the development. In accordance with paragraph 035 of the NPPG and the corresponding Table 3 of the NPPG, the exception test does not need to be applied in this instance as the site is not located within a flood zone 2 or 3.

18.4 Paragraph 167 of the National Planning Policy Framework requires local planning authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes

The above tests are assessed in sequence below. This also includes an assessment of the proposed drainage strategy as it is included with bullet c).

- 18.5 A site specific flood-risk assessment has been submitted alongside the application via the submission of details application (ref. P/00072/107) to discharge condition 9 (drainage) of the outline application, (ref. P/00072/096). This has assessed the failure of all of the tanks in tandem with a 1 in 100 year flood event. In such a 'worst case 'scenario it is asserted that the water from the tanks would hit the 300mm upstand around the mechanical yard and then flow east over ground towards the proposed data centre buildings while being collected by the channel drain along the east of the mechanical yard. The flood waters would pool within the mechanical yard and within the adjacent north-to-south access road. The waters would be contained within the site by the low level masonry walling around the mechanical yard, roadway kerbing, and ground levels. Some manholes within the site would breach, however the waters would pond within the vicinity of the manholes and would not flow overland outside of the site.
- 18.6 The potential flood waters would be retained within relatively small parts of the site and largely away from the proposed data centres which are considered most vulnerable parts of the development. Flood water are predicated breach the floor levels of the data centre buildings Paragraphs 167a & b would therefore be complied with.
- 18.7 Paragraph 167c of the National Planning Policy Framework requires the incorporation of sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is also required by Paragraph 169 of the National Planning Policy Framework for all major developments. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner. The proposed drainage system is pursuant to that agreed by the outline planning permission, (ref. P/00072/096). The proposed drainage system does not incorporate infiltration drainage. This is because the site was previously contaminated land. Although the site is being de-contaminated, it would not be appropriate to use infiltration drainage as it may conflict with the remediation strategy and potentially contaminate the Aquifer(s) below the site. The Environment Agency and Lead Local Flood Authority both advise against the use of infiltration drainage. Although infiltration is not proposed the Suds hierarchy has been followed and attenuation to provide 15 litters per second discharge rate is designed into the drainage system. The proposed drainage system has been assessed by the Lead Local Flood Authority, and after requesting further information in relation to the above ground water tanks and Thames Water agreement, have approved the proposed drainage strategy.

Residual risk is considered to be low. This is because the volume of water in the tanks is finite, and the containment within the site would be achieved by low level masonry walling, roadway kerbing, building upstand heights, and ground levels which are all robust features. Details of the structural integrity of the low level masonry walling can be secured by condition to ensure it would not fail in a flood event can be secured by condition. As such residual risk can be safely managed. Paragraph 167d would therefore be complied with.

- 18.8 A dry safe escape can be achieved via the main entrances to the eastern side of

the data centres where there would be no floodwaters predicted. Paragraph 167e would therefore be complied with.

18.9 Potential flood from the canal to the north was dealt with at the outline application. Financial contributions were secured to provide groves in the canal bank and stop planks that can be drooped in the canal either before or during a flood event.

18.10 Based on the above, the proposal would not increase flood risk elsewhere outside of the application site, and the flood risk and drainage issues would comply with Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework.

#### 19.0 **Land stability**

19.1 Paragraphs 174 and 183 of the National Planning Policy Framework requires a site to be suitable for its proposed use taking account any risks arising from land instability. Paragraphs 184 states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the applicant and/or landowner.

19.2 Land stability was assessed in the outline application where it was concluded that such details could be dealt with by condition. This was secured by condition 26 to the outline planning permission (ref. P/00072/096). The details have been submitted alongside this reserved matters application (ref. P/00072/115). These confirm that other than the very limited works associated with the creation of the site fencing, there would be no excavation works needed within 60 metres of the canal tow path. This will ensure no potential for any form of material impact on the canal embankment stability.

19.3 The details have been assessed by the Canal & River Trust who has raised no objection in relation to land stability. The objection in relation to design has been addressed within the impact on the character and appearance of area section of this report.

19.4 Based on the above, Planning Officers are satisfied the risk around land stability have and will be appropriately considered and the proposal can be developed without undue risk around land stability.

#### 20.0 **Economic Impact**

20.1 The site is located within a defined Business Area (Mill Street-Petersfield Avenue-ICI) as identified on the Proposals Map (2010). Core Strategy policy 5 (employment) requires there to be no loss of existing business areas to non-employment uses. Local Plan Policy EMP12 seeks a range of business developments within this Business Area to encourage its regeneration to replace any businesses that are lost. Paragraph 81 of the National Planning Policy Framework seeks planning decisions to help create the conditions in which businesses can invest, expand and adapt. Paragraph 83 of the National Planning Policy Framework seeks planning decisions to recognise and address the specific

locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries.

- 20.2 The submitted Economic Benefits Assessment asserts that during the construction phase, the proposed development would support around 1, 000 full time direct construction jobs per year over the 24 month construction period.
- 20.3 During the operational phase, the site is expected to provide direct employment for 80 – 120 full time jobs. Additional employment would also result in the expenditure of data centre activity in the supply chain and the expenditure of employee wages on goods and services in local businesses. This is expected to create approximately 23 - 35 full time ‘spin off’ jobs within the local area and 35 - 53 full time jobs within the wider South East.
- 20.4 No comments have been provided by the Council’s Economic Development Team on the submitted Economic Benefits Assessment. Officers consider that a data centre would not return a high yield of employment considering its floor area. However, the proposed use of the site for data centres falls within the parameter set by the outline planning permission, where a data centre scenario was considered acceptable when considering the potential benefits of the outline application as whole. In addition, the proposal is a business employment use that would assist in regenerating the site to partially replace the previous AkzoNobel business.
- 20.5 Based on the above, the proposal would comply with Core Policy 5 of the Core Strategy, Local Plan Policy EMP12, and the requirements of the National Planning Policy Framework.

21.0 **Sustainable design and construction**

- 21.1 Core Policy 8 of the Core Strategy seeks to minimise the consumption and unnecessary use of energy; generate energy from renewable resources; and incorporate sustainable design and construction techniques. Paragraph 7.159 states proposals for non-residential development should achieve a BREEAM rating of “very good” or “excellent”.
- 21.2 The Developers Guide Part 2 expects commercial development of 10,000 sqm or more to achieve a BREEAM rating of excellent along with low or zero carbon energy generation equivalent to approximately 10% of the developments carbon emissions.
- 21.3 Sustainable design and construction was assessed in the outline application where it was concluded that such details could be dealt with by condition. It was accepted the commercial development will achieve a standard of BREEAM Very Good. In addition a carbon reduction of 10% of regulated energy use for each building up to a maximum PV area of 1200m<sup>2</sup> on the whole of the northern commercial land was also required.

- 21.4 These was secured by condition 23 (BREEAM) and 39 (Low or Zero Carbon energy) to the outline planning permission (ref. P/00072/096). The details have been submitted alongside this reserved matters application (ref. P/00072/112).
- 21.5 A percentage score of over 55% is required to achieve BREEAM 'Very Good'. A percentage score of over 70% is required to achieve BREEAM 'Excellent'. The application includes a BREEAM pre-assessment report which has been prepared by a qualified BREEAM Assessor / professional and a BREEAM Advisory Professional. The submitted details assert the predicted score is 69.91%. Planning Officers are satisfied a 'Very Good' rating can be achieved and that the current score is extremely close to an 'Excellent' rating.
- 21.6 The submitted plans propose a 400sqm area on each building for photovoltaic panels. These are positioned to the eastern end of each building, and on the southern side of the shallow sloping roofs. The quantum of photovoltaic panels on each building is proportionate for this part of the site given its size in relation to the commercial area approved at the outline stage.
- 21.7 As assessment has been made on the visual impacts, residential amenity impacts, and the impacts on aircraft safeguarding within the relevant parts of this report and no objections are made in this regard.
- 21.8 The proposed very good BREEAM rating broadly complies with Core Policy 8 which requires such schemes to achieve a 'very good' or 'excellent' rating. The proposals do not fully accord with Developers Guide Part 2 which seeks a BREEAM rating of excellent for a development of this size. However, a very good rating was agreed at the outline stage and secured by condition, and is broadly in line with the Core Policy 8 requirement to be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.
- 21.9 Based on the above, the proposal would comply with Core Policy 8 of the Core Strategy.

## 22.0 **Presumption in Favour of Sustainable Development**

- 22.1 The application has been evaluated against the Development Plan and the National Planning Policy Framework. The report identifies that on balance, the submitted details of the Scale, Layout, Appearance and Landscaping in connection with the development of the First Phase of the wider site, are acceptable and would comply with Core Policy 8 of The Core Strategy, and Policies EN1 and EMP2 of the Local Plan For Slough. Subject to conditions, the proposed reserved matters fully comply with all of the other relevant saved policies in the Development Plan and the National Planning Policy Framework. On balance the proposal would comply with the Development Plan as a whole. It is therefore recommended that the application be delegated to the Planning Manager for approval subject to finalising conditions.

## **PART C: RECOMMENDATION**

23.0 **Recommendation**

23.1 Having considered the relevant policies set out above, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager:

A) For approval subject to finalising conditions.

24.0 **PART D: CONDITIONS**

1. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority.

- a) Drawing No. SLO1X0-SWE-EX-XX-DR-C-0100 Rev P3; Dated 08/04/2021; Rec'd 13/04/2021
- b) Drawing No. SLO1X0-SWE-EX-XX-DR-C-0104 Rev P04; Dated 23/08/2021; Rec'd 26/08/2021
- c) Drawing No. SLO1X0-SWE-EX-XX-DR-C-0105 Rev P3; Dated 08/04/2021; Rec'd 13/04/2021
- d) Drawing No. SLO1X0-SWE-EX-XX-DR-C-0710 Rev P3; Dated 08/04/2021; Rec'd 13/04/2021
- e) Drawing No. SLO1X0-SWE-EX-XX-DR-L-0001 Rev P02; Dated 20/07/2021; Rec'd 23/07/2021
- f) Drawing No. SLO1X0-SWE-EX-XX-DR-L-0002 Rev P01; Dated 20/07/2021; Rec'd 23/07/2021
- g) Drawing No. SLO1X0-SWE-EX-XX-DR-L-0003 Rev P01; Dated 09/04/2021; Rec'd 13/04/2021
- h) Drawing No. SLO1X0-SWE-ZZ-EX-DR-L-500 Rev P02; Dated 20/07/2021; Rec'd 23/07/2021
- i) Drawing No. SLO1X0-SWE-ZZ-EX-DR-L-501 Rev P01; Dated 07/04/2021; Rec'd 13/04/2021
- j) Drawing No. SLO1X0-SWE-XX-DR-L-30000 Rev P01; Dated 06/04/2021; Rec'd 13/04/2021
- k) Drawing No. SLO1X0-SWE-XX-DR-L-30001 Rev P01; Dated 06/04/2021; Rec'd 13/04/2021
- l) Drawing No. SLO1X0-SWE-XX-DR-L-30002 Rev P01; Dated 06/04/2021; Rec'd 13/04/2021
- m) Drawing No. SLO1X0- SBR- AZ- 00- DR- A- 8300 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
- n) Drawing No. SLO1X0- SBR- AZ- 01- DR- A- 8301 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
- o) Drawing No. SLO1X0- SBR- AZ- 02- DR- A- 8302 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
- p) Drawing No. SLO1X0- SBR- AZ- RF- DR- A- 8303 Rev P3; Dated

- 07/04/2021; Rec'd 13/04/2021
- q) Drawing No. SLO1X0- SBR- BZ- 00- DR- A- 8360 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - r) Drawing No. SLO1X0- SBR- BZ- 01- DR- A- 8361 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - s) Drawing No. SLO1X0- SBR- BZ- 02- DR- A- 8362 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - t) Drawing No. SLO1X0- SBR- BZ- RF- DR- A- 8363 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - u) Drawing No. SLO1X0- SBR- GH- 00- DR- A- 8390 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - v) Drawing No. SLO1X0- SBR- GH- RF- DR- A- 8391 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - w) Drawing No. SLO1X0- SBR- EX- 00- DR- A- 8395 Rev P3; Dated 24/08/2021; Rec'd 26/08/2021
  - x) Drawing No. SLO1X0- SBR- AZ- XX- DR- A- 8400 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - y) Drawing No. SLO1X0- SBR- AZ- XX- DR- A- 8401 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - z) Drawing No. SLO1X0- SBR- AZ- XX- DR- A- 8402 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - aa) Drawing No. SLO1X0- SBR- BZ- XX- DR- A- 8460 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - bb) Drawing No. SLO1X0- SBR- BZ- XX- DR- A- 8461 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - cc) Drawing No. SLO1X0- SBR- BZ- XX- DR- A- 8462 Rev P4; Dated 27/05/2021; Rec'd 04/06/2021
  - dd) Drawing No. SLO1X0- SBR- GH- XX- DR- A- 8490 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - ee) Drawing No. SLO1X0- SBR- EX- 00- DR- A- 8495 Rev P2; Dated 24/08/2021; Rec'd 26/08/2021
  - ff) Drawing No. SLO1X0- SBR- AZ- XX- DR- A- 8500 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - gg) Drawing No. SLO1X0- SBR- AZ- XX- DR- A- 8501 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - hh) Drawing No. SLO1X0- SBR- BZ- XX- DR- A- 8560 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - ii) Drawing No. SLO1X0- SBR- BZ- XX- DR- A- 8561 Rev P3; Dated 07/04/2021; Rec'd 13/04/2021
  - jj) Drawing No. SLO1X0- SBR- ZZ- XX- DR- A- 8570 Rev P04; Dated 24/08/2021; Rec'd 26/08/2021

REASON: To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

## 2. Construction plant noise

Prior to the commencement of any construction works, full details of construction plant noise levels and proposed mitigation consistent with the noise criteria from BS5228 shall be submitted to and approved in writing by the Local Planning Authority. The construction phase shall be carried out in full accordance with these details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 and EMP2 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

### 3. Samples of Materials

Prior to the installation of any external finishing materials being applied to the data centres hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) specification details of the external finishing materials to be used to be used in the construction of external envelope of the data centres pursuant to the approved plans and submitted design and access statement
- b) a glint and glare study demonstrating external materials on the data centres and the above ground storage tanks do not result in glint or glare on highway safety or residential amenity. This shall include existing and approved highways / residential buildings via the outline planning permission (ref. P/00072/096)
- c) details of the depths of the returns within elevations of the data centres which are not clear on the approved plans

The development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality and to ensure any reflective material would have acceptable impacts on highway safety and neighbour amenity in accordance with Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2021.

### 4. Details of the green wall system

Prior to the installation of any external finishing materials being applied to the data centres hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) specification details of the green wall system using and stainless steel rope / mesh pursuant to the approved plans and submitted design and access statement

The approved green wall system shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the green wall system, if any of the green wall shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as within the approved green wall system.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1, EN3 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2021.

#### 5. Hardstanding materials

Prior to the installation of any hardstanding areas of the development hereby approved, specification details of their external finishing materials pursuant to the approved plans, approved landscaping scheme, approved drainage strategy, and submitted design and access statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

#### 6. Mechanical yard materials

Prior to the installation of any buildings within the mechanical yard hereby approved, specification details of their external finishing materials pursuant to the approved plans and submitted design and access statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of

the National Planning Policy Framework.

## 7. Substation Boundary Treatment

Prior to the installation of any boundary treatment to the development hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) specification details and elevation drawings of the architectural screening to the substation pursuant to the submitted design and access statement. The details shall clearly set out the layout of each different architectural panel screening the substation

The development shall be carried out in accordance with the details approved prior to first occupation and shall be retained at all times in the future.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

## 8. Diesel storage tanks

Prior to the installation of the diesel storage tanks and any diesel drain tanks, a detailed design with design with monitoring and maintenance measures in accordance with the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Prevent groundwater pollution from underground fuel storage tanks - Guidance - GOV.UK <https://www.gov.uk/guidance/prevent-groundwater-pollution-from-underground-fuel-storage-tanks>
- b) Dangerous Substances and Explosive Atmospheres Regulations 2002 <https://www.hse.gov.uk/fireandexplosion/dsear.htm> and The Dangerous Substances and Explosive Atmospheres Regulations 2002 (legislation.gov.uk).
- c) Oil storage regulations for businesses <https://www.gov.uk/guidance/storing-oil-at-a-home-or-business#design-standards-for-containers>

The development shall be carried out in accordance with the approved details

REASON to prevent land and groundwater pollution, and in the interest of health and safety, in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National

Planning Policy Framework.

9. Green Wall management plan

Prior to first occupation of the development hereby approved a Green Wall management plan shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the Green Walls shown on the approved plans, and should include time scale for the implementation.

The development hereby approved shall be carried out in accordance with the approved details at all times in the future.

REASON To ensure the long term retention of Green Walls within the development to meet the objectives of Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

10. Cycle parking

Prior to first occupation of each data centre building hereby approved details of cycle parking spaces provision (including location, housing and cycle stand details) for that building in accordance with the Cycle Parking Guidelines within the Slough Developer's Guide Part 3 shall be submitted to and approved in writing by the Local Planning Authority. A total of 40 cycle spaces shall be provided across the site. The cycle parking shall be provided in accordance with these details prior to the first occupation of each data centre building and shall be retained at all times in the future for this purpose.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T8 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

11. Bench seating

Prior to first occupation of the development hereby approved details of the bench seating within the site, and within the estate road and the public cycleway / footway pursuant to the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The bench seating on the estate road shall be provided in accordance with these details prior to the first occupation of the development and shall be retained at all times in the future. The bench seating on the new public cycleway/footway shall be provided in accordance with these details within one year of first occupation of the development and shall be retained at all times in the future

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

#### 12. Bus shelter

Prior to first occupation of the development hereby approved details of the bus shelter and signage to serve the proposed bus stops shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed before the relevant bus service is brought into first use, and be retained in good working order at all times in the future.

REASON To ensure the future bus route is served by appropriate bus stops and ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1, EMP2, and T9 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

#### 13. Street furniture

Prior to first occupation of the development hereby approved details of street furniture / lighting in relation to the east-to-estate road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed prior to the opening of the adoption of the east-to-west estate road, and be retained in good working order at all times in the future.

REASON to facilitate car, pedestrian and cycle movements, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework

#### 14. Wayfinding

Prior to first occupation of the development hereby approved details of wayfinding signage in relation to the public cycleway / footway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed within one year of first occupation of the development hereby approved and prior to the opening of the public cycleway / footway, and be retained in good working order at all times in the future.

REASON to facilitate pedestrian and cycle movements, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EMP2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework

#### 15. Plant attenuation

Prior to the installation of any plant (including the diesel generators), full details of the attenuation packs and/or enclosures for plant pursuant to the noise criteria set by condition 12 of the outline planning permission (P/00072/096), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed prior to first occupation of the development hereby approved and be retained in good working order at all times in the future.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 and EMP2 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

#### 16. Diesel generator restrictions

The diesel generators hereby approved shall only be used in the event of a power supply outage, and in accordance with the following diesel generator testing regime:

- Monthly testing for a duration of 15 minutes at no load; and
- 6 monthly testing for a duration of 6 hours with the maximum number of generators being tested at any one time being 2 (one generator offload and generator one at load).
- The testing shall only be carried out during the daytime (07:00-23:00).

The diesel generators shall only be used in accordance with the above details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 and EMP2 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

#### 17. Operational HGV deliveries

The operational HGV deliveries into the site are limited to a maximum of

two deliveries in any one hour period, with a maximum of 2 HGV delivery between the hours of 0700-2300hrs..

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance. In accordance with Policy EN1 and EMP2 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

#### 18. Low level wall to water storage tanks

The low level wall surrounding the above ground water storage tanks as shown on the approved plans shall be structurally designed and built to withstand the water containment in the event of the failure of all the water tanks, in accordance with the details agreed under Condition 9 of the outline planning permission (ref. P/00072/107).

The low level wall shall be installed before the water tanks are filled with water and shall be retained on good structural condition at all times in the future.

REASON To minimise flood risk in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

#### 19. Car parking

The car parking spaces, roadways, and manoeuvring areas as shown on the approved plans for each data centre building shall be provided prior to first occupation of that building hereby approved and be retained at all times in the future for such purposes.

REASON: To ensure that adequate on-site parking provision, access, and manoeuvring space is available to serve the development in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004 and the National Planning Policy Framework.

#### 29 Access

The means of access pursuant to the approved plans and as agreed through a highways agreement with the local highway authority shall be full completed prior to first occupation of the development hereby approved.

REASON: To ensure that adequate access, is available to serve the development in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004 and the National Planning Policy Framework

## 20. Vehicle access gates

No vehicle access gates, roller shutters doors or other vehicle entry barriers other than those hereby approved shall be installed without first obtaining permission in writing from the Local Planning Authority.

REASON In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework

## 21. Security Strategy

The security measure in respect of the public cycleway / footway shall be fully implemented in accordance with the submitted security strategy (SLO1 Security Strategy Overview; Dated 21/05/2021; Rec'd 03/06/2021) prior to first occupation of the development hereby approved and prior to the opening of the public cycleway / footway, and be cairned out at as such at all times in the future.

REASON to minimise the potential for criminal activity and anti-social behaviour in accordance with the in Core Policy 12 of the Core Strategy Local Plan Policy EN5, and the requirements of the National Planning Policy Framework.

## 22. Shower facilities

The shower facilities shown on the approved plans for each data centre building shall be made available for staff, and shall be retained at all times in the future for this purpose prior to the first occupation of that building hereby approved.

REASON To encourage cycling to work in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T8 of The Adopted Local Plan for Slough 2004, the Slough Developer's Guide Part 3 and the requirements of the National Planning Policy Framework.

## 23. Boundary treatment

Prior to the development hereby approved first being brought into use the boundary treatment and serrated topping shall be fully completed in accordance with the approved plans and the details set out on page 130 & 131 of the submitted design and access statement (SLO1X0 - Design and Access Statement, Landscape Report and Specification; Rec'd 13/04/2021) and be retained as such at all time in the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework

#### Informatives

1. The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.
2. As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:
  - The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline;
  - The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's website provides advice on a wide range of topics, including the fire and explosion risks associated with flammable substances – see About dangerous substances - Fire and explosion ([hse.gov.uk](http://hse.gov.uk)) and Storage of flammable liquids in tanks HSG176 ([hse.gov.uk](http://hse.gov.uk)).

the employer will be subject to the requirements of the Health and Safety at Work etc Act 1974 (HSWA) and associated legislation, including The Dangerous Substances and Explosives Atmospheres Regulations 2002 – see The Dangerous Substances and Explosive Atmospheres Regulations 2002 - Fire and explosion ([hse.gov.uk](http://hse.gov.uk)).

Under sections 2 and 3 of the HSWA, an operator must conduct the undertaking in such a way as to ensure that, so far as is reasonably practicable, employees and other persons, including people living nearby, are not thereby exposed to risks to their health or safety.

3. "gas venting is carried out twice per year as part of regular maintenance and this is carried out under strict risk assessment and method statement controls, incorporating health and safety protocols as required by the Health and Safety Executive and all governing gas safety regulations. The gas venting is controlled over a period of around 10 minutes and gas is vented at height (at least 3m above ground level), which allows vented gas to quickly rise and dissipate, ensuring low concentrations in the air and that the process does not

pose any significant risk to 3rd parties outside the Cadent premises.

4. Aircraft Safeguarding:

Construction Aviation Warning Lights. Although it is not anticipated the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib, if a tower crane.

5. The operator may wish to consider including the letter 'H20' on the above ground water storage tanks, which may help the tanks be perceived as less threatening by neighbouring residential occupiers. This can be achieved via discharging the material condition in relation to the mechanical yard.

Registration Date:	13-Apr-2021	Application No:	P/16742/002
Officer:	Alistair De Joux	Ward:	Chalvey
Applicant:	Mohammed Babu	Application Type:	Major
		13 Week Date:	13 July 2021
Agent:	Bimal Ruparelia, Juttla Architects 2-4 High Street, Ruislip, HA4 7AR		
Location:	31-41 Beckwell Road, Slough, SL1 2XA		
Proposal:	Demolition of existing properties and proposed redevelopment of the site to allow for a part 3 and part 4 storey building to form 29 self contained residential units - 16 x 1 Bed Units and 13 x 2 Bed Units with associated amenity space, refuse and recycling, cycle storage and basement car park.		

**Recommendation:** Delegate to Planning manager for Refusal



## 1.0 **SUMMARY OF RECOMMENDATION**

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

1. The proposed development has not demonstrated that it will not severely constrain or sterilise the land to the north from being efficiently developed in a way that would assist in meeting the Council's identified housing targets and housing needs. As such, the proposal is not in accordance with National Planning Policy Framework 2021 paragraphs 120 d), 121 and 122, Core Policy 1 (paragraph 4) of the Slough Local Development Framework, and saved policies H9 and H13 f) of the Slough Local Plan 2004. While the emerging Slough Local Plan is at an early stage of preparation, it is also noted that the application site is part of a wider strategic site as identified in the Council's Proposed Spatial Strategy to 2036 (published November 2020) regulation 18 consultation document, Chalvey Regeneration Site 4 - Tuns Lane (East Side).
2. The proposal while of some merit in building design terms it would result in a significant loss of privacy for neighbouring occupiers particularly in the use of their private rear gardens, and the loss of trees and the inability of the development as designed to provide sufficient replacement planting would mean that this impact could not be properly mitigated. In addition
  - the structural landscape planting shown on drawing no. P104 dated DEC 2020 would not be capable of implementation due to the extent of the basement across the almost the whole of the site, which in turn would not allow for the proper development of tree specimens of the size indicated on that drawing, and
  - the need to limit overlooking of properties at 11, 25 and 13 Tuns Lane through the omission of balconies and windows with unimpeded outlook has resulted in the buildings having less design merit on their north elevations than the more public frontages for the development.

As such, the proposal is not in accordance with National Planning Policy Framework 2021 paragraphs 130 and 131, Core Policy 8.2 of the Slough Local Development Framework, and saved policies EN1 f) & i) - l) and EN3 of the Slough Local Plan 2004.

3. As shown in the submitted plans, the basement car park would not provide long-term convenient access and egress for vehicles using the car park that would remain viable alongside the provision of affordable housing. No delivery vehicle bays and visitor cycle store(s) are provided, and while the location of the bin store would be accessible from the highway, bin carry distances for future occupiers would be excessive. In addition, access and egress to and from the cycle store would be awkward and requires improvement in any acceptable scheme. As such, the proposal is contrary to National

Planning Policy Framework 2021 paragraphs 112 and 130 a) and Policies 4, 7 and 8 of the Slough Local Development Framework Core Strategy 2006 - 2026.

4. The application has not demonstrated that the development would provide satisfactory surface water drainage and that it would not result in an increased risk of surface water flooding, contrary to Policy 8(4) of the Slough Local Development Framework Core Strategy 2006 – 2026.
5. The proposal would, if acceptable in other respects, be required to provide for necessary infrastructure including the mitigation of impacts on Burnham Beeches SAC by way of appropriate financial contributions, and to secure on-site affordable housing, 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 This is a full planning application for the proposed redevelopment of the site to provide 29 self-contained residential units in two buildings. The western block would comprise a part-three, part-four storey building with the top floor set towards the Tuns Lane frontage and set in from the floors below it around most of the roof line. The eastern building would be three storeys high, and would be located in the central and eastern part of the site. The whole site would be excavated to form a basement level car park that would be accessed by two car-lifts to be located between the two buildings. A total of 42 car spaces would be provided in the basement, including five intended for disabled use, along with 22 Sheffield cycle stands that would accommodate up to 44 bicycles.
- 2.2 The West Block would accommodate 6no. 1-bdr and 8no. 2-bdr flats, while the East Block would provide 10no. 1-bdr and 5no. 2-bdr units.
- 2.3 Communal amenity space would be provided in the eastern part of the site. This is shown on the layout plan as a landscaped garden, and would be a constructed over the basement car parking area. A communal bin store is also shown in this area, and the remaining space around the buildings is also shown in the site plan as being in mainly soft landscape.

### 3.0 **Application Site**

- 3.1 The application site consists of an area of approximately 1770 sq.m on the eastern side of Tuns Lane and northern side of the Beckwell Road, where it forms an irregular shaped plot with its longer frontage (about 98m) to Beckwell Road, with site levels falling at a gentle gradient from west (the Tuns Lane frontage) toward the east. It currently accommodates two no. 2-storey residential blocks in the western and central part of the site, and an informal or unauthorised business yard in its eastern part, which also includes a garage block that is no longer used for residential car parking.
- 3.2 Adjoining the northern boundary of the site there are two mid-20<sup>th</sup> century terraces of dwellings; 1 - 11 Tuns Lane has direct frontages to Tuns Lane, while 13 - 23 Tuns Lane are to the east. These dwellings are accessed from the north, by way of a separate access adjacent to the Fire Station, along with single detached house at 25 Tuns Lane. The properties directly adjoining the site within this group of houses are the end-terrace houses at numbers 11 to the west, 13 to the east, and the detached number 25 between them. To the east of the site there is a gated access to a two to three-storey car parking building that serves Turner House, which is a part-four, part-five storey office building located at 103-105 Bath Road. Quadrivinium Point is a part four-, part five-, part six-storey residential development located at the junction of Bath Road and Tuns Lane (re. P/03727/003), and the part-single, part-two storey Fire Station is to the south of this, on the northern side of the access road to 1 - 25 Tuns Lane.
- 3.3 A number of trees to the north of the site are protected by Tree Preservation Orders, including both individual specimens and groups of trees.
- 3.4 To the south of Beckwell Road there is a mix of three storey residential flats and two-storey terrace housing, mostly with Harris Gardens addresses although this cul-de-sac also provides access to flats opposite the application site at 40-45 Tuns Lane, and extending south of the Beckwell Road / Tuns Lane junction from number 39 back to 26 Tuns Lane.
- 3.5 To the west, on the opposite side of Tuns Lane, the established pattern of mainly two-storey residential development in the more immediate surroundings of the application site is continued with a mix of semi-detached dwellings, and flats or maisonettes that are also accommodated in two storey buildings. Tuns Lane itself is a busy traffic route that connects the M4 with Farnham Road and Bath Road. Part of the site falls within the Air Quality Management Area encompassed by Air Quality Management Order 2011 Tuns Lane.
- 3.6 The site is located approximately 700m from the Town Centre boundary, as measured along Tuns Lane and Bath Road, although the closest retail outlets and other town centre services are about 900m distant by the same route.

Local shopping services are provided in the parade of shops on the south-western side of the Tuns Lane / Bath Road junction, at a walking distance of about 230m from the site. The Grade II Listed Three Tuns public house, is located on the north-western junction of Bath Road/ Tuns Lane. .

3.7 The site lies falls within a Selected Key Location as set out in the Proposed Spatial Strategy November 2020. This site also includes all of the terrace housing at 1 - 25 Tuns Lane noted above, and the Fire Station which is to the immediate north of that.

#### 4.0 **Relevant Site History**

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

4.2 At the application site:

P/16742/001: Demolition of existing properties and proposed redevelopment of the site to allow for a part 3, part 4 and part 5 storey building to form 30 self contained residential units - 15 x 1 Bed Units, 12 x 2 Bed Units, 3 x 3 Bed Units with associated balconies, amenity space, refuse and recycling, cycle storage and basement car park. Withdrawn, 21 May 2018.

P/016742/000: Demolition of existing properties and proposed redevelopment of the site to allow for a part 3, part 4 & part 5 storey building to form 34 self contained residential units (24 x 1 bed units, 7 x 2 bed units, 3 x 3 bed units) with associated amenity space, refuse and recycling, cycle storage, basement car park and associated works. Withdrawn, 12 July 2017.

4.3 Land at the Junction of Tuns Lane and Beckwell Road:

A current application covers both the application site and 1 - 25 Tuns Lane, and is currently under consideration:

P/19259/000: Outline planning permission for the demolition of existing buildings, provision of new vehicular access, alterations to existing Tuns Lane access, erection of 10 storey building fronting Tuns Lane to provide up to 238 new dwellings and erection of 12 storey building in the eastern part of the site to provide up to 129 new dwellings with associated landscaping and cycle and car parking including an area for 'Slough Bikes' and Car Club spaces. Access, layout, appearance and scale to be determined with landscaping for future determination.

4.4 At 11 Tuns Lane (adjoining site to the north):

TPO/2014/020: Ash - remove/reduce secondary limbs to create a 1m clearance between any part of the building and the branches of the tree. Work to only involve the removal of limbs below 100mm in diameter, ie larger parts of the tree might still be within 1m of the building after the work is completed. Approved 16 September 2014.

#### 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 27<sup>th</sup> January 2021 and 30<sup>th</sup> April 2021. The application was advertised in the 5<sup>th</sup> February 2021 and 30<sup>th</sup> April 2021 editions of The Slough Express.

The second consultation arose from the late submission of the Design and Access Statement, which meant that the application was not technically valid until 13<sup>th</sup> April.

5.2 Two representations were received from neighbours / interested parties, which are summarised as follows:

5.3 *11 Tuns Lane*

- i) As a result of the substantial size, scale and positioning of the development close to the boundary it will severely harm the level of residential amenity enjoyed by my clients' at No.11 and all neighbouring properties through an unacceptable loss of privacy, direct overlooking, as well as a loss of light/outlook and overshadowing.
- ii) The development, by virtue of its siting and poor design will have adverse impact on the character and appearance of this property and surrounding area;
- iii) The effect on highway and pedestrian safety;
- iv) The development will provide a poor level of amenities for future occupants;
- v) Removal of a high specimen of tree; and
- vi) The Equality Act 2010.

5.4 *Shanly Homes*

1. This site is subject to an ongoing Compulsory Purchase Order process which the applicant will be aware of. The CPO will enable the coordinated development of the wider site and its release it for regeneration. This regeneration is in line with the emerging Spatial Strategy for Slough and the identification of the wider Tuns Lane site (Tuns Lane - East Side) as a regeneration site within the Chalvey Regeneration Area.
2. The application pays no regard to the future development of the wider Tuns Lane site. It prejudices its future development in conflict with Section 11 (Making Efficient use of Land) of the National Planning Policy Framework 2019.

3. An application has been submitted by Shanly Homes for the development of the wider site (LPA Ref: P/19259/000). This is an exceptional quality, landmark development which will bring forward 367 new homes across two buildings as a mix of market and affordable housing within a carefully considered landscaped setting. The high-quality architecture and landmark building in this prominent location will result in a significant enhancement to the streetscene and contribute to the regeneration of the Chalvey Regeneration Area in accordance with existing and emerging policy and guidance.
4. The application at 31-41 Beckwell Road would prevent the efficient use of land for which there is a current application to bring forward a significant number of new homes and other significant planning benefits. It prevents the provision of a vehicular access to serve the wider site in this location. The absence of a comprehensive approach will result in an inefficient use of the site.

5.5 Redacted copies of the objections can be viewed on line at the following link, by entering the application number in the relevant field:

<https://www.sbcplanning.co.uk/decsearch.php>

## 6.0 **Consultations**

### 6.1 Local Highway Authority:

#### *Vehicular Access*

Vehicular access to the development will be provided by a new vehicle crossover on Beckwell Road, circa 40m to the east of Tuns Lane. Access will be controlled by an inward opening gate set well back from Beckwell Road to allow vehicles to pull in off the road whilst the gates open. Cars will then drive into a car elevator and access the car park at basement level.

The Transport Statement outlines that a visibility splay of 2.4m x 35m is available to the right of the access and 2.4m x 38m is available to the left of the access. Manual for Streets requires visibility splays of 2.4m x 43m for roads subject to a 30mph speed limit. According to Manual for Streets, the available visibility is appropriate for vehicles travelling at speeds of 26mph and 27mph.

Beckwell Road is a no-through road and provides access to residential properties and the multi-storey car park associated with Reckitt Benckiser Group (RB) Head Office. Therefore, it is likely a high number of vehicles will travel along Beckwell Road and pass the site access.

SBC Highways and Transport require the following additional information to demonstrate the suitable access can be provided to the site:

- SBC cannot accept the use of a car lift to provide access to the site. Car lifts present possible safety risks to the user in the event that the lift breaks down or the power supply is interrupted and the driver/car could

either be dropped or become stuck in the lift. The use of a car lift is also likely to cause queueing on Beckwell Road as drivers wait for the lift. Furthermore there are long term maintenance concerns with the use of a car lift. It is not clear who would be responsible for the repair of the lift in 50-100 years time or if parts for the lift would be available (or cost effective to source);

- SBC require the applicant to confirm how the proposals would affect existing on-street parking on Beckwell Road. A double-yellow parking restriction would need to be implemented to provide enough carriageway space for vehicles to ingress/egress the proposed development;
- SBC require the completion of a parking survey on Beckwell Road and Harris Gardens to establish on-street parking demand. This is important to establish whether on-street parking can be removed to facilitate access;
- SBC Highways and Transport require the completion of a 7-day speed survey using an Automatic Traffic Counter to establish 85<sup>th</sup> percentile speed of traffic travelling westbound along Beckwell Road to support the visibility splay of 2.4m x 35m; and
- SBC Highways and Transport also require the completion of a Stage 1 Road Safety Audit of the proposed site access arrangement in accordance DMRB GG119 which requires the completion of a Stage 1 RSA for all preliminary access designs. Paragraph 5.17 states that: '*a Stage 1 RSA shall be undertaken at the completion of preliminary design*'.

SBC Highway and Transport object to the proposed access arrangements for the site unless a safe and suitable access for the site is provided and the information above supplied.

#### *Access by Sustainable Travel Modes*

The site is located approximately 1700m (21 minutes' walk) from Slough High Street, 1800m (23 minutes' walk) from Slough Railway Station and 1800m from Slough Bus Station. The nearest bus stops are the Windmill Road stops on the A4, 450m (5 minutes walk) from the development site. The BR, Number 4, X74 and 583 offer services to Slough Town Centre and Heathrow Airport from these stops.

#### *Layout*

The proposed parking layout is displayed on Drawing No. P301 dated December 2020. Swept path analysis has been provided on Drawing No. 8160112/6206.

SBC require the applicant to provide the specification of the vehicle used for the swept path analysis.

#### *Parking*

It is proposed to provide 43 car parking spaces in a basement car park. The parking requirement based on the Slough Developers Guide: Part 3 – Highways and Transport is provided in Table 1 below:

*Table 1: Parking Requirement for 43 Beckwell Avenue*

	Parking Standard (Communal)		Requirement	
	Car	Cycle	Car	Cycle
1 Bedroom (x16)	1.25 per unit	1 per unit	20	16
2 Bedroom (x13)	1.75 per unit	1 per unit	23	13
<b>Total</b>			<b>43</b>	<b>31</b>

Therefore, the provision of 43 parking spaces complies with the parking standards for a communal layout within a predominantly residential area.

Swept path analysis has been provided within Appendix D which demonstrates that the proposed car parking arrangement is suitable to allow a large car to ingress and egress each parking space.

SBC require the applicant to confirm that on-street parking capacity exists, given no parking provision is made for visitors on-site and Beckwell Road already experiences on-street parking.

#### *EV Parking*

The applicant is required to provide Electric Vehicle Charging Points in accordance with the Slough Low Emissions Strategy (2018 – 2025).

#### *Cycle Parking*

17 Sheffield standards will be included within the proposed basement, providing 34 secure, covered cycle parking spaces.

SBC Highways and Transport request that the applicant provide some short-stay cycle parking for visitors in addition to the secure spaces provided for residents. The SBC Developers Guide – Part 3: Highways and Transport requires the provision of cycle parking for visitors.

#### *Servicing and Refuse Collection*

SBC Highways and Transport require the applicant to clarify the location and size of the bin store. The bin store does not appear to be marked on the proposed site plans, although Paragraph 3.15 of the Transport Statement states that the bin store is located at the western end of the site at the back of the northern footway.

It should be ensured that a refuse vehicle will not need to stop at the western end of Beckwell Road whilst refuse is collected as this could cause vehicles to queue back onto the junction of Beckwell Road / Tuns Lane.

The applicant is required to confirm how deliveries to the site would be accommodated given the increased use of online shopping in recent years.

#### *Summary and Conclusions*

Mindful of the above significant amendments are required before this application could be supported. If the applicant considers that they can

address the comments that have been made then I would be pleased to consider additional information supplied. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

### *Reasons for Refusal*

Poor access – Proposed

The proposed means of access to the site is inadequate by reasons of its / width / alignment / construction / to serve the proposed development with safety and convenience. The development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.

## 6.2 Thames Water:

### *Waste Comments*

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, and testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

“A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.”

### *Surface Water drainage*

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted.

“The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide ‘working

near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB"

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### *Water Comments*

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

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

6.3 Neighbourhood Protection

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.4 Contaminated Land Officer:

Reviewed the information submitted for the above property, as well as our records related to potential contaminative land uses at the property and within 250m of the property.

Historical mapping indicates that there are no potential contaminative historical land uses on-site. However, the proposed development is located within 250m of over 13 Potentially Contaminated Sites, some of which have entries in the Disused Tank Registry.

Based on the above, conditions are recommended for any planning permission.

6.5 Lead Local Flood Authority:

*Surface Water Drainage*

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

- Existing plans and elevations Drawing No. P201 Dec 2020
- *Proposed site plan Drawing No.P104 Dec 2020*
- *Block plan drawing no. P104 Rev Dec 2020*
- *Surface water drainage strategy Report No.4776 SWDS Aug 2019*
- *Preliminary Surface Water Layout Basement Floor Plan Drawing No.4776-DR01 Aug 2019*

In order for us to provide a substantive response, the following information is required:

- Please provide a detailed drawing showing the proposed drainage network and catchment areas highlighting the impermeable areas. Proposed ground levels should be shown on the plan in order to relate the site levels with the proposed cover levels.
- Can the basement levels be shown so we can see how the drainage will discharge from the basement back to the ground level. No detail of this has been shown. Is the surface water to be pumped and can this

be included in the layout.

- For maintenance please be specific about the authorities that will take up this responsibility or show that the developer is in talks with the relevant authorities.
- Evidence that enough storage/attenuation has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus climate change event of 40%.
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this. Can a clear drawing showing the existing catchment area and proposed area be shown. A 10% increase in area should be added to the proposed catchment area to ensure that the drainage system is adequate for additional storms.

#### 6.6 Berkshire Archaeology:

Previous development applications at this site have not received a response from Berkshire Archaeology. The site is of a reasonably modest size of circa 0.15ha, and it has been previously developed which will have impacted on the potential survival of any archaeological material. Whilst Montem Mound, a mount for a motte castle and scheduled monument (list no. 1007928) lies only a short distance east, there seems little reason locally to justify further archaeological mitigation works on this development proposal. Therefore, in the view of Berkshire Archaeology, should planning permission be granted, then it should be allowed to proceed with no further requirement for archaeological mitigation attached.

#### 6.7 Natural England:

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

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

#### 6.8 Environmental Quality - Air Quality:

Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated concentrations of Nitrogen Dioxide (NO<sub>2</sub>, annual average), including:

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

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

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

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

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

Development specific comments:

In line with the Low Emission Strategy Technical Guidance, the development is classified as having a major air quality impact. The development consists of 43 parking spaces and it is likely that the associated vehicle movements would contribute to a worsening of air quality in the Tuns Lane AQMA. NO<sub>2</sub> concentrations at SLO 50 (Tuns Lane) have remained above the air quality objective (40ug/m<sup>3</sup>) since monitoring began in 2017 and it is therefore expected that this development would contribute towards a relevant Low Emission Strategy Programme to help improve air quality in this location.

Due to the air quality issues on Tuns Lane, a full detailed air quality assessment will be required. It is noted that an air quality assessment was provided previously, however this is now out of date and is no longer relevant. An updated assessment is therefore required, which contains the following:

- The impact of vehicle emissions and plant, during the construction phase, on levels of NO<sub>2</sub> and PM
- The impact of vehicle emissions, once the scheme is operational, on levels of NO<sub>2</sub> and PM
- The impact of any emissions arising from heating systems, once the scheme is operational, on levels of NO<sub>2</sub> and PM
- An assessment of potential exposure of future residents to

concentrations of NO<sub>2</sub>

Mitigation Requirements:

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. It is noted in the Transport Statement that 10 parking spaces will have access to EV charging. This is accepted.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. It must include details of noise and dust mitigation.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in Table 7 of the LES Technical Report
- A contribution towards ongoing air quality action planning relating to Tuns Lane
- A contribution towards LES Programme Project 24: Development on-street rapid Charger Infrastructure in cul-de-sac off Cippenham Lane.

6.9 Environmental Quality: Noise

Due to the location of the development, it is very likely that vehicle movements on Tuns Lane will cause disturbance to future occupants unless adequately mitigated. In line with the ProPG: Planning and Noise Guidance, a noise assessment is required, which will indicate the likely risk of adverse effects from:

- Noise arising from current traffic sources e.g. road traffic, rail and aviation, on future residents of the development
- Increase in traffic noise to existing residents in the area and future residents of the development
- Existing and/or proposed plant noise to existing residents in the area and future residents of the development
- Existing and/or proposed commercial noise including operational HGV noise
- Construction traffic noise and construction activities on site

The assessment will indicate the likely risk of adverse effect from noise, which will determine the level of mitigation required for the development. This may include:

- Consideration of development orientation and internal layout for screening purposes and to locate bedrooms facing away from noise

sources, to ensure an internal noise level of LAeq 35 dB is not exceeded during the day or LAeq 30 dB during the night, or exceed LAMax limit of 45dB 10-15 times per night (BS 8233)

- Application of good acoustic design principles such as acoustic glazing for windows, and potential for air ventilation systems, details of which shall be submitted as part of the noise impact assessment.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework 2021:**

- 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
- Chapter 15: Conserving and enhancing the natural environment

#### **7.2 The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008**

- Core Policy 1 - Spatial Strategy
- Core Policy 3 - Housing Distribution
- Core Policy 4 - Type of Housing
- Core Policy 5 - Employment
- Core Policy 7 - Transport
- Core Policy 8 - Sustainability and the Environment
- Core Policy 12 - Community Safety

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

- EN1 - Standard of Design
- EN3 - Landscaping Requirements
- EN5 - Design and Crime Prevention
- H9 - Comprehensive Planning
- H13 - Backland / Infill Development
- H14 - Amenity Space
- T2 - Parking Restraint
- T8 - Cycle Network and Facilities

#### **7.4 Other Relevant Documents/Guidance**

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map (2010)

- Nationally Described Space Standards
- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

#### 7.5 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

The revised version of the National Planning Policy Framework (NPPF) was published in July 2021. 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 National Planning Policy Framework 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.

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

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

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

The Proposed Spatial Strategy Document Regulation 18 Document (November 2020) was recently consulted on, in December 2020 and January 2021. However it is noted that the emerging local plan is at an early stage of development and as such can, in isolation, be given only little weight in planning decisions.

Within the Proposed Spatial Strategy, “Selected Key Locations” that could be suitable for large scale regeneration or development were identified. These include the application site together with residential housing at 1 – 25 Tuns Lane and the Fire Station as one parcel of land. The Strategy describes the land and one of its particular challenges as follows:

*Tuns Lane (east side) redevelopment for residential development and possibly renewed fire station. This is a medium to long term redevelopment opportunity. Comprehensive or coordinated redevelopment is required to achieve benefits. Substantial benefits are*

*needed to compensate for the loss of some family homes.*

## 8.0 **Planning Assessment**

8.1 The planning considerations for this proposal are:

- The principle of redevelopment
- Supply of housing
- Mix and density of dwellings
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- The amenities of future occupiers of the development
- Crime prevention
- Highways, Transport and parking
- Burnham Beeches SAC
- On-site ecology
- Affordable Housing
- Sustainable Design and construction
- Surface water drainage
- Heritage impacts
- Safe and Accessible Environment
- Infrastructure and Section 106 requirements
- Equality impacts

## 9.0 **The principle of redevelopment**

9.1 Residential use of this site is established and fully compatible with the location, and is acceptable in principle in terms of both the adopted Local Plan and the Proposed Spatial Strategy. The principle of the redevelopment of the site, either as a standalone scheme or as part of a wider scheme for residential development is capable of being broadly compliant with the Core Strategy.

9.2 As noted above at Section 7.7. of this report, the site forms part of a wider development site known as Site 4 of the Chalvey Regeneration Selected Development Site in the Proposed Spatial Strategy. The principle of a comprehensive redevelopment of this wider site was also agreed in principle by Planning Committee in February 2018, when an Update on the Emerging Preferred Spatial Strategy listed this regeneration site as one of 24 "Strategic" sites that are capable of making the biggest contribution towards meeting housing targets and housing need in the Borough. The Strategic sites were identified in that report as being capable of achieving about 100 or more homes. A planning application for a larger part of this site is currently being assessed, which includes both the application site and land to the north of it, at 1 - 25 Tuns Lane (odd numbers only) - SBC planning ref. P/19259/000.

- 9.3 The application site comprises a standalone development at the southern end of a site earmarked as a possible strategic site and would result in an undesirable piece-meal development that would fail to achieve the Council's housing aims, which are consistent with national planning policy in seeking to secure sustainable development, making an efficient and effective use of brownfield sites.. As such the proposal in this application has the potential to prejudice the efficient development of the wider site, which would be contrary to the general aspirations of Core Policies 3 and 4, and the more specific requirement of saved Local Plan policy H9 for a  
*"...comprehensive approach to be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised"*, and to the similar requirement in saved Local Plan policy H13 f).
- 9.4 The applicant has been advised that, because any stand-alone development here could potentially impinge on the form and layout of development to the north, it is important that any proposals in this application are designed to safeguard the development potential of the wider site. . This is required in order to ensure that a good quality townscape is provided, that living conditions are not compromised, and that the land across the wider opportunity site is not under-utilised.
- 9.5 While the built form proposed here would not necessarily be incompatible with the development of the wider site, the heavy use of Tuns Lane by vehicle traffic and the relative proximity to the Tuns Lane / Bath Road junction results in a particular issue with ensuring that access to the land to the north is not effectively sterilised by a stand-alone proposal. The applicant has not demonstrated to the satisfaction of officers that the wider site would be adequately accessed to allow for the effective utilisation of the wider site.
- 9.6 National Planning Policy Framework 2021 paragraphs 120 d) provides for planning decisions to  
*"...support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively..."*
- 9.7 NPPF paragraph 121 urges  
*"...Local planning authorities...(to) take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs.... This should include identifying opportunities to facilitate land assembly...where this can help to bring more land forward for meeting development needs and/or secure better development outcomes."*  
 Paragraph 122 sets out that decisions need to reflect changes in the demand for land, and that they should be informed by regular reviews of both the land allocated for development in plans, and of land availability.
- 9.8 Core Policy 1 (paragraph 4) of the Slough Local Development Framework, sets out that  
*"...Proposals for the comprehensive regeneration of selected key locations within the Borough will also be encouraged at an appropriate scale. 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. ”*

9.9 The emerging local plan is at an early stage of development, and can be afforded minimal weight. However, the above paragraphs from the 2021 NPPF together with Core Strategy Policy 1 (paragraph 4) and saved Local Plan policies H9 and H13 f) provide a clear policy framework for the comprehensive development of the surrounding land. In conclusion, and in view of the potential for the application to hinder the efficient development of land to the north, the provision of 22 additional flats at the application site is not considered to carry sufficient weight for the scheme to be supported in principle.

#### 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 20 year plan period between 2016 and 2036. The Council’s Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan.

10.3 The Local Planning Authority cannot demonstrate a Five Year Land Supply, and the proposal for 29 flats, equating to 22 additional residential units, would make a small but significant contribution to the supply of housing. However, as noted above in Section 9, the development could curtail the development of the wider strategic site where at least 100 dwelling units (and perhaps substantially more) could be achieved.

#### 11.0 **Mix and density of dwellings**

11.1 One of the aims of National Planning Policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is reflected in Core Strategy Policy 4. The Local Housing Needs Assessment for RBWM, Slough & South Bucks (October 2019) suggests at Table 39 that the following percentage mixes are needed within Slough:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	5%	19%	57%	20%

11.2 The proposal would provide 16no. 1-bdr. flats and 13 no. 2-bdr. units. This does not reflect the proportions of housing required in the Local Housing

Needs Assessment, and as such the proposal would not strictly comply with the housing mix requirements of Core Policy 4. This tempers the weight given to the benefit of providing additional housing at the site.

11.3 Dwelling density would be 164 dwellings per hectare, as compared to the existing 40 dwellings per hectare. This compares with 70 dwellings per hectare at 25-45 Harris Gardens to the south - the flatted element of the Harris Gardens development - and 323 dwellings per hectare at Quadrivinium Point which is 130m to 150m to the north of the site. As the residential character of the area is mixed and the density falls within the range provided at the above two flatted developments, it is considered that the proposed density would be appropriate in this location subject to other considerations being satisfied. With regards to dwelling mix, the application form states (in different part of the form) that there are six or seven existing flats at the site. The 29 flats to be provided are all at or close to the minimum areas for one and two-bedroom flats as set out in the SBC Developer Guide Part 4 Supplement - *Space standards for residential development* (2018). These minima are 50 sq.m. for 1B2P flats and 61 sq.m. for 2B3P flats. In this proposal all but one of the 1-bdr units range between 50 and 56 sq.m., although a larger 1-bdr is provided on the third floor, which would be 65 sq.m. in area. For 2B3P flats the minimum floor area for is 61 sq.m. while for 2B4P flats the minimum is 70 sq.m. The 2-bdr units in this proposal range from 61 to 65 sq.m. It would be preferable to see some larger units; however, given the current housing mix on this site and in other adjacent and nearby sites on the eastern side of Tuns Lane, the proposed mix of 1B2P and 2B3P flats is considered to be acceptable. (This should however not be taken as a generally acceptable principle for the whole of the wider Development Site 4 in the Proposed Spatial Strategy of November 2020, where a mix that is more reflective of the Borough's identified area of housing need is likely to be sought).

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

12.1 The National Planning Policy Framework 2021, at paragraphs 126 and 130, encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN3. NPPF paragraphs 131 notes the important contribution to the character and quality of urban environments that is made by trees, and advises that

- appropriate measures should be put in place to secure the long-term maintenance of newly plantings of trees, and that
- existing trees should be retained wherever possible.

12.2 As noted above, the surrounding area is of mixed character and building typologies that include three-storey flats on the southern side of Beckwell Road, at Harris Gardens, terraced housing both to the south and north, and semi-detached houses and maisonettes in two storey buildings on the opposite side of Tuns Lane. Further north Quadrivinium Point is a four to six storey apartment building on the south-eastern side of the junction of Tuns

Lane and Bath Road, and Turner House - an office building to the immediate east of Quadrivinium Point - is of similar scale (up to six stories). Immediately to the east of the site there is a two to three storey car parking building, which serves Turner House.

- 12.3 The proposal would provide two buildings constructed over a basement level car park that would be built across and beneath almost the entire site. As noted in the Section 2 of this report, the western block would comprise a part-three, part-four storey building with the top floor set in around most of the building line, and the eastern building would be three storeys high. As ground levels fall towards the east, this would sit at a lower level than the three/four storey western block. The Design and Access Statement sets out that the ground floor would also be set at a lower level than surrounding, with the intention that the development would not be over-scaled in comparison to the surrounding buildings.
- 12.4 This proposed scale, height and massing of built forms relates well to the proportions of the three storey flatted blocks to the south side of Beckwell Road, which in contrast to the application proposals feature pitched roofs. While these flats feature significant set-backs that are a minimum of 7.5m from Beckwell Road, the application proposals would be set closer to this road frontage; the main building lines for both buildings would be set in approximately 3m, and most balconies and terraces 1.5m from the edge of the pavement, although the easternmost front balcony would be almost on the street frontage boundary where Beckwell Road curves around the site to the north-east. The set-backs from Tuns Lane would more typically be 7 to 9m.
- 12.5 Proposed building heights would be higher than those existing both within the site and to the north, but this height increase would be relatively modest, with just the third floor level of the higher western block being higher than the roof ridgeline of the building that it would replace. Given the scale of the flatted blocks to the south side of Beckwell Road and the larger scale residential and office buildings to the north on Bath Road and at the junction with Tuns Lane, it is considered that the height and overall building footprint and massing would be acceptable in the existing site context.
- 12.6 The building façades have been designed with two types of brickwork as the main external material. On the more public street-frontage elevations, this would be articulated with anthracite grey aluminium framed balcony structures with obscure glazed balustrades. The set-back third floor in the western block would be clad in a contrasting material such as aluminium. Overall, as viewed from public vantage points around the site, the result would be a modern and crisp appearance that would markedly improve the current appearance of the site. However, the appearance from the north would be much plainer. Whereas the proposed balcony structures are a particular feature of the street frontage elevations, the main rear elevations would be reliant on the more simplified treatment of vertical brick work to

provide any design interest. It would not be possible to provide balconies on the rear elevations of the building as this would give rise to unacceptable overlooking of the properties to the north, but this does mean that the design quality of these elevations would not provide the interest that is shown on the more public parts of the buildings. For an acceptable scheme, it would be necessary to provide additional design detailing of the north elevations. The introduction of green walls is one option that could result in a marked improvement in the appearance of the north elevations.

- 12.7 With regards to the intention to provide significant structural landscaping as shown on the proposed site plan, the proposal for the basement to extend across most of the site means that this would be difficult if not impossible to achieve. There would be very little soft ground available for the siting of medium and larger grown trees, and if the application was acceptable in other respects some modification of the basement plan would be advisable, in order that the larger growing trees as indicated on the site plan could be provided in-ground rather than in planter boxes, which would result in much diminished or stunted growth.
- 12.8 If the proposals were acceptable in all respects, detailed elevations and bay studies of the aluminium framing system and details of the window reveals would also be required to clarify how the depth of internal walls and of the balustrade materials would combine to provide a cohesive architectural composition. Clarification over the use of glazed balustrade material is also required, as it is understood this is no longer compliant with Fire Safety regulations.
- 12.9 Overall, it is considered that while the proposal is of considerable merit in building design terms, the inability of the development as designed to provide the structural landscape planting shown on drawing no. P104 dated DEC 2020 is a shortcoming in the proposals. In addition, the omission of balconies and relatively few windows opening in the rear elevations, which as noted below is intended to limit the overlooking of properties to the north, has resulted in the buildings having less design merit on their north elevations than would otherwise be the case. The proposals are therefore not compliant with Core Policy 8 of the Core Strategy, saved Local Plan Policies H13, EN1 and EN3, and the requirements of The National Planning Policy Framework 2021 paragraphs 130 and 131.
- 12.10 In the event that the application was to be approved, provision of a financial contribution towards off-site tree planting, for example as street trees in the vicinity of the site, could be considered. However, this would not outweigh the other objections to the application.
- 13.0 **Impact on amenity of neighbouring occupiers**
- 13.1 The National Planning Policy Framework 2021 encourages new developments to be of a high quality design and to provide a high quality of amenity for all existing and future occupiers of land and buildings, and is also

reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN3.

- 13.2 The closest residential units to the site are 11 Tuns Lane, which is to the rear of the proposed western block, and numbers 25 and 13 which are to the rear of the eastern building. The relationships with numbers 11 and 13 are mainly towards their flank walls, whereas to number 25 the relationship is between rear elevations with a separation of approximately 16 metres. In the three-storey eastern block, this could result in direct views to the rear windows at 25 Tuns Lane from two bedroom windows and also from a window in the circulation core at each of the first and second floor levels. Views to the rear garden would also result, at distances of 9m to 10m; however, the bedroom windows would be fitted with angled bays that would direct views at towards the rear corners of the property. While this would assist in mitigating the potential loss of privacy, a perception of overlooking is likely to remain. Notwithstanding that, if the application is to be approved it would be important for further details of the design of these bays to be provided, to ensure that this mitigation is achieved. However the circulation core windows are not angled or obscure glazed. Views between the existing buildings at the site and 25 Tuns Lane are currently heavily screened by two mature ash trees. While these are excluded from the Tree Protection Order that covers many trees to the north and east of the site, one would be removed and the other is also likely to be compromised by excavation of the basement, so that views would be opened up between the buildings. Obscure glazing could be considered for the overlooking windows serving the circulation core, if the application was acceptable in all other respects, but the loss of trees and limited ability to provide replacement planting would mean that the building would be quite dominant in views from the north.
- 13.3 In the western block, the separation distances from windows towards the side boundary at 11 Tuns Lane would be 8m to 8.5m from two bedroom windows at first and second floor levels and 7.5m from a window serving the circulation core on the first, second and third floor. While the circulation core windows are shown on the submitted drawings as being obscure glazed, the bedroom windows are not, and if the application was acceptable in all other respects the possibility of introducing angled windows such as proposed for the eastern block should be investigated. Views from the existing building are currently screened by a small group of ash trees that would be removed as part of the development, and overlooking from the windows in the form submitted would result in a loss of privacy for occupiers using their garden at this neighbouring property. As with the eastern block, the ability to provide meaningful replacement planting would be required if the application was considered acceptable in other respects. The rear elevation at number 11 would also face three pairs of west-facing windows in the eastern block, which serve living rooms on each level of this building. Separation distance is approximately 34m, which is considered sufficient to protect privacy of occupiers within their home, although this would result in a loss of privacy within the rear garden.

- 13.4 Distances across Beckwell Road to windows at the flats at 39-45 Harris Gardens would be approximately 19.5m from balconies and 21m from windows at first and second floor levels, with the equivalent separations from third floor balconies and windows of 21m and 22.5m. The majority of the windows facing from the neighbouring development serve bedrooms, with the exception of a secondary elevation for a kitchen-diner-living room that has its primary frontage to Tuns Lane. Windows facing street frontages are generally considered less critical than rear-facing windows due to their more public situation and outlook, and the flats served by these windows are all dual aspect. If the application was to be approved, it is however considered that some visual mitigation of potential views from users of the proposed balconies would assist in ensuring that the privacy of neighbours is not unacceptably compromised. This could take the form of either obscure glazed or perforated metal screens, and could be secured by an appropriate condition.
- 13.5 A Daylight, Sunlight and Overshadowing Impact Assessment was submitted with the application. While this results in some relatively minor impacts in terms of sunlight reaching one window at 11 Tuns Lane during shorter winter hours and to daylight at 25 Tuns Lane, these impacts are relatively minor and it is not considered that the Assessment raises any major issues with regards to material or significant loss of sunlight or daylight to neighbouring properties.
- 13.6 Based on the above assessment, suitably worded conditions would assist in improving the proposal's relationship to neighbouring occupiers and impacts on neighbouring occupiers. However, it is not considered that the outstanding points of not comply with Core Policy 8 of the Core Strategy, Local Plan Policies EN1 and EN2, and the requirements of The National Planning Policy Framework 2021 (para. 130 a) and f).
- 14.0 **The amenities of future occupiers of the development**
- 14.1 The National Planning Policy Framework 2021 states that planning should create places with a high standard of amenity for existing and future users. 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", and Local Plan Policy H14 seeks an appropriate level of amenity space for new residential development.
- 14.2 Access to both buildings is either from the street or via a lift or stair from the basement car and cycle park / store. Communal access corridors and the entrance spaces are generally satisfactory, although for the west block there is an opportunity for this to be made more direct through amendments to layout at ground floor level.
- 14.3 The submitted floorplans indicate that the proposals would accommodate a range of dual and single aspect dwellings. The minimum space standards in

the SBC Developers Guide Part 4 - *Supplement - Space standards for residential development* would be broadly complied with but it is noted that seventeen of the flats are at the absolute minimum standard areas for 1B2P or 2B3P flats, and that only four flats would exceed the minimum for these types of flats by more than 4 sq.m. However the majority of flats are dual or in some cases triple aspect, and the small number of units that are single aspect face east or south. Those that are east facing have a balcony overlooking the communal amenity space, or in the case of the ground floor unit a small terrace.

- 14.4 The communal area would comprise an area of over 200 sq.m in a triangular layout, and other space around the building is intended for more passive enjoyment and landscaped settings to the Tuns Road frontage and to the rear of the buildings. Most of the ground floor flats would have small terraces or direct access onto garden areas that could be designated as 'private' spaces, and the layout is such that only two of the nine ground floor flats would not have this possibility. However in some cases, access to the outside space is through a bedroom, and a more rational internal layout would adjust this to provide access via living rooms in all possible cases. Above ground, only two flats do not have balconies, and as only four flats in total would not have their own private amenity space either as a terrace or a balcony, provided that the communal amenity space is finished and maintained to a high standard the overall provision of amenity space for the development as a whole would therefore be acceptable. In the event that the application is approved, this would need to be ensured by inclusion of a landscape management plan, either by condition or by way of a section106 requirement.
- 14.5 External noise could arise from the location adjacent to a very busy road. No noise assessment was provided with the application, although this could be addressed by a condition to secure a noise report and any noise mitigation such as enhanced fabric / windows and a ventilation strategy to allow the windows to be closed when noise levels are high. As noted in the Environmental Quality officer's comments at Section 6.8 above, an updated air quality assessment would also be required. Ventilation design is likely to need to be able to ensure that air is drawn from areas within the site that are less subject to the air quality impacts that result high traffic levels on Tuns Lane.
- 14.6 The submitted Sunlight / Daylight assessment does not consider natural light conditions for future occupiers. However, it is noted that the habitable rooms within the development are relatively shallow, that most of the flats are dual aspect and that there are no single aspect flats on the north sides of the buildings. For those reasons, no objection is raised on grounds that natural lighting within the development has not been assessed.
- 14.7 Given the shape and size of the site and buildings, it is considered that the layout is acceptable, and subject to the conditions noted above being included in any planning permission, it is considered that the proposals would provide a satisfactory level of accommodation for future occupiers.

15.0 **Crime Prevention**

15.1 The National Planning Policy Framework requires developments to be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. 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. Core Policy 12 of the Core Strategy requires development to be laid out and designed to create safe and attractive environments in accordance with the recognised best practice for designing out crime.

15.2 Access from the street would be gained directly to each building from Beckwell Road, where there would be a good level of natural surveillance. There would also be a secondary access at the rear of each of the blocks, and it would be important to ensure that outside areas both to the rear and the communal amenity space are securely fenced. Further details would be required by condition if the application was considered acceptable in other respects.

16.0 **Highways, Transport, Parking and Servicing**

16.1 The National Planning Policy Framework 2021 requires development to give priority first to pedestrian and cycle movements and, so far as possible, to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 111 of the National Planning Policy Framework 2021 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

16.2 Access for drivers to the basement car park would require a fob access to use the car lift. Cycle storage would be in three locations within the basement, and because access to the basement would be either by a car lift or from within the building, it appears more likely that cycle users would bring bicycles through the entrance lobbies for both buildings and down the stairs or lift. While potentially workable, a particularly attractive proposition nor would it be convenient, as it is likely to lead to some conflict with other users of the main lobby and the main access from the street. For any acceptable proposal, improved access and facilities for cyclists would be required. While it is expected that the basement would be secure, providing cycle storage within smaller enclosures would make it more attractive for residents to store bicycles there.

16.3 Highways officers have raised issues with visibility splays at the vehicle entrance to the site and to safe access, whether existing residents rely on Beckwell Road for car parking, and the reliance on car lifts for occupiers to be able to park their cars. It is considered that boundary treatment design could

be modified to provide the required visibility splays, if the application was acceptable in other respects. Current use of Beckwell Road for car parking (and its loss for any new access) would need to be established by surveys as part of any acceptable application. The Highways Officer's objection to reliance on car lifts are based on the possible safety risks to the user in the event that the lift breaks down or the power supply is interrupted and the driver/car could either be dropped or become stuck in the lift; that it is also likely to cause queueing on Beckwell Road as drivers wait for the lift and the likely requirement for significant maintenance and eventual replacement. This adds to the objection on grounds that reliance on a car lift would be unacceptable.

- 16.4 Car parking that is intended for disabled use is shown on the basement plan; however this is only accessible on one side of the designated spaces and is another shortcoming of this proposal. For any acceptable scheme, this would need to be modified to make these spaces fully accessible. The provision of electric charging points would also be required, although this could be provided for by condition in any acceptable scheme,
- 16.5 No provision is made for parking of delivery vehicles, which would be a necessary aspect of any acceptable scheme. This would need to be provided in any acceptable application to a fully accessible standard, to allow use by mobility taxis and services as well as commercial delivery vehicles.
- 16.6 The bin store would be located in the eastern part of the site. No details of the proposed structure are shown and while these could be provided by condition, it is noted that the carry distance would be over 50m for occupants of the western block. This does not include the additional bin-carry distance within the building, and it is noted that for the majority of occupiers of the western block, this would result in a bin carry distance that would be more than twice the 30m maximum recommended by the Council's Refuse and Recycling Guidance.
- 16.7 In summary while the development would be provided with sufficient levels of both car parking and cycle spaces for future residents, there are a number of shortcomings to the parking and servicing layout that mean that the application cannot be supported.
- 17.0 **Impacts on Burnham Beeches Special Area of Conservation**
- 17.1 Natural England (NE) has objected to the application on the basis that the site is located less than 5 km from the Burnham Beeches Special Area of Conservation (SAC). The principle of providing mitigation for any identified significant effects is accepted, and NE has asked for a suitable strategy to be agreed that will provide on-going mitigation for future major development within a 5.6km buffer zone around the SAC. This would require mitigation to be secured for an identified project through a planning obligation, in order to ensure that there will not be any in-combination effect as a result of additional recreation pressure on the Burnham Beeches SAC.
- 17.2 A financial contribution for development of alternative greenspace within Slough would be required, if planning permission were to be granted. Upton

Court Park has been identified as a key site for such works and a report on this key alternative greenspace was considered by the Planning Committee at the meeting of 23<sup>rd</sup> June this year, when the principle of supporting this local greenspace project was approved by members. For any acceptable proposals, a financial contribution towards mitigation would be required, as noted below at Section 24 in this report.

18.0 **On-site ecology**

18.1 Paragraph 174 d) of the NPPF 2021 advises that planning decisions should minimise impacts on and provide net gains for biodiversity, for example by establishing coherent ecological networks that are more resilient to current and future pressures. NPPF paragraph 180 d) supports and encourages development to incorporate biodiversity improvements, especially where this can secure measurable net gains for biodiversity.

18.2 The existing buildings and trees that would be demolished and removed may be suitable as bat roosts, and a preliminary bat roost assessment and emergence surveys are required in order to evaluate this potential. This was not included in the planning application. However, a survey of the surrounding area for bats and other protected species was submitted for application ref. P/19259/000, which revealed only a minor amount of 'commuting' bat activity. As the survey was undertaken in 2020, if this application was acceptable in other respect, new surveys and any ecological mitigation necessary could be secured by condition.

19.0 **Affordable housing**

19.1 The NPPF 2021 at paragraph 63 requires that planning policies should specify the type of affordable housing required, and that in most cases this need should be met on-site.

19.2 Core Policy 4 provides for residential developments for 15 or more dwellings to have between 30% and 40% of the dwellings as social rented units, along with other forms of affordable housing, which needs to be secured by a section 106 planning obligation. The Council's updated Developer Guide Part 2, (September 2017) requires developments of 25 to 69 units to make a 30% on-site provision of affordable housing (split between Slough Affordable / Social Rent, Slough Living Rent Intermediate).

19.3 The application offers 5no. 1-bdr. and 4no. 2-dbr. Units on site as affordable rental units which is a policy compliant number of units in each size. If the application was to be approved, it would be necessary for this to be secured by a section 106 agreement.

20.0 **Sustainable Design and construction**

20.1 NPPF 2021 seeks to promote high levels of sustainability. NPPF paragraph 157 in the NPPF sets out that:

*In determining planning applications, local planning authorities should expect new development to:*

*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the*

*applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

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

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

20.3 The Design and Access Statement outlines that the development would seek to achieve a high degree of energy efficiency, and in the event that the application is considered by decision makers to be acceptable, it is considered that this should be provided by way of a pre-commencement condition, with the sustainability features to be established before any development commences at the site. The ability to provide for future heating needs through a district heating networks should be considered as a potential source of low-carbon energy for the development.

#### 21.0 **Surface water drainage**

21.1 Paragraph 169 of the National Planning Policy Framework requires major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner.

21.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

21.3 The application has been assessed by the Lead Local Flood Authority (LLFA) consultee, which has requested additional information to be submitted (Section 6.5 in this report). As also noted elsewhere in this report in respect to the proposal's capacity for significant structural landscaping, almost the entire site would be excavated and built on, and little or no soft ground would remain either for landscaping and or for sustainable drainage purposes. The key information requirements noted by the LLFA consultee are, as noted at Section 6.5, are:

- Details of the extent of impermeable areas, and proposed ground levels ;
- basement levels, to show the drainage will discharge from the basement back to ground level;
- responsibility for maintenance of SUDS;
- evidence that storage/attenuation will be provided without increasing the runoff rate or volume for a 1 in 100 year plus climate change event

of 40%.

Given the lack of information provided on this issue, it is considered that the application should be refused on grounds that it has not demonstrated that the above issues can be satisfactorily addressed.

## 22.0 **Heritage impacts**

22.1 As noted in the consultees comments above at Section 6.6, the site is located a short distance from the Montem Mound, which is a scheduled monument. This important heritage asset is located approximately 170m to the east of the application site. However, Berkshire Archaeology has raised no concerns with potential for archaeology.

22.2 The Grade II listed Three Tuns PH is located 230m from the site, on the north-western side of the junction of Tuns Lane, Bath Road and Farnham Road. The proposed buildings are relatively small scale in terms of their potential to impact on the setting of this building. Given their scale, it is considered that the site is at a sufficient distance from the listed building to prevent any unacceptable impacts on it.

## 23.0 **Safe and Accessible Environment**

23.1 Paragraph 92 of the NPPF 2021 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

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

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

23.3 The key security issues with this development are the provision of secure access into the site, to the entrance lobbies of both Blocks, and to the car lifts. The site plans note that access to pedestrian gates and to a sliding vehicle access gate would be provided, and details of how this will be provided could be required by condition.

23.4 With regards to accessibility, Core Strategy policy 11 sets out that:

*The development of new facilities which serve the recognised diverse needs of local communities will be encouraged. All development should be easily accessible to all and everyone should have the same opportunities.*

23.5 The Developers Guide Part 2 *Developer Contributions and Affordable Housing (Section 106)* sets out a requirement for developments of 25 units or more to provide 5% of homes to wheelchair accessible standard. While the submitted plans do not specifically show any wheelchair accessible flats, it is noted that some of the flats would be of a size where this could be provided. To meet the 5% requirement, a minimum of two wheelchair flats would be

required. In the event that the application were to be approved, a condition would be recommended to provide for this, with reserved car parking also to be available in close proximity to the basement lift. Details would also be required to demonstrate that safe and level access could be provided for people with all levels of ability, both to the street and the basement car-park, and as noted in Section 16, for mobility taxis and other service vehicles as well as for commercial deliveries,

23.6 Fire safety is also a consideration under the above policies. While for buildings of this size this is a matter for Building Control rather than planning, a condition would be recommended for any acceptable application, to require the submission and approval of a Fire Strategy.

#### 24.0 **Infrastructure and Section 106 requirements**

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

24.2 In the event that this application is considered to be acceptable, it is expected that financial contributions for off-site infrastructure made necessary by the development would be required for education, public open space and recreation, public realm improvements, sustainable transport and mitigation of impacts on Burnham Beeches SAC. Affordable housing would also need to be provided for, as noted in Section 19 in this report.

#### 25.0 **Equality impacts**

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

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

25.2 The proposal would provide new residential accommodation with a mix of dwelling sizes. On-site parking would be provided, and if the application were to be approved then wheelchair accessible parking would be required both within the basement, and including ground level space for mobility taxis and other mobility services. Within the development, access into the buildings is

via doorways at ground level, and a stairwell and lift is provided in each of them for access to the upper floors.

25.3 It is considered that there would be temporary (but limited) adverse impacts upon all individuals with protected characteristics while the development is under construction, as a result of construction works. There is potential for some people to be disadvantaged as a result of the construction works associated with the development, including people with disabilities; pregnant women, carers and those with younger children; children of all ages; and elderly residents/visitors. Noise and dust from construction also has 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, and this could be secured by an appropriate condition.

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

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

26.1 The application has been evaluated in accordance with the adopted Development Plan, the NPPF and other relevant material planning considerations. The emerging Local Plan is a material consideration, which is afforded little weight. The Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver “sustainable development.” While the Local Planning Authority cannot demonstrate a Five Year Housing Land Supply the presumption in favour of sustainable development is tilted in favour of the supply of housing.

26.2 The proposal for 29 residential units (a net increase of 22) would make a useful contribution to the supply of housing, and given the current shortfall in housing supply this contribution attracts significant positive weight in the planning balance. Set against this, the application has not demonstrated that it will not constrain or sterilise the land to the north from being efficiently developed in a way that would assist in meeting the Council’s identified housing targets and housing needs, and this issue must be given significant negative weight in the planning balance.

26.3 In addition, the proposal would cause significant and demonstrable harm as a result of the following issues:

- low design quality of the north elevations;
- a significant loss of privacy for neighbouring occupiers, particularly in the use of their private rear gardens;
- the loss of trees and the inability of the development as designed to provide sufficient replacement planting;
- conflict between providing long-term convenient access and egress for vehicles using the basement car park;
- lack of delivery vehicle bays and visitor cycle store(s);

- location of the bin store would result in excessive bin carry distances for future occupiers;
- awkward access and egress to and from the cycle store; and
- the application has not demonstrated that the development would provide satisfactory surface water drainage.

26.4 The above issues all relate, in various ways, to the design and layout of the development. Lower design quality of the northern elevations of the buildings impacts on neighbouring properties rather than the wider streetscape and public views, so is accorded only limited weight. However, the impacts on the privacy and amenity of existing occupiers at neighbouring properties and on the amenities of future occupiers of the development in combination carries some weight. Taken together with the negative impact that the proposal is likely to have on the ability to deliver a significant level of housing on the land to the north, it is considered that on balance the benefits of providing an additional 22 residential units do not outweigh the disbenefits of the scheme.

26.5 While a section 106 planning agreement, if completed, would provide necessary infrastructure including the mitigation of impacts on Burnham Beeches SAC and on-site affordable housing, this would not overcome the above harm.

27.0 **PART C: RECOMMENDATION**

27.1 Having considered the relevant policies of the Development Plan and other material considerations, the representations received from consultees and the community along with all relevant material considerations, it is recommended that the application be refused for the reasons set out in Section 1 of this report.

Registration Date:	29-Jul-2021	Application No:	P/01125/009
Officer:	Alex Harrison	Ward:	Cippenham Green
Applicant:	Ragbir Singh, Thames Valley Garage	Application Type:	Major
		13 Week Date:	28-Oct-2021
Agent:	Bal Nijjer The Quay, Farnham Lane, Farnham Royal, SL2 3RY		
Location:	2A Bower Way, Slough, SL1 5HX		
Proposal:	Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 11 car parking spaces/15 cycle storage spaces and amenity space at the rear.		

**Recommendation:** Delegate to Planning manager for Refusal



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be refused.

1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

**PART A: BACKGROUND**

2.0 Proposal

2.1 Full planning permission is sought for the demolition of the existing building and its redevelopment to provide a single building housing 11 flats. The building is proposed as a 3 storey building. 12 off street parking spaces are proposed to the front of the site and the existing access is retained to Bower Way.

2.2 The application is a second submission proposing a residential redevelopment of this site. The first proposed a scheme of 12 that was later reduced to 11 and subsequently refused by Members at the Committee meeting of 23 June 2021. Refusal reasons related to design, highways impact, noise impact, neighbouring amenity impact and drainage impacts

2.3 The application is accompanied by the following documents:

- Plans
- Planning, Design and Access Statement
- Transport Statement
- Noise report
- Sustainable drainage statement
- Flood Risk Assessment
- Soil Investigation Report

3.0 **Application Site**

3.1 The site is located on the southern side of Bower way and measures 300 square metres in area. The site is currently used as a commercial garage with MOT centre. It has a 2 storey flat roof building to the southern part of the site and a forecourt to the front.

3.2 The site is immediately adjacent to another commercial garage to the west along with other non-residential uses on Elmshott Lane, including a car sales business which runs to the southern side of the site. There are residential properties to the north and east of the site in two separate flat developments. The residential character of Bower Way is a mix between terraced family homes and flats.

#### 4.0 **Relevant Site History**

##### 4.1 P/1125/008

Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 12 car parking spaces/12 cycle storage spaces and amenity space at the rear.

Refused 23/06/2021

##### F/01125/007

Prior approval notification for a change of use from offices (Class B 1 (a)) to 2no residential flats (C3) at first floor.

Withdrawn by the applicant.

##### F/01125/006

Notification for prior approval for the proposed change of use of the first floor from office (Class B1(a)) to 2 No. Residential flats (Class C3).

Refused 13/04/2016

##### P/01125/005

Alterations to front elevation to provide two new doorways.

Withdrawn 12/06/2006

#### 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) a site notice was displayed outside the site on 06/08/21. The application was advertised as a major application in the 20/08/21 edition of The Slough Express.

5.2 At the time of writing, 0 letters have been received.

#### 6.0 **Consultations**

##### 6.1 Thames Water

###### Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the

public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

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

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

## 6.2 Lead Local Flood Authority

- In order for us to provide a substantive response, the following information is required:
- **Background information** on the proposed design. Including proposal; site; plans of surface water drainage and any SuDS featured in the scheme
- Evidence that the applicant understands the **sensitivity of discharge points** relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)

- Evidence of and information on the **existing surface water flow paths** of undeveloped (greenfield) sites
- Evidence of and information on the **existing drainage network** for previously developed (brownfield) sites
- Evidence that the **proposed drainage will follow the same pattern as the existing**. This avoids directing flow to other locations. Identification of and information on areas that may have been affected by **failures in the existing drainage regime**
- Information evidencing that the **correct level of water treatment exists** in the system in accordance with the Ciria SuDS Manual C753
- **Where infiltration is used for drainage**, evidence that a **suitable number of infiltration tests** have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- **If not using infiltration for drainage** - Existing and proposed **run-off rate calculations** completed according to a suitable method such as IH124 or FEH. Information is available from UK Sustainable Drainage: Guidance and Tools. Calculations must show that the proposed run off rates do not exceed the existing run-off rates. This must be shown for a one in one year event plus climate change and a one in one hundred year event plus climate change.
- **If not using infiltration for drainage** - Existing and proposed **run-off volume calculations** completed according to a suitable method such as IH124 or FEH. Calculations must show that, where reasonably practical, runoff volume should not exceed the greenfield runoff volume for the same event. This must be shown for a 1 in 100 year, 6 hour rainfall event
- **Maintenance regimes** of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. **Evidence** that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Evidence that **enough storage/attenuation** has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus climate change event
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Evidence that **Urban Creep** has been considered in the application and that a **10% increase** in impermeable area has been used in calculations to account for this.

### 6.3 Highways

#### Vehicular Access

Drawing No. 2021/04-Rev-B, dated July 2021 fails to demonstrate a 2.4m x 43m visibility splay from the proposed vehicular access in accordance with the Manual for Streets (MfS) standards for a 30mph speed limit. Measurements taken from scaled Drawing No. 2021/04-Rev B dated July 2021 shows visibility splays of 2.4 metres x 33 metres, not 43 metres as labelled.

The submitted plan is insufficient for consideration and includes an incorrect scale bar which does not allow the drawings to be checked with any certainty.

SBC Highways and Transport request the submission of a suitable scaled, General Arrangement drawing of the site access which provides site access width, corner radii and demonstrates visibility splays of 2.4m x 43m can be provided from the site access in accordance with the Manual for Streets Visibility Standards for a road subject to a 30mph speed limit.

If the applicant cannot provide visibility splays of 2.4m x 43m as required by Manual for Streets, the applicant is required to complete a speed survey and provide visibility splays in accordance with the 85<sup>th</sup> percentile of recorded vehicle speeds and MfS visibility standards.

The applicant has provided no response to SBC's request (dated 29/04/21) for the applicant to provide a parking restriction along Bower Way on the site frontage to ensure vehicles can safely ingress/egress the proposed development. This restriction would ensure delivery vehicles have enough space to turn in and out of the site and have unobstructed visibility when egressing the site. Any such restriction would be subject to completing a TRO and the associated public consultation. On-street pavement parking has previously occurred along the site frontage on Bower Way, which may prevent safe access.

The applicant has not demonstrated safe access and suitable visibility can be provided. Therefore SBC Highways and Transport recommend refusal on highway safety grounds. Paragraph 108 of the NPPF requires that in assessing applications for development, it should be ensured that: *'safe and suitable access to the site can be achieved for all users'*.

### **Access by Sustainable Travel Modes**

The proposed development is located in close proximity to a number of facilities, providing opportunities for residents to travel by sustainable travel modes. The site benefits from being located in close proximity to the Elmshott Lane Neighbourhood Centre which includes a One Stop Convenience Store, Barbers Shops, Fast Food Takeaways, Vets and Cippenham Library all within 150m (2 minutes) walk. The site is also located 1000m (13 minutes) walk from a M&S foodstore.

The site is located within walking distance of several educational facilities and is approximately 120m from Cippenham Primary School, 550m (7 minutes walk) from Cippenham Nursery, 950m (12 minutes walk) from Western House Academy, 1500m (19 minutes walk) from Westgate Secondary School.

The proposed development is located approximately 900m (11 minutes)

walk from Burnham Railway Station. Burnham Railway Station offers 4 services to Reading and London Paddington during the AM Peak Hour. The site is located 150m from bus stops on Bower Way, where the Number 5 provides 1-2 services per hour between Cippenham and Slough. The Bath Road Bus Stops are located 450m from the proposed site where the Number 4 provides 1-2 services per hour between Slough, Heathrow and Maidenhead.

A 2018 study of Public Transport Accessibility Level (PTAL) rated the site with a PTAL rating of 1b on a scale of 1a to 5b, with 5b being the highest PTAL rating available in Slough.

### **Trip Generation**

The Transport Statement states in paragraph 5.1 that the development will generate 5 vehicular movements in the AM Peak and 5 two-way vehicular movements in the PM Peak but does not provide a data source. This would equate to 1 vehicle trip every 20 minutes.

SBC Highways and Transport have no objection to the proposed development on the basis of the site's trip generation, which is expected to have a minimal impact on highway capacity.

However, SBC Highways and Transport request the applicant provide the source of the trip generation calculation, which has not been included within the Transport Statement. Forecasts of trip generation should be based on survey data from TRICS, the National trip generation database.

### **Car Parking**

The proposed site layout plan appears to display spaces which measure 2.3m x 4.7m, rather than the minimum of 2.4m x 4.8m, with a minimum aisle width of 6.0m. Spaces bounded by a physical feature such as a wall should be widened by 300mm on the side bounded by the wall.

11 parking spaces are proposed at a ratio of 1 allocated parking space per dwelling.

SBC Highways and Transport consider the provision of 1 parking space per dwelling acceptable at this location given the site's proximity to Burnham Railway Station. In addition Car Ownership of 1.2 cars per dwelling was recorded within Cippenham Green Ward for 1 and 2 bed flats during the 2011 Census. Whilst this data is outdated, it is understood to be the best available data.

The proposals are considered in accordance with Policy T2 of the Slough Local Plan which allows for residential development to provide a level of parking appropriate to its location. Paragraph 8.62 of the Slough Local Plan states that it may be suitable to seek lower parking in areas which are well served by public transport.

SBC Highways and Transport require the applicant to make a contribution of £6000 towards a double-yellow parking restriction in the vicinity of the site access. This is to ensure there is suitable space for a delivery van to access/egress the site and ensure visibility splays of 2.4m x 43m can be

provided without obstruction.

### **EV Parking**

The applicant proposes the inclusion of an Electric Vehicle Charger (EVCP) for each dwelling and therefore the proposals can be considered compliant with the Slough Low Emission Strategy (2018 – 2025) which requires the provision of one EVCP per dwelling where parking is allocated.

It is recommended that the specification of the EVCP should be secured by an appropriately worded planning condition, should planning permission be granted.

### **Cycle Parking**

The cycle stores shown on the proposed site plan (Drawing No. 2021/04-Rev-B) are not compliant with the SBC Developers Guide.

The SBC Developers Guide Part 3: Highways and Transport makes the following requirements regarding cycle stores serving blocks of flats:

- That cycle stores are located within the building and accessed from the entrance foyer;
- The Slough Developers Guide specifies that cycle parking for residents should be provided as secure individual lockers measuring 2 m x 1m. The cycle store on Drawing No. 2021/04-Rev-B labelled as a 'secure cycle store' for 11 cycles only measures 4.1m x 1.48m. The Slough Developers Guide specifies that cycle parking for residents should be provided as secure individual lockers measuring 2 m x 1 m; and
- For developments with more than 10 flats, short stay visitor cycle parking should be provided for visitors in the form of Sheffield Stands. Where Sheffield Stands are provided, racks should be spaced at least 0.9m apart and should also allow for vehicles being 1.8m in length, as required by the Slough Developers Guide.

SBC Highways and Transport require the applicant to amend the proposed cycle parking to accord with the above comments and the Slough Developer's Guide: Part 3: Highways and Transport. The cycle parking currently displayed is unsuitable and the proposed development could be considered contrary to the local plan and the NPPF which require developments to facilitate journeys by sustainable travel modes.

### **Servicing and Refuse Collection**

SBC require the reconsideration of the location of the bin store shown on Drawing No. 2021/03-Rev-C. The bin store should not interfere with the revised visibility splay of 2.4m x 43m which has been requested.

SBC Highways and Transport request confirmation of the delivery and servicing arrangements and the provision of swept paths which demonstrate a long wheel base van can ingress and egress the site in a forward gear. This is required to ensure the site can accommodate

deliveries associated with online shopping. This is also required to understand whether parked vehicles will restrict access for delivery vehicles.

Suitable turning space should be provided within the site for a delivery vehicle to ingress and egress in a forward gear. If suitable space is not provided on-site, then delivery vehicles will be forced to wait on the public highway. The existing on-street parking means there is no kerbside parking available for a delivery vehicle to park and delivery vehicles are likely to cause obstruction of the public highway and create a highway safety problem.

### **Summary and Conclusions**

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

6.4 Contaminated Land Officer

No comments received to date.

6.5 Environmental Quality

No comments received to date.

6.6 Crime Prevention Design Advisor

No comments received to date.

6.7 Neighbourhood Team

No comments received.

### PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy Guidance:

Core Policies: Achieving Sustainable Development

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

Chapter 11: Conserving and enhancing the natural environment

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

Core Policy 1 – Spatial Strategy

Core Policy 4 – Type of Housing

Core Policy 6 – Retail, Leisure, and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 10 – Infrastructure

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities

OSC15 – Provision of Facilities in new Residential Developments

S1 – Retail hierarchy

EN17 – Locally listed buildings

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Flat Conversions Guidelines

Planning and Compulsory Purchase Act 2004

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

The revised version of the National Planning Policy Framework (NPPF) was published in July 2021. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

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

## 8.0 **Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Highways and parking
- Sustainable design and construction
- Crime prevention
- Air quality
- Surface water drainage

## 9.0 **Principle of development**

9.1 The existing site is an existing commercial site that forms one of a number of small businesses in this area that predominantly front Elmshott Lane as well as turning the corner into Bower Way.

9.2 Core Policy 1 of the Slough Core Strategy relates to the spatial strategy for Slough. It states that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre. Outside of the town centre the scale and density of development should relate to the site's current/proposed accessibility, character and surroundings.

9.3 Core Policy 4 of the Core Strategy states that high density housing should be located in Slough town centre. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.

9.4 As with consideration of the previous application, the proposed development will provide 11 flats. These are not considered to be family housing and this is an area where Core Policy 4 would seek a predominance of such housing. However Core Policy 4 does not rule out flats in principle as it states high density housing should be located in the town centre. The provision of 11 flats on this site would not be considered to amount to a high-density scheme. It is reflective of the scale of other flat developments in the immediate area and therefore the scheme is not considered to be contrary to Core Policy 4.

9.5 Give that this site is a commercial garage and immediately abuts another commercial garage, the principle of development for this site is dependent

on whether or not suitable living conditions can be achieved. For this site the principle of development would be dependent on whether or not the ground is subject to any contamination and whether or not there are suitable noise levels in the area and assessments would be required to demonstrate that the site is suitable.

9.6 The previous application was refused for 5 separate reasons which stemmed in part from the fact that it was submitted with very little information for what was a major development and no pre-application discussion. The revised application for consideration here was submitted with additional information by comparison but there has still been no pre-application discussion with the Council.

9.7 The applicant has provided more information with this revised application including a noise assessment and contaminated land survey and this information will contribute to determining whether or not the principle of development is acceptable.

9.8 In terms of planning policy considerations the proposed development is considered to be acceptable in principle. However the overall principle of development is dependent on the findings of the noise assessment and the contaminated land survey bearing in mind the existing use of the site and its neighbors.

10.0 **Mix of housing**

10.1 One of the aims of national planning policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is largely reflected in local planning policy in Core Strategy Policy 4. The proposal would provide the following mix:

- 5 x one bed flats
- 6 x two bed flats

10.2 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%

10.3 The housing mix is the same as the first application and some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance the scale of development, at 11 units, is not overly high and the even split between 1 and 2 bedroom units can be considered appropriate. It would not harm the goals of achieving a sustainable, inclusive and mixed

community. The housing mix is therefore acceptable in light of Core Policy 4 of the Core Strategy.

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

11.1 The National Planning Policy Framework encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2

11.2 The previous application was refused on design grounds as it failed to result in high quality design. The application was submitted with limited detail beyond 4 elevations for the proposed building. There is no streetscene detail and no visualisations of the scheme to aid assessment.

11.3 The amended application proposes a very similar design to the first scheme considered. There are some cosmetic amendments but essentially the scheme is the same as before. This is largely due to the internal layouts of the flats being the same as before which then determines the windows in effectively the same location. The principal differences in the design are that part of the building is stepped back from the other part and the arrangement of roof gables are different.

11.4 The proposed development is considered to result in a non-descript design that does not maximise the potential to enhance the character of the area. Furthermore the building fails to sit comfortably in the streetscene. The increased scale and bulk does not sit comfortably with the lower scaled building to the west and creates a poor transition in scale with the blank façade on the west elevation becoming overly prominent.

11.5 It can be seen that the proposed design has sought to include elements that reflect the external appearance of Charlcot Mews and Holly Court but this would not necessarily achieve what would be regarded as high quality design. The facades continue to generate little visual interest and the proposal creates a contrived roof structure to open up the proposed communal terrace but making this area uncovered. There continues to be no principal entrance to the building which would accentuate a principal elevation. Instead the majority of residents would enter through a side door off an alley.

11.6 Paragraph 130 of the NPPF states that ... *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...'*

Therefore the concerns raised above reflect the advice of the NPPF.

11.7 It goes on to say, in para 131 that:

*'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

- 11.8 It is considered that the revised scheme is not innovative and the design fails to raise the standard of design in the area. The NPPF is clear in stating that good design is a key aspect in achieving sustainable development stating that planning decision should ensure developments are visually attractive and add to the overall quality of an area. It is considered that this proposal as currently submitted, in spite of the previous refusal reasons, fails to achieve this.
- 11.9 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and EN2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the NPPF 2012.
- 12.0 **Impact on amenity of neighbouring occupiers**
- 12.1 The National Planning Policy Framework encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.
- 12.2 The nearest residential properties to the application site are immediately to the east and north. Land uses to the south and west are non-residential.
- 12.3 In respect of outlook, the building as designed proposes windows with outlooks to the north and south only which would have outlooks over the parking forecourt on the application site and the lot for the used car site to the south. To the north the windows will look towards the flats at Charlcot Mews but the distance between the proposed building and this existing building is suitable enough to ensure there would be no adverse overlooking impact.
- 12.4 The outlooks to the direct south would not have any adverse impact on residential amenity due to the adjacent land use to the south. However to the south east there is a building with flats forming part of Holly Court. The south facing windows at the south eastern corner of the will have an indirect outlook towards these windows, the previous scheme proposed balconies that exacerbated this impact and this element of the scheme was found to harm neighbouring amenity as a result. This revised application retains the proposed windows but removes the balconies and this serves to remove the direct overlooking impact from the rear of the proposal. There remains a degree of perception of overlooking from these windows.

- 12.5 As stated, the building, at 3 storeys in height, results in a bulky addition to the streetscene which is exacerbated by the roof structure. Consideration again falls to whether or not there are any overbearing impacts. Again, due to the nature of land uses to the west and south, there would be no overbearing impact. Similarly, the distance between the proposed building and Charlot Mews would mean that, while the building is visible, it would not be overbearing.
- 12.6 The previous application raised concerns, and subsequent reasons for refusal, over a potential overbearing impact to the east. The immediate east shows the proposed building abuts the existing building housing the flats at Holly Court. The relationship between the proposed building and Holly Court is such that, as with the first scheme, the proposal is immediately southwest of its neighbour. The relationship is such that the building will be indirectly in the outlook of south facing windows to Holly Court. As the building is 3 storeys in height with a roof there remains concern that the relationship between the two buildings would result in an overbearing character and loss of light in the afternoon/evening to the south facing windows of Holly Court.
- 12.7 The applicant has not provided any daylight/sunlight assessment with the application to demonstrate that there would not be an adverse impact. The south facing windows at Holly Court serve,(according to the approved plans for that site (ref P/12995/000)) living rooms and bedrooms and it is considered that these rooms would have the extent of natural light and sunlight they receive adversely affected by the proposed development. The plans show a '45 degree line' from the neighbouring site which does not appear to be 45 degrees and in any case serves to confirm that the building is within this guideline The applicant has failed to provide any information with the application that would demonstrate that this is not the case and therefore it is considered that there would continue to be a significant adverse impact on the amenity of neighbouring residents through an overbearing and loss of light to the detriment of the enjoyment of those units.
- 12.8 For the reasons described above the submitted scheme is still considered to have an adverse impact on the amenity of the occupiers of Holly Court through overbearing impact, loss of light and overlooking. The proposal is therefore considered to be contrary to Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.
- 13.0 Living conditions for future occupiers of the development**
- 13.1 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

- 13.2 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."
- 13.3 The scheme as designed show that all units will be acceptable in size in respect of the national prescribed space standards.
- 13.4 This revised scheme proposed amenity space in the form of private gardens for Flats 3 and 4, private balconies for flats 5, 6, 9 and 10 and a communal roof terrace at second floor level. This arrangement means that each unit will have access to amenity space although not all units will have private amenity space. It is noted that the ground floor units that face north would not have an ideal level of privacy as all residents would pass the private gardens and be able to look into these areas.
- 13.5 As mentioned above the amended plans also include a 'roof terrace' which is proposed as an open area at second floor level that is entirely enclosed with obscure glazing. Concern was previously raised over a similar proposal in the previous application which showed the communal area with a roof covering. It provides a communal area for occupiers but it would not have an outlook and would continue to have a boxed in character. It is considered to provide little in the way of amenity value.
- 13.6 The previous application was refused due to the applicant not being able to demonstrate that suitable amenity values could be achieved in respect of noise impacts bearing in mind the site is immediately adjacent to a commercial garage. The revised application is accompanied with a noise report and no comments have been received on this at the time of drafting this report. Members will be updated via the amendment sheet prior to the Committee meeting.
- 13.7 At the time of drafting this report it has not yet been established that suitable amenity noise levels can be achieved for the residential units proposed and therefore it cannot be confirmed that appropriate residential amenity for occupiers of the scheme can be achieved in principle.
- 14.0 **Highways and Parking**
- 14.1 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 32 of the National Planning Policy Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

- 14.2 The previous application was refused on the grounds that the scheme did not demonstrate that there would be no adverse impact on the highway. This revised application is accompanied with a Transport statement. The application continues to result in objection raised from the Highways Officer.
- 14.3 It is noted that matters relating to the clarification of trip generation have not been addressed and is an issue carried over from the first application. There is no objection in principle in respect of trip generation but the applicant has still not provided the data source that they have concluded that there would be 5no 2-way movements at peak times.
- 14.4 The submitted plans have shown the proposed parking and access layout in greater detail but it is still considered inadequate to make an appropriate assessment and includes an incorrect scale bar. The details submitted still do not show that suitable visibility can be achieved and has stated that either visibility needs to be achieved or a speed survey is carried out on Bower Way to establish appropriate splays. These matters were raised during consideration of the previous application and still have not been addressed.
- 14.5 The Highways Officer has stated the development would require electric vehicle charger points for each dwelling and the plans indicate that these are accommodated. The detail of this would be secured by condition should the scheme have been considered acceptable.
- 14.6 It is also noted that, should the scheme have been found to be acceptable, the applicant would have been required to enter into a legal agreement to undertake a Traffic Regulations Order to provide a parking restriction along Bower Way to ensure that the access would be safe. The Highways Officer has advised that this will require a contribution of £6,000 to secure. If the scheme were to be acceptable this would be secured through a Unilateral Undertaking.
- 14.7 On the basis of the level of information provided in this revised application, the applicant has still failed to demonstrate that the proposed redevelopment of the site would not have an adverse impact on highway safety and convenience and therefore the scheme is not considered to be in accordance with Policy 7 of the Core Strategy and Local Plan saved policies T1 and T8.
- 15.0 **Sustainable Design and Construction**
- 15.1 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.

15.2 No information has been provided in respect of energy efficiency and sustainability. The plans do not show sustainable development proposals although it is noted that the planning statement advises that there is 'potential' for rainwater harvesting and PV panels due to the flat roof proposed.

15.3 The revised application has not provided any information to demonstrate, or show a commitment to, that the development would achieve a carbon emissions rate that is 15% lower than Building Regs requirements and therefore the scheme is unable to show any benefits to this extent.

#### 16.0 **Crime Prevention**

16.1 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.

16.2 No comments have been received from the Crime Prevention Design Advisor. It is noted that the entry to the building can be made secure. The site layout shows an access at the western extent of the site from Elmshott Lane and this could cause concerns as it could make the site accessible in an area that has little to no surveillance.

16.3 Should the proposed development have been considered acceptable, a condition would be added to a consent that would require the development to gain a secured by design accreditation. The absence of any information on this proposal means that there can be no perceived security benefits from the scheme.

#### 17.0 **Surface Water Drainage**

17.1 The site lies within Flood Zone 1 and is in an area that is not considered to be a high flood risk.

17.2 The previous application was refused on the ground that the applicant had failed to demonstrate that the development was acceptable in drainage terms. The application is a major development and therefore drainage considerations are prominent. This revised application was accompanied with a sustainable drainage strategy and a flood risk assessment. In spite of the information submitted, the Lead Local Flood Authority has considered the application and asked for a suite of information to enable them to consider any potential impact on flood risk.

17.3 It is noted that the applicant's statement has proposed drainage systems in

the form of rainwater harvesting and surface water drainage to soakaways however this information is not sufficient enough for this planning application, as reflected in the comments from the Flood Authority. It is also noted that the report references the inclusion of a sedum roof but this is not shown on the proposed plans and is therefore unclear as to whether or not it forms part of the scheme.

17.4 The amended application does not provide suitable information to demonstrate that the proposed drainage proposals are acceptable and as a result the proposed development is not acceptable in light of Policy 8 of the Core Strategy.

17.5 It is noted that Thames Water have comments and raised no objections. This consultant considers the capacity of existing waste and water infrastructure to accommodate new development which is a different consideration from the Lead Local Flood Authority. Therefore the Thames Water comments are not an alternative to the Flood Authority's view.

#### **18.0 Air Quality**

18.1 The application site is not situated within an Air Quality Management Area (AQMA). Therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development.

#### **19.0 Determination approach**

19.1 As with the previous application, this revised scheme is brought before Members in its current guise as it was felt that the issues need to be addressed and the changes that would subsequently be required were too significant to be dealt with by an amendment and would require a resubmission afresh. It should be noted that the application was still submitted without any pre-application discussion from the applicant which would have raised issues prior to submission and advised on solutions and requirements.

19.2 Paragraph 128 of the NPPF addresses design approaches and states:

*128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

19.3 The NPPF does require a proactive approach to bringing development forward however it is clear that this is a requirement on the part of the

Council and the developer. It places great weight on the benefits that pre-application discussions can bring and encourages Councils to promote this. The Council did promote this with the applicant but the reluctance to adopt this approach has resulted in the need to determine the application as submitted. The applicant has chosen not to submit for preapplication discussions and have chosen not to engage proactively with the Council before the application was submitted.

- 19.4 There is no obligation on Council to take a scheme with a number of issues and negotiate through the application process to the point it can be supported. If a permission for a proposal can be achieved then Officers will seek to work with the applicant however this proposal has a number of significant issues that has resulted in concerns with the merits of the scheme and a substandard level of information submitted.

## **20.0 Planning Balance**

- 20.1 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.

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

As a result of the issues raised above, the proposed development is not considered to meet either the social or environmental objectives of paragraph 8 and therefore does not amount to sustainable development in the eyes of the NPPF. However, for information the proposal has been balanced in accordance with the requirements of Paragraph 11.

- 20.3 In the application of the appropriate balance, it is considered that there are significant benefits from the provision of 11 residential units in a sustainable location. However the proposed development is not considered to be of a high quality design and will have a significant adverse impact on existing residents. Furthermore the applicant has failed to demonstrate that the scheme is acceptable in drainage and highway terms.

- 20.4 The adverse impact of the issues identified above significantly outweigh the benefit of housing provision and therefore, on balance it is recommended that planning permission be refused.

## **21.0 PART C: RECOMMENDATION**

- 21.1 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material

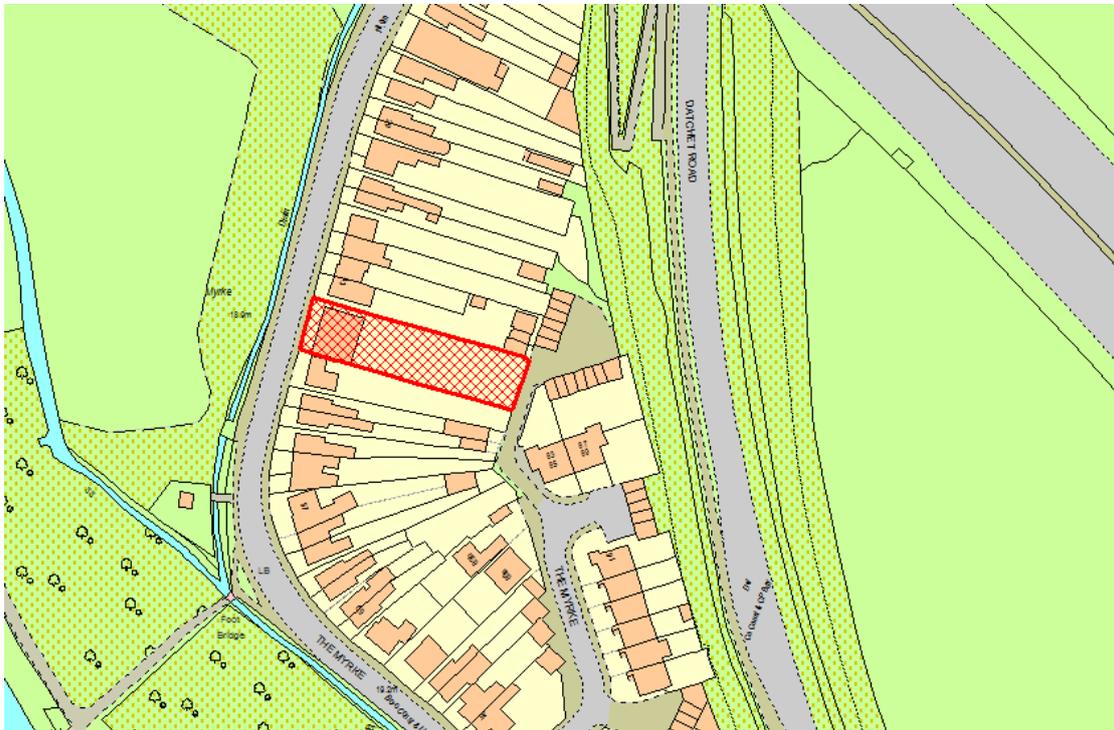
considerations it is recommended the application be refused for the following reasons:

- 1) The proposed development would, by virtue of its bulk and detailed design, result in a overly bulky and prominent addition to the streetscene that would not help to achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy P8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.
- 2) The proposed development, by virtue of the scale, bulk and siting, would result in an unacceptable loss of amenity to neighbouring residents at Holly Court by way of an overbearing character, loss of light and loss of outlook. The applicant has failed to demonstrate that there would be no significant adverse harm and the proposal is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.
- 3) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.
- 4) On the basis of the information submitted with this application, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on highway safety and convenience which could lead to inadequate parking, access and servicing arrangements for the development proposed. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.

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Registration Date:	18 <sup>th</sup> May 2020	Application No:	P/16947/002
Officer:	Alex Harrison	Ward:	Upton
Applicant:	Alexa Reid	Application Type:	Minor
		8 Week Date:	31 <sup>st</sup> October 2020
Agent:	Andy Patrick, Ian Belsham Associates		
Location:	45 The Myrke, Datchet, Slough, SL3 9AB		
Proposal:	Construction of 2 no. semi-detached dwellings and 1 no. detached dwelling		

**Recommendation:** Delegate to Planning manager for Approval, subject conditions.



## **P/16947/002 – 45 The Myrke, Datchet, Slough, SL3 9AB**

### **1.0 SUMMARY OF RECOMMENDATION**

1.1 Under the current constitution this application is being brought to Committee for decision as the client is Slough Borough Council.

1.2 Having considered the relevant policies set out below, the representations received from all consultees and neighbouring residents, as well as all other relevant material considerations, it is recommended that the application be approved subject to conditions..

### **PART A: BACKGROUND**

#### **2.0 Proposal**

2.1 Full planning permission is sought for the construction of 2 no. semi-detached dwellings and 1 no. detached dwelling.

2.2 The proposed development consists of:

- The erection of a pair of semi detached dwellings each with two bedrooms
- The erection of a single detached dwelling with three bedrooms
- Hardstanding and garden space associated with the above

2.3 Please note that although the description of the development remained the same, amended drawings were received from the agent on 28<sup>th</sup> August 2020 and 10<sup>th</sup> December 2020. Amended highways drawing were received 12<sup>th</sup> August 2021.

#### **3.0 Application Site**

3.1 The site consists of a plot of land to the rear of numbers 41, 43 and 45 The Myrke. Access is taken from an access road to The Myrke to the east. The site is therefore surrounded by residential development to the north, south and west. The character of the local area is residential, with a mix of two storey detached, semi detached and terraced properties.

#### **4.0 Site History**

4.1 Although there is some planning history associated with number 45 The Myrke, there is no planning history specific to the proposed site.

#### **5.0 Neighbour Notification**

5.1 69, The Myrke, Datchet, Slough, SL3 9AB, 93, The Myrke, Datchet, Slough,

SL3 9AD, 81, The Myrke, Datchet, Slough, SL3 9AB, 71, The Myrke, Datchet, Slough, SL3 9AB, 83a, The Myrke, Datchet, Slough, SL3 9AB, 51, The Myrke, Datchet, Slough, SL3 9AB, 97, The Myrke, Datchet, Slough, SL3 9AD, 99, The Myrke, Datchet, Slough, SL3 9AD, 57-59, The Myrke, Slough Road, Slough, Berkshire, SL3 9AB, 85, The Myrke, Slough, SL3 9AB, 47, The Myrke, Slough, SL3 9AB, 83, The Myrke, Slough, SL3 9AB, 87, The Myrke, Slough, SL3 9AB, 39, The Myrke, Slough, SL3 9AB, 43, The Myrke, Slough, SL3 9AB, 41, The Myrke, Slough, SL3 9AB, 89, The Myrke, Slough, SL3 9AD, 79, The Myrke, Slough, SL3 9AB, 113, The Myrke, Slough, SL3 9AD, 83B, The Myrke, Slough, SL3 9AB

Local residents were consulted on the original scheme on 26<sup>th</sup> May 2020 with additional consultee addresses added on 16<sup>th</sup> June 2020. Local residents were then re-consulted on the amended drawings on 14<sup>th</sup> September 2020.

5.2 At the time of writing there have been eighteen letters of representation although it should be noted that there are sometimes more than one representation from an individual property. In summary the comments received are as follows:

- The private access track inadequate and is not sufficiently wide to deal with the vehicle movements to the new dwellings
- Manoeuvring vehicles on the access track is already difficult and this will be worsened by the proposed development
- Access to existing driveways and garages will be impacted by the proposed scheme
- Concerns regarding the upkeep of the access road and damage to fences
- Concerns regarding proposal and an increased pressure on car parking on The Myrke
- Parking restrictions on local roads may assist with the problem of parking by non residents
- Concerns that large vehicles (including emergency vehicles) will not be able to access the site
- Two car parking spaces per dwelling is unlikely to be adequate. Visitor car parking should be provided.
- The height of the proposed dwellings will result in overlooking towards neighbouring properties
- The height of the proposed semi detached dwellings means that they will be taller than those in the surrounding area
- Concerns about possible change of use of outbuilding to residential accommodation in local area
- The proposal is overdevelopment of the site
- Concerns that the waste storage collection point will result in disruption to local residents
- Concerns regarding potential impact on amenity of numbers 83, 85, 87 and 89 The Myrke
- Concerns regarding the impact on the character of the area
- Concerns regarding the sustainability/energy standards of the proposed development
- Concerns regarding the potential impact on trees

- Concerns regarding foul drainage
- Concerns regarding potential noise and disturbance during the construction period
- There is no street lighting which would result in increased risk of crime/risk to safety.
- No yellow site notice has been erected.
- Access to the garages opposite the site will be restricted and a covenant will need to be agreed in order to allow rights of access to these garages
- Surface water drainage is inadequate
- Concerns regarding impact on ecology
- Concerns regarding the impact on services (television/broadband)

5.3 A petition containing 27 signatures (although it should be noted that there are occasions when there are multiple signatures from the same address) has been received objecting on the following basis:

1. **LOSS OF PRIVACY** – The proposed development is higher than existing neighbouring properties which will affect the residents privacy by overlooking adjoining properties.
2. **TRAFFIC** – The proposed development will generate extra traffic due to site workers and delivery vehicles in an already extremely congested cul-de-sac. Also no provision has been made for visitors to the new development.
3. **NOISE** – The proposed developments close proximity to other properties will cause excessive noise and disturbance to neighbouring residents.
4. **OVERBEARING NATURE OF DEVELOPMENT** – The proximity of the proposed development will result in significant loss of outlook to neighbouring properties.
5. **SAFETY**- The access road to the proposed development is extremely narrow. It was only meant for access to the garages and is not suitable for large lorries or emergency vehicles. (As demonstrated recently when there was a fire in a neighbouring garden and the fire appliance could not negotiate the narrow lane)

## 6.0 Consultations

### 6.1 Transport and Highways

Comments dated 12<sup>th</sup> July 2020 on the original scheme.

#### Parking Spaces

- Although parking spaces must dimension 2.4x4.8m, this applies to an open layout without obstructions. For parking spaces sited next to vertical obstructions such as fences, landscaping, hedges, etc the width of the bays must be increased by 300mm on the side where there is an obstruction to allow the doors to be opened and spaces used as intended. The risk of not doing so is that vehicles stop in the road outside of the bays for passengers to embark/disembark both causing an obstruction (which may not be such an issue on this access road) or also pose safety concerns with young children having to get out of the car in the road before it is parked. The layout must be amended to allow for this.
- The parking layout for unit 3 appears to be very tight with the bays almost having a slight overlap. The applicant should provide vehicle tracking to demonstrate that the bay parallel to the road can be used. Tracking should be carried out used a DB32 large car (which measures

5.1m in length).

#### Visibility

- The applicant has not demonstrated any visibility splays for the parking bays, these must be demonstrated as inadequate visibility poses road safety hazards to pedestrians and other users of the access road.

#### Boundary Treatment

- We assume that there is an open boundary along the frontage of the proposed site as the road is not wide enough for vehicles to manoeuvre meaning they would need to use part of the access road and part of their frontage to turn vehicles in/out of the parking bays, especially Unit 1 where the roadway is the narrowest.

#### Bin Collection Point

- This appear to be designed to accommodate 3no wheelie bins. As there are 3no dwellings being proposed, the bin collection point must be able to accommodate 6no 240l wheelie bins on collection day. This point should only be used on collection day, at all other times the bins should be stored within the curtilage of the individual properties and storage for 3no wheelie bins for each dwelling must be shown (residual waste, recycling, garden waste). As all gardens have rear access, I'm confident that each property can accommodate the bins as required.
- The bin collection point is approximately 25m from a point on the adopted highway where the refuse vehicle would be able to collect the bins therefore this is deemed acceptable.

#### Shared Surface Access Road

- Access to the properties is proposed from the existing narrow road serving the garage complex.
- It is unclear if the applicant has a right of access over this road for the purposes intended (access for properties and to carry out works on the road) but it is assumed that they have and this is not a Highways matter as such.
- The applicant has proposed the access road as a shared surface however has not provided any details on the width, construction or design of the road. Shared surface roads must be suitably designed in accordance with the relevant guidance and standards to ensure they are fit for purpose and safe to use. DfT guidance requires us to ensure that all schemes are designed with the needs of different users in mind, and satisfy their obligations under the equalities legislation. As such no details have been provided in terms of a shared surface design which needs to accommodate the residents of the new dwellings all users associated with the dwellings as well as the existing users of the road. A suitable design would need to be submitted for approval before it could be supported to ensure the shared surface is both safe and fit for purpose.
- The applicant has made reference to resurfacing the road however, no details of construction/materials have been submitted and considering that this is being considered as a shared surface road, the construction of the road must be suited to this use in accordance with guidelines.
- Shared surface roads must have entry/exit points also known as gateways. Details of this have not been provided and a detail would need to be agreed before we approve this design.

- As works are being proposed on this access road, detailed proposals will need to be submitted for approval which include levels as it must be ensured that the works on the service road do not impact on the surrounding areas including the adopted highway and that the surface water in this area is adequately dealt with/discharged.

#### Servicing/Deliveries

- The applicant has not provided details of how the proposed properties will be serviced for parcel, deliveries of large items, etc. Couriers will almost always park as close as possible to the property being serviced as expected and therefore they are likely to park on the narrow access road. The applicant is required to demonstrate how this could work without causing an obstruction.
- Whilst the above may be acceptable, the applicant must demonstrate that a large panel van (Mercedes Sprinter Van LWB- as typically used by couriers in this area) will be able to safely service the properties, ensuring it can enter and exit the shared surface road in forward gear. The applicant should provide a servicing and delivery management plan to demonstrate this.

#### Surface Water Disposal

- It is unclear how the applicant is expecting to discharge private surface water from the development site. The hardstanding areas must be designed in a way to ensure private surface water is contained within the site and discharged appropriately. It is not permissible for the private surface water to run-off onto the shared surface road or into the highway drainage network.

#### Summary

- The local highway authority has identified a number of concerns within the key areas identified above where further information or clarification is required. As such I confirm that the Local Highway Authority cannot support this application in its current form unless the information listed above can be satisfactorily addressed or provided.

Amended comments received 16 August 2021

#### **Access Visibility**

SBC Highways and Transport have no objection to the proposed development on the basis of the visibility from the proposed vehicular access point, which is the proposed parking spaces proposed perpendicular to the access road.

The Proposed Layout (Drawing No. 983-001-005, dated 7<sup>th</sup> July 2021) demonstrates that only 2 metres x 11 metres visibility is available from the proposed parking spaces to the bend in the access road, which does not accord with the Manual for Streets Visibility requirements for a 30mph speed limit. However, the applicant has offered to provide speed control measures in the form of a 3m long 'speed table' to reduce vehicle speeds along the access road.

Vehicle speeds along the access road are likely to be low in the existing situation due to the narrow nature of the access road which measures 3.2m – 4.5m wide. Vehicle speeds are also likely to be low given the road is a dead

end with vehicles either slowing down to park on their driveway or garage. Vehicles departing their driveway will have had minimal distance to gather speed when they pass the site access. The provision of a speed table will further ensure vehicles are travelling slowly on approach/departure from the proposed dwellings and from the existing dwellings.

The applicant has also demonstrated pedestrian visibility splays of 2m x 2m can be provided on drawing '1471 S04 P1 27.08.20'.

The provision of the speed table should be secured by a Section 278 Agreement / Minor Highway Works agreement with the Local Highway Authority.

### **Access Road**

The LHA raised concerns relating to the lack of detail provided for the proposed access road becoming a shared surface. In response to these concerns, insufficient details have been provided.

The applicant has previously made reference to resurfacing the road however, no details of construction/materials have been submitted and considering that this is being considered as a shared surface road, the construction of the road must be suited to this use in accordance with guidelines.

As works are being proposed on this access road, detailed proposals will need to be submitted for approval which include levels as it must be ensured that the works on the service road do not impact on the surrounding areas including the adopted highway and that the surface water in this area is adequately treated and discharged appropriately. The shared surface must be suitably designed in accordance with the relevant guidance and standards for shared surfaces. DfT guidance requires us to ensure that all schemes are designed with the needs of different users in mind and satisfy their obligations under the equality's legislation.

SBC Highways and Transport recommend that further details of the surface road design are secured by planning condition and that the applicant enters into a Section 278 Agreement / Minor Highway Works agreement.

SBC Highways and Transport also recommend a condition requiring the provision of appropriate lighting along the shared surface access.

### **Car Parking**

Further to comments from the LHA regarding increasing the width of bays sited next obstructions to 300mm, the width of the proposed parking space for Unit 3 has been widened to 2.9m and is therefore acceptable.

Swept path analysis was also requested for this parking space based on a DB32 large car. This has been provided (Drawing 1471 S04 P1 27.08.20) and this demonstrates that this parking space can be used.

### **Drainage**

Concerns were raised by the LHA as to how private surface water would be discharged from the development site. The applicant has submitted drawing

1471 S05 P2 26.08.20 which shows that surface water is contained within the site and the provisional location of a SW attenuation tank in the rear garden of Unit 2 which will discharge to an existing mains SW system. Therefore, no private surface water will run-off onto the shared surface road or into the highway drainage network. This is therefore acceptable.

Details of surface water disposal for the access road have not been provided and these should be secured by planning condition.

### **Cycle Parking**

The SBC Developers Guide: Part 3: Highways and Transport (2008) requires the provision of 1 secure, covered cycle parking space per dwelling to facilitate travel by sustainable travel modes. The proposed site plan does not label/identify cycle parking for each dwelling.

SBC Highways and Transport recommend that further details of cycle parking provision are secured by planning condition.

### **Servicing and Refuse Collection**

SBC Highways and Transport have no objection to the proposed development on the basis of the servicing or refuse collection arrangements for the proposed dwellings.

The LHA previously requested that the applicant demonstrates that a large panel van (Mercedes Sprinter Van LWB- as typically used by couriers in this area) will be able to safely service the properties, ensuring it can enter and exit the shared surface road in forward gear. This has been provided and is acceptable.

It is anticipated that refuse collection would take place from the highway which is approximately 25m from the proposed refuse collection point and is therefore considered acceptable.

As previously commented, previous plans showed that the collection point would only accommodate 3 wheelie bins and the LHA requested that 6no 240l wheelie bins should be accommodated. Updated plans (Drawing 1471 S03 P2 27.08.20) now show that 6 wheelie bins can be accommodated, and this is therefore acceptable.

### **Summary and Conclusions**

Subject to the applicant providing the requested information to allay my concerns, I confirm that I have no objection to this application from a transport and highway perspective.

## **6.2 Thames Water**

### **Waste Comments**

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site

remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments

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

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

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

### 6.3 **Tree/landscape officer**

The submitted ecology report identifies a number of trees within the gardens. However there is no supporting tree survey and tree protection plan.

As the new buildings will have a considerable impact on the local area retaining trees will be vital to ensure that the impact of the proposal is minimised as much as possible. To achieve this supporting arboricultural survey in accordance with BS5837:2012 Trees in relation to design demolition and construction-recommendations must be submitted prior to any approval.

A landscape plan is also required that builds on the existing features to provide a comfortable relationship with the surrounding gardens and residential properties.

Further comments received 29<sup>th</sup> September 2020 in relation to the additional information stating that there are now no reasons for refusal. Should the application be approved then a landscaping condition is requested for the following reason:

To provide a high quality environment around the development and replace any trees that have been removed.

### 6.4 **Contamination officer**

Raised no objections subject to conditions.

### 6.5 **Environment Agency**

Thank you for consulting us with this application. The application site lies within Flood Zone 2, an area defined as being at medium risk of flooding according to the Planning Guidance. The site is also located within a Source Protection Zone 1 (SPZ).

Groundwater SPZs are areas of groundwater where there is a particular sensitivity to pollution risks due to the closeness of a drinking water source and how the groundwater flows.

They are used to protect abstractions used for public water supply and other forms of distribution to the public such as mineral and bottled water plants, breweries and food production plants. SPZ 1 represents the inner zone and are the most sensitive.

#### Environment Agency Position

We have no objections to the proposed development as submitted.  
Flood Risk Standing Advice - Advice to LPA

The proposed development falls within Flood Zone 2, which is land defined in the [planning practice guidance](#) as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This

proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planningapplications#when-to-follow-standing-advice>

We recommend that you view our standing advice in full before making a decision on this application.

I also enclose our Thames Area safe access and egress guidance note. Sequential Test - Advice to LPA

In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

#### 6.6 **Lead Local Flood Authority**

Thank you for consulting us on the above planning application. Hampshire County Council has provided comments in relation to the above application as a consultant to Slough Borough Council for surface water drainage.

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

- Ambiental Phase 1 Flood Risk Assessment 4750\_4026 V 2.1

In order for us to provide a substantive response, the following information is required:

There is no detail drainage strategy contained within the FRA. We will require a drainage layout, storage calculations, proposed flow rates and point of discharge. If soakaways are proposed soil infiltration testing will be required.

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

Comments on amended information dated 25<sup>th</sup> September 2020:

Thank you for consulting us on the above planning application. Hampshire County Council has provided comments in relation to the above application as a consultant to Slough Borough Council for surface water drainage.

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

- Ambiental Phase 1 Flood Risk Assessment 4750\_4026 V 2.1
- IBA Architects Surface Water drainage layout 1471 (S)05 P1

In order for us to provide a substantive response, the following information is required:

We require storage calculations, proposed flow rates and justification, point of discharge and water quality information. Existing sewer information including depths and finished floor levels for the proposed units needs to be indicated to confirm if a gravity or pumped connection is proposed.

## 6.7 **Archaeology officer**

Thank you for consulting Berkshire Archaeology regarding the above application. Berkshire Archaeology is part of Reading Borough Council's Museum and Town Hall Services and provides historic environment advice to the five unitary authorities of Bracknell Forest Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead, Slough Borough Council and Wokingham Borough Council.

There are potential archaeological implications associated with this proposed scheme. The site lies within the Thames valley. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.

Less than 80m south west from the proposal area, there is the known site of a mid to late Iron Age settlement which lies primarily within the land known as Agars Plough. This settlement was identified during an archaeological evaluation, but the limits of the prehistoric settlement are not thoroughly understood. A geophysical survey in the year 2000, of land to the west, showed that the site continued beyond the previously identified area, and as such has potential to extend to the location of these development proposals.

Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that the following condition is applied should permission be granted in order to mitigate the impacts of development. This is in accordance with Paragraph 199 of the NPPF which states that local planning authorities should *'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

### Condition

A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

In view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation in situ, field evaluation through trial trenching would represent an appropriate initial phase of work in order to determine the archaeological potential and levels of previous truncation and the need for any further phases of work.

Berkshire Archaeology would be pleased to discuss the approach with the applicant or their archaeological consultant should permission be granted. If the applicant can demonstrate previous widespread impact on below ground deposits which specifically affect the archaeological potential, then this advice can be reviewed.

I trust this is satisfactory but if you have any questions or would like to discuss this in more detail then please do not hesitate to contact me.

6.8 **Ecology**

No comments received at the time of writing. Any comments received will be reported via the amendment sheet.

6.9 **Environmental noise**

No comments received at the time of writing. Any comments received will be reported via the amendment sheet.

7.0 **Policy Background**

7.1 **Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:**

- Core Policy 1 – Spatial Strategy
- Core Policy 3 - Housing Distribution
- Core Policy 4 - Type of Housing

- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure
- Core Policy 11 – Social Cohesiveness
- 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
- H13 - Backland/Infill Development
- H14 - Amenity Space
- H15 – Residential Extensions
- T2 - Parking Restraint
- T8 - Cycling Network and Facilities

Slough Local Development Plan and the NPPF

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

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2021, the Local Planning Authority can not demonstrate a Five Year Housing 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 2021 and refined in case law.

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

7.2 Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036

On 1<sup>st</sup> November 2017 the Planning Committee approved further testing and

consideration of the Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036.

7.3 On 26<sup>th</sup> August 2020 the Committee considered Local Plan Strategy Key Components. These key components are:

- Delivering major comprehensive redevelopment within the “Centre of Slough”;
- Selecting other key locations for appropriate sustainable development;
- Enhancing our distinct suburbs, vibrant neighbourhood centres and environmental assets;
- Protecting the “Strategic Gap” between Slough and Greater London;
- Promoting the cross border expansion of Slough to meet unmet housing needs.

## 8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

- Principle of the proposal
- Design and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Living conditions of future occupiers
- Highways and transport
- Contamination
- Trees and ecology
- Drainage Considerations

## 9.0 **Principle of Development**

9.1 Given the absence of a five year supply in housing, the LPA must undertake an exercise in judgement in determining the appropriate balance of considerations as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole. It is required to assess whether the proposed development is sustainable as defined by the NPPF 2021.

9.2 Core Policy 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document states that in urban areas outside the town centre, new residential development will predominantly consist of family housing. The Berkshire Strategic Housing Market Assessment has identified the need for family housing which reflects the disproportionate number of flats which have been completed in recent years as a result any development within the urban area should consist predominantly of family housing.

9.3 The Core Strategy defines family housing. As of 1<sup>st</sup> November 2018 the definition has been updated and is shown below:

*‘A fully self-contained dwelling with a minimum gross internal floor area of 79 square metres, that has direct access to a private garden. Comprises a*

*minimum of two bedrooms and may include detached, semi-detached, terraced and town house dwellings but not flats and maisonettes.'*

- 9.4 The proposed dwellings have two/three bedrooms, have an internal floor area in excess of 79sq.m and have direct access to a private garden. The proposed development would therefore provide family housing to the required standard.
- 9.5 Given there would be no net loss of family housing and the weight of balance is tilted towards the supply of housing, the principle of this housing type would be acceptable subject to complying with the relevant planning considerations which are assessed below.
- 9.6 Policy H13 (Backland Development) of Slough Local Plan (2004) sets the requirements to allow appropriate backland development and criteria to resist inappropriate development of residential gardens as backland/infill developments such as this application for the proposed development. The Council has to consider whether the proposal would be sustainable development, and part of that assessment is whether development would contribute to the protection and enhancement of the natural, built and historic environment. It is therefore considered that an assessment should be made on whether the development would cause harm to the local area.
- 9.7 The proposal seeks the subdivision of a plot of land to provide three new family dwellings. The provision of three additional family houses would generally contribute to the housing provision within the Borough.
- 9.8 However, in order to comply with policy H13 of the Local Plan, the proposed development needs to meet additional criteria. These will be discussed within the remainder of the report.

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

- 10.1 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.
- 10.2 Of particular relevance is policy H13 of the Local Plan. This is shown below:

*'Proposals for small scale infilling, including backland development, will not be permitted unless they comply with all of the following criteria:*

- a) the type, design, scale and density of the proposed new dwelling or dwellings are in keeping with the existing residential area;*
- b) appropriate access, amenity space and landscaping are provided for the new dwellings;*
- c) appropriate car parking provision is made in line with the aims of the integrated transport strategy;*
- d) the scheme is designed so that existing residential properties retain appropriate garden areas, they do not suffer from overlooking or loss of privacy, and there is no substantial loss of amenity due to the*

*creation of new access roads or parking areas;*  
*e) the proposal is not located within a residential area of exceptional character; and*  
*f) the proposal optimises the potential for more comprehensive development of the area and will not result in the sterilisation of future residential land.'*

10.3 Core Strategy Policy 8 states that all development in the borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change. Core Policy 8 outlines:

*'All development will:*

- a) Be of a high quality design that is practical, attractive, safe, accessible and adaptable;*
- b) Respect its location and surroundings;*
- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and*
- d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.'*

10.4 Although the proposed development is located on land to the rear of numbers 41, 43 and 45 The Myrke, the access point is taken from the east from a private road. The proposed dwellings would face this road, creating a new active frontage. There are two existing rear developments at 71 and 73 The Myrke (forming 83a and 83b The Myrke). These retain a frontage on The Myrke due to the bend in the road.

10.5 The dwellings provide a frontage to a built up area that already has residential units in the area. The siting of the dwelling will not therefore be out of character of the area due to the pattern of existing established development. In this respect, the proposed development is acceptable.

10.6 In terms of scale and form the proposed scheme has been amended since its original submission to reduce the scale of proposals and bring them more in keeping with the character of the area. As a result the proposed development is considered to provide 3no residential units that are reflective of the scale of development in the area.

10.6 On the basis of the considerations above, it is considered that the proposed development will accord with policies EN1 of the Local Plan and CP8 of the Core Strategy and the requirements of the NPPF 2019.

## **11.0 Impact on neighbouring amenity**

11.1 Policy CP8 of the Core Strategy requires that the design of all new development should respect the amenities of adjoining occupiers. The proposed development does not include any extensions to the building or any additional openings. The replacement of external cladding will have no harmful impact on the amenities of neighbouring occupiers and the proposed development is therefore considered to comply with policy CP8 of the Core Strategy and the requirements of the NPPF 2019.

11.2 The proposed dwellings have been sited on the plot in locations to establish distances to other existing dwellings. Units 1 and 2 are set (at their closest

point) 21m from the rear of 45 The Myrke to the west. Unit 3 is separated from 43 The Myrke by a distance of 27.8m and from 41 The Myrke by a distance of 31.6m. These distance are, in planning terms, considered to provide suitable separation between the buildings to the extent that there is not considered to result in adverse overlooking impact to neighbouring windows.

- 11.3 The proposed dwellings all have a garden depth of 9m which, when coupled with screening from existing and proposed landscaping on the western boundaries, would provide suitable distance to ensure there is not adverse overlooking impact on the rear gardens of neighbouring properties to the west.
- 11.4 In terms of potential overlooking to the north and south, the plans show that any side windows proposed at first floor level would serve bathrooms to the respective dwellings therefore it is expected that these would be fitted with obscure glazing. The side windows would have an outlook onto neighbouring gardens but the potential for overlooking can be addressed through inclusion of conditions that require these windows to be fitted with obscure glazing and to be non opening up to an internal height of 1.7m.
- 11.5 To the east the outlook is towards hardstanding that serves existing garages and screen landscaping beyond that. To the southeast is a two storey block of residential units which have garden areas that face north and are adjacent to the access road to the application sites. Objection has been received from residents of these units on the grounds of harm to privacy. The proposed dwellings will face towards the rear gardens of these neighbouring units but there is considered to be a suitable distance from the outlooks to ensure there is no direct overlooking. Furthermore the garage blocks act to screen the gardens from the proposed units. There is a suitable distance to ensure there would be no loss of light or overshadowing and the orientation of the neighbouring windows means that the development would not appear overbearing from the neighbouring units either.
- 11.6 The siting of the proposed dwellings and their scale are such that there is not considered to be any significant impact on the extent of light to any neighbouring properties and no adverse impact would occur through overshadowing.
- 11.7 The proposal is therefore considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

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

- 12.1 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
- 12.2 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."
- 12.3 The dwellings as proposed are acceptable when considered against the nationally prescribed space standards for dwelling which is acceptable. Each dwelling also has a suitably sized garden which ensures acceptable private

amenity space is given as well.

- 12.4 The application is considered to be acceptable in light of the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

### **13.0 Highways and Parking**

- 13.1 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 32 of the National Planning Policy Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 13.2 The Highways Officer has made a number of comments on the application and the applicant submitted amended plans as a result to take the comments on board. As a result of the revised plans there are now no objections to the scheme in highways terms.
- 13.3 It is noted that a number of objections have been received on highways grounds relating to parking, access, vehicle movement and emergency services.
- 13.4 In respect of the parking numbers, each unit has two parking spaces per unit and this is considered to be acceptable in planning terms. The parking spaces have been increased in size during this application to ensure they are usable spaces. It is noted that there is no visitor parking provided within the application site and while this would have been ideal the scale of development proposed and the size of the site means that the absence of visitor spaces would not, when considering the wider planning balance, render the scheme unacceptable in planning terms. No details of cycle parking have been provided but it is considered that there is space in the site for this to be provided in principle and a requirement of 1 cycle space per unit can be secured through condition.
- 13.5 The proposed access road will be subject to a notable intensification of use. It is single width and it would benefit from improvement. The access road is outside of the application site and works cannot be secured by standard condition or S106 agreement however it is possible to use a Grampian style condition to secure these works. Grampian conditions are conditions that require an applicant to complete a set off off-site works before any development on the application site can be commenced. Improvement to the access road for the new residents and those accessing the garages is considered to be reasonable and necessary to make the scheme acceptable in planning terms and therefore the condition has been included.
- 13.6 In respect of visibility, the amended plans that have been received demonstrate that suitable visibility can be achieved for all units on the basis that a speed table is to be installed on the access to control vehicle speeds. It is noted that

vehicle speeds along the access road are likely to be low given its width and the fact that it is a dead end.

- 13.7 In respect of servicing access and refuse collection the amended details have demonstrated that a larger van would be able to enter and leave the access in a forward gear. The access is too narrow for a council waste service vehicle to enter however it is noted that bin collection would be done on the roadside at The Myrke which implies a 25m drag distance for bins, which is considered to be acceptable.
- 13.8 With regards to access for emergency vehicles the information submitted shows that a larger vehicle that would be similar to an ambulance can enter and leave the access in a forward gear. In respect of fire services the access is probably too narrow for this however it is not essential for access to be provided. In circumstance where there are access problems, Building Regs will require dwellings to be fitted with sprinkler systems and this would be the case with this proposal. In any case it is a Building Regs matter and, for planning purposes, there is no highways harm from such circumstances.
- 13.9 On the basis of the considerations made above, there are no highways impacts that would result in significant and demonstrable harm that would, in itself warrant a reason to refuse planning permission. Outstanding matters and implementation requirements can be secured by condition and are included as part of the recommendation.
- 14.0 **Contamination**
- 14.1 Core Policy 8 (Sustainability and the Environment) of the SBC's Core Strategy Document states that development shall not 'cause contamination or deterioration in land, soil or water quality' nor shall development occur on polluted land unless appropriate mitigation measures are employed.
- 14.2 The application site comprises residential gardens and the risk of contamination is therefore considered to be low. There is nothing in the planning history to suggest previous uses that could pose risks and no objections are raised as a result.
- 15.0 **Trees and Ecology.**
- 15.1 Paragraph 17 of the NPPF 2019 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 15.2 The loss of garden area would result in a loss of soft landscape on the site. It is noted that there are no trees of significance lost as a result of the scheme and suitable distances are established between other trees on neighbouring sites.
- 15.3 The application scheme gives the opportunity to require the provision of bat and bird boxes on the proposed dwellings which would result in a demonstrable net gain in biodiversity and these can be secured by condition which means that there are no objections in respect of trees and biodiversity.

**16.0 Drainage considerations**

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal.
- 16.2 Thames Water has considered the impact of the proposal on the surface water drainage, foul drainage, the waste water network and water availability. The comments confirm that there is capacity in the sewerage and water networks to accommodate the development without an adverse impact.
- 16.3 The development would increase the extent of hard surfaces on the site but, given the comments from Thames Water, there is not considered to be an impact that would adversely affect the area.

**17.0 Archaeology**

- 17.1 The Archaeologist has identified that there may be archaeological remains on the site and that a condition is requested to assess this. This is considered to be reasonable and has been included as part of the recommendation.

**18.0 Planning Balance**

- 18.1 In the application of the appropriate balance it is considered that there are significant benefits to be had through the provision of housing during a time that the Council is unable to demonstrate a deliverable 5 year housing land supply. It is also noted that conditions can secure a net gain in biodiversity. It is noted that the access is not ideal and a number of points have been raised in objection to the application from neighbouring residents. However, as the report has considered, none of the impacts raised through objection are considered to have a significant adverse impact that would result in harm that would outweigh the benefits identified. .
- 18.2 On balance it is recommended that planning permission should be granted in this case as the benefits significantly and demonstrably outweigh any adverse impacts and conflicts with specific policies in the NPPF.

**19.0 Process**

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

**20.0 PART C: RECOMMENDATION**

- 20.1 Having considered the relevant policies set out above, comments from consultees and neighbours representations as well as all relevant material considerations it is recommended the application be **approved** subject to the following conditions.

**21.0 PART D: CONDITIONS**

CONDITIONS:

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

- (a) Drawing No. 18039-18-01, Dated 09/02/2018, Recd On 29/06/2018
- (b) Site and Location Plan No. 00023H Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (c) Drawing No. 00023E Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (d) Drawing No. 00023F Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (e) Drawing No. 00023G Rev: 1, Dated 20/08/2018, Recd On 21/08/2018
- (f) Drawing No. 00023H Rev: 0 Entitled 'Landscaping', Dated 28/05/2018, Recd On 29/06/2018
- (g) Drawing No. 00023H2 Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (h) Drawing No. 00023I Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (i) Drawing No. 00023J Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (j) Drawing No. 00023K Rev: 0, Dated 28/05/2018, Recd On 29/06/2018
- (k) Undated/unnumbered Design & Access Statement by IE architecture
- (l) 7no. undated/unnumbered images on A2 sheets illustrating the proposed scheme
- (m) Drawing No. 983-001 Rev 005 dated 07/07/2021, received 12/08/2021

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

3. No development above damp proof course level shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the proposed external facing materials on the dwellings hereby approved. The development shall be carried out in accordance with the details approved unless otherwise agreed in writing with the Local Planning Authority.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. No window(s), other than those hereby approved, shall be formed in the elevations of the development hereby approved without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

5. The first floor windows on the north and south elevation shown on drawing no. 1471 (0)02 P3 and the first floor window on the north elevation shown

on drawing no. 1471 (0)04 P3 on the shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to adjoining occupiers in accordance with Policy H15 of The Adopted Local Plan for Slough 2004

6. The development hereby permitted shall be not be occupied until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. The approved details shall be carried out prior to the first occupation of the development and retained at all time in the future, unless otherwise agreed in writing by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2018.

7. Notwithstanding the terms and provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classes A, B, C, D, E and G, no extension to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority.

REASON In the interests of design and amenity in accordance with Policies EN1 and H14 of The Adopted Local Plan for Slough 2004.

8. No dwelling hereby approved shall be occupied on site until a detailed landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights of new trees and shrubs.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

9. None of the dwellings hereby approved shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of the provision and location of 3no bat/bird boxes within the application site. The works shall be carried out in accordance with the approved details and be in place prior to first occupation and thereafter be retained.

REASON: To demonstrate a net gain in biodiversity in the interests of

paragraph 17 of the National Planning Policy Framework 2019.

10. No part of the development shall be occupied until the new means of access to each unit has been sited and laid out in accordance with the approval plans and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions prejudicial of general safety along the neighbouring highway in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

11. No vehicle access gates, roller shutters doors or other vehicle entry barriers or control systems shall be installed without first obtaining permission in writing from the Local Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

12. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposed works to resurface the existing access road that runs on the eastern side of the site to the point it joins the highway on The Myrke. The works shall be proposed to accord with Slough Borough Council's Adopted Vehicle Crossover Policy. The works shall be carried out in accordance with the approved details and be completed prior to the commencement of any development on site.

REASON: To ensure the access road from The Myrke is of an acceptable standard due to increased usage and to continue to allow access to the dwellings and adjacent garages in the interests of Policy T3 of The Adopted Local Plan for Slough 2004.

13. No other part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

REASON: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

14. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

15. The development shall not begin until details of the disposal of surface water from the highway have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the

approved details. No surface water from the development shall drain onto the public highway.

REASON: To minimise danger and inconvenience to highway users.

16. No part of the development shall be occupied until covered and lockable cycle parking stores with minimum dimensions of 2m in length x 2m in height and 1m in width are provided for each dwelling. The cycle parking shall be provided in accordance with these details and shall be retained at all times in the future for this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

17. No part of the development shall be occupied until suitable bin storage area has been provided in accordance with the standards set out in the Slough Developers Guide.

REASON: To ensure that adequate refuse storage is provided to serve the development

18. Development works shall not commence until a Phase 1 Desk Study (DS) has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM) and Preliminary Risk Assessment (PRA).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

19. Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON: To ensure that the type, nature and extent of contamination

present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Policy 8 of the Core Strategy 2008.

20. Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Core Strategy 2008.

21. No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Core Strategy 2008.

22. A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

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## **P/00827/032**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Subject to the expiry of the press notice and having considered the relevant policies set out below, and any comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager, for approval; in order to finalise conditions and agree pre-commencement conditions; and any other minor changes.
- 1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 1,000 square metres in floor space.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This is a full planning application for:
- Redevelopment of the site by the construction of a single two-storey building.
  - Provision of some 2993sq.m. of floorspace to cater for employment uses.
  - Surface parking providing 36 spaces, including accessible spaces - four of the total number would be provided with electric charging facilities).
  - The provision of a secure cycle storage facilities for eight cycles.

#### **3.0 Application Site**

- 3.1 The application site lies between Poyle Road on its west side, Mathisen Way on its northern side, Millbrook Way on its eastern side and the Poyle Channel flows along the southern side.
- 3.2 The site is currently occupied by two office blocks set in landscape and car parking areas. The northern office block comprises Motor Sports House and the southern office block comprises Windsor House. Each is

now unoccupied.

- 3.3 The ground levels are generally level across the site; though there is an incline on Millbrook Way, as it rises towards the south to cross the Poyle Channel, so that there is a level difference between the site and the footway outside.
- 3.4 To the west of the application site, lies the six-storey Hilton Hotel, set in landscaped car parking areas.
- 3.5 To the east lies a large footprint, two-storey commercial building occupied by KWE.
- 3.6 To the north lies a large footprint, two-storey building formerly occupied by BancTec, which has Prior Approval to be converted to residential accommodation.
- 3.7 To the south, across the Poyle Channel, is another two-storey commercial building.
- 3.8 Access to the application site is taken from Millbrook Way
- 3.9 For completeness, it should be noted that the site lies within the Colne Valley Park and the Public Safety Zone for Heathrow Airport. There are no Tree Preservation Orders, heritage assets or conservation areas affected by the proposals.

#### 4.0 **Relevant Site History**

- 4.1 There is no relevant planning history.

#### 5.0 **Neighbour Notification**

- 5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 three site notices were displayed – on lampposts immediately surrounding the perimeter of the site - each dated 30/06/2021. The application was advertised as a major application in the 27/08/2021 edition of The Slough Express.
- 5.2 No responses were received.

## 6.0 **Consultations**

### 6.1 **Local Highway Authority:**

#### **Introduction**

This document provides Slough Borough Council's consultation response regarding Highways and Transport for application P/19460/000 at Riverside Park, Millbrook Way, Poyle, SL3 0HG. A Transport Assessment (TA) has been submitted by Stunt Consulting, the Transport Consultant for the application. The Proposed Site Plan is Drawing No. PL-101-P1, dated May 2021.

SBC Highways and Transport previously provided comments in writing on 27<sup>th</sup> July 2021, by email dated 9<sup>th</sup> August and by phone on 10<sup>th</sup> August 2021.

#### **Application Description**

The proposed development is the demolition of all existing buildings and the redevelopment of the site, including a change of use from office use, for flexible light industrial, general industrial and storage and distribution employment floor space.

The site is currently occupied by two separate B1a office buildings totalling 2,637.55sq.m with associated car parking and servicing. Planning permission is sought for 2,994sq.m of flexible E, B2 and B8 Land Use.

#### **Vehicular Access**

The TA includes an assessment of the collision record for the roads in the vicinity of the site. The assessment is based on publicly available data within CrashMap.

At the request of SBC Highways and Transport, Stunt Consulting have updated the Proposed Site Access Drawing (Drawing No.B2108\_001 dated 29/07/2021) to display a width of 9.8 metres, corner radii of 9 metres and 2.4 metres x 43 metres of visibility in accordance with the Manual for Streets requirements for a 30mph speed limit.

Stunt Consulting have also confirmed that the applicant will provide dropped kerbs and tactile paving across the proposed site access junction, as shown on Drawing No.B2108\_001 dated 29/07/2021.

A revised Stage 1 Road Safety Audit has been submitted to SBC as the Overseeing Organisation for review and is now agreed with SBC Highways and Transport as the overseeing organization.

Full collision records have been provided from the Local Highways Authority and analysis of the results has been completed. The collision records were obtained for the public highway extending 250m either side of the proposed site access into Riverside Park.

Two slight accidents were recorded at the junction of Poyle Road and Bath Road approximately 200m north of the site. Two slight injury accidents were recorded approximately 300m south of the site at the Poyle Road / Hilton Road

/ Colndale-Road Roundabout. The police reports identified human error as the key causal factors which contributed towards the accidents.

SBC Highways and Transport accept the conclusion of Stunt Consulting that the surrounding highway network does not have an existing highway safety problem which would be exacerbated by the introduction of the proposed development.

### **Trip Generation**

The TA includes a forecast of the site's vehicular trip generation based on TRICS data, TRICS is the National Database containing trip surveys of existing development sites.

Stunt consulting have revised the trip generation calculation based on comments made by SBC Highways and Transport. SBC requested the recalculation of the trip rates based on TRICS survey sites which were closely comparable with the proposed development in terms of location and accessibility by sustainable travel modes.

The trip survey sites for the proposed use now include more comparable sites located in Edge of Town locations similar to the proposed development site and those trip rates are now agreed with SBC Highways and Transport.

The revised trip generation calculation concludes that the proposed development would generate approximately 24 two-way trips during the AM Peak Hour (0800 – 0900) and 19 two-way trips during the PM Peak Hour (1700 – 1800), generating 246 two-way vehicle trips during a 12 hour day (0700 – 1900).

The TA calculates the net traffic generation by removing the trips associated with the existing office. Therefore the construction of the proposed development is expected to cause a net reduction in trip generation of 31 two-way trips during the AM Peak Hour and 34 two-way trips during the PM Peak Hour.

### **Access by Sustainable Travel Modes**

The site cannot be considered easily accessible by sustainable travel modes. The 305 Bus Service provides a bus once every 2 hours from the Poyle Road Bus Stop between Poyle, Colnbrook, Horton, Wraysbury, Hythe End and Staines.

The 81 and 703 Bus services are higher frequency services which can be accessed from the Bath Road bus stops 350m (5 minutes) walk from the site.

The nearest train station to the proposed development site is Wraysbury which is 3500 metres (1 hour 13 minutes walk) and therefore not an attractive option for regular travel.

### **Site Layout**

At the request of SBC Highways and Transport, Plan 11362\_PL\_131 has been provided to demonstrate a safe pedestrian route which will prevent pedestrians mixing with Heavy Goods Vehicles in the loading area. The applicant has also

confirmed that signage will be provided to prevent employees walking across the service yard.

SBC Highways and Transport have no objection to the proposed site layout.

### **Car Parking**

Three loading bays are proposed along with 36 car parking spaces.

The Slough Borough Parking Standards would require the provision of 53 parking spaces if [the entire] 2,637sqm [were to be used as] B2 Industrial Land Use on site. [Whereas] 13 parking spaces would be required in the event that the entirety of the 2,637sqm is B8 Warehousing.

In the event that the land use is unrestricted and allows the site to be completely developed as B2 Industrial Land Use, the proposed 36 spaces would be a shortfall of 17 parking spaces, given the Slough Borough Council Parking Standards require 53 parking spaces.

Stunt consulting have provided a calculation of parking demand based on the trip survey data which forecasts that a maximum of 33 vehicles will park on-site between 10:00 – 10:30 and 12:00 – 12:30. The parking demand calculation is based on the trip survey data from TRICS agreed with SBC.

### **EV Parking**

Two dual Electric Vehicle Charging Points are proposed, which would provide 4 EV Charging sockets. This number is considered compliant with the Slough Low Emissions Strategy (2018 – 2025) which requires that 10% of parking spaces are fitted with Electric Vehicle Charging Points (EVCP) for industrial developments.

It is recommended that the EV Parking provision is secured by a suitably worded condition.

### **Cycle Parking**

The applicant proposes 10 secure and covered cycle parking spaces to support the proposed development.

SBC Highways and Transport have no objection to the proposed cycle parking. Further details of the cycle stores design and housing should be secured by condition.

### **Refuse Collection and Deliveries**

SBC Highways and Transport require the provision of a Delivery Servicing Plan for the site. It is recommended that this is secured by planning condition.

SBC Highways and Transport also wish to make the applicant aware that SBC have a committed scheme for a bus gate on Poyle Road immediately north of the junction of Poyle Road and Mathiesen Way. As a result, any HGVs or construction traffic associated with the site will be required to arrive/depart the site to the south using Poyle Road as the bus gate will prevent HGVs from travelling northbound along Poyle Road.

## **Summary and Conclusions**

I confirm that I have no objection to this application from a transport and highways perspective. Highways set out conditions covering Access, Visibility, Gates, Layout, Parking Provision, EV Charging Points, Cycle Parking, Delivery & Servicing Plan, Bin Storage, together with Informatives. These are included below at 21.0].

### 6.2 Thames Water:

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

### 6.3 Lead Local Flood Authority

The general principles for the surface drainage are acceptable; we would recommend further information on the proposals be submitted as part of a more detailed design phase. Therefore we recommend [a condition - as set out below at 21.0].

### 6.4 SBC Scientific Officer

No response received for this application. Any comments received will be reported into the Amendment Sheet.

### 6.5 Heathrow Safeguarding

We have now assessed the application below against safeguarding criteria and can confirm we have no safeguarding objections to the proposed application. However, we would like to make the following observations:

#### Cranes

Given the nature of the proposed application, it is possible that a crane may be required. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes'.

[An Informative has been set out below at 21.0]

#### Public Safety Zones

This site, or part of this site, lies within the Public Safety Zone. Please refer to DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones' for further information.

### 6.6 SBC Landscape Officer

No response received for this application. Any comments received will

be reported into the Amendment Sheet.

6.7 SBC Noise and Air Quality Officer

No response received for this application. Any comments received will be reported into the Amendment Sheet.

6.8 Environment Agency

No response received for this application. Any comments received will be reported into the Amendment Sheet.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 Slough Local Development Plan and the NPPF

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

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

National Planning Policy Framework:

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

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

Core Policy 1 – Spatial Strategy

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

The Adopted Local Plan for Slough 2004 (Saved Policies)

CG1 - Colne Valley Park

EMP2 – Criteria for Business Developments

EMP9 – Poyle Estate

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

T2 – Parking Restraint

T8 – Cycle Network and Facilities

The Emerging Preferred Local Plan for Slough 2016 – 2036:

The Emerging Local Plan is at a relatively early stage of development. Currently of relevance are, (paragraph numbering as per that report):

- 5.4 *The Spatial Strategy is just the first part of the Local Plan. It does not contain any policies. A full set of Development Management policies will be included in the final version of the Local Plan. The Spatial Strategy does, however, seek to identify the type of policies that may be needed in order to implement the proposals and mitigate any adverse impacts....*
- 5.6 *The starting point for the development of the Spatial Strategy was the work carried out for the Issues and Options consultation in 2017. This identified a number of options for development. The conclusions from this were that there are “no reasonable options, or combinations of options which could accommodate all of Slough’s housing and employment needs within the Borough”.*
- 5.7 *An “emerging” Preferred Spatial Strategy was agreed in 2018. The five key elements of this were:*
- Delivering major comprehensive redevelopment within the “Centre of Slough”;*
  - Selecting other key locations for appropriate development;*
  - Protecting the built and natural environment of Slough including the suburbs;*

- *Accommodating the proposed third runway at Heathrow and mitigating the impact;*
- *Promoting the northern expansion of Slough in the form of a “Garden Suburb”.*

5.8 *It is proposed that the revised Spatial Strategy should be based upon this subject to a number of changes which take account of changes in circumstances.*

5.9 *...the most appropriate approach is to revert back to restraining development in order to protect the Green Belt, Colne Valley Park and Strategic Gap between Slough and Greater London.*

5.10 *Although we cannot formally safeguard land that may be needed for the expansion of Heathrow and associated development, this approach will effectively achieve this. Any future proposals for the expansion of the airport can then be considered in a review of the Local Plan.*

5.11 *The Wider Area Growth Study is seeking to identify major sites that could accommodate unmet housing and employment needs. The area of search includes the Colnbrook and Poyle. As a result we may have to reconsider what happens to this area if the Consultant’s report recommends that development should take place there.*

5.12 *...the main principle behind Spatial Strategy remains one of delivering major comprehensive redevelopment within the “Centre of Slough”. No change is therefore proposed to this.*

#### Other Relevant Documents/Guidance

Department of Transport Circular 01/2010 – Control of Development in Airport Public Safety Zones

7.2 The planning considerations for this proposal are:

- Land Use including siting in a PSZ for Heathrow (section 8.0)
- Impact on Visual Amenity (section 9.0)
- Impact on neighbouring properties (section 10.0)
- Traffic and Highways Implications (section 11.0)
- Air Quality (section 12.0)
- Surface water drainage (section 13.0)
- Land Contamination (section 14.0)
- Archaeology (section 15.0)

- Impact on biodiversity and ecology (section 16.0)
- Sustainable Design and Construction (section 17.0)
- Equalities Considerations (section 18.0)
- Presumption in favour of sustainable development (section 19.0)

## 8.0 **Land Use including siting in a Public Safety Zone for Heathrow**

8.1 Paragraph 80 of the National Planning Policy Framework seeks to create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Each area should be allowed to build on its strengths, counter any weaknesses and address the challenges of the future. Areas with high levels of productivity should be able to capitalise on their performance and potential.

8.2 Core Policy 5 (Employment) of the Core Strategy requires “major warehousing and distribution developments be located in the eastern part of the borough and in Existing Business Areas that have good access to the strategic road and rail network”.

8.3 Local Plan Policy EMP9 (Poyle Estate) states B1(b) research and development, B1(c) light industrial, B2 general industrial and B8 storage and distribution will be permitted within the Poyle Estate. Additional independent B1(a) office floor space will not be permitted in this location.

8.4 The site is located within the defined Poyle Estate Business Area. The proposal would see a 338 square metre increase in employment floor space (existing: 2506sq.m.; proposed: 2844sq.m. ) to provide the following uses:

- Light Industrial - Class E(g)(iii)
- General Industrial - Class B2
- Storage and Distribution – Class B8
- Ancillary Offices

These land uses fall within the uses sought by Local Plan Policy EMP9, and subject to restricting these uses to those specified, the proposed land uses would comply with the Development Plan for this location. The proposal would build on the strength and potential of this Business Area and is therefore considered to comply with the relevant objectives of the National Planning Policy Framework.

8.5 The application site lies in a Public Safety Zone. The advice in DoT Circular 1/2009 has been followed in this assessment. From the foregoing details of the mix of the scheme it has been assessed that there would be a net reduction in employees, which is in line with the

thrust of the policy to avoid putting people at risk in a PSZ. A set of appropriate conditions are set out below at 21.0 to ensure that the basis for permitting this particular scheme upon specific details of the proposal are not varied by changes in mix of use, increases in floorspace or conversion to residential accommodation, without further consideration by the LPA.

8.5 Based on the above the proposed land use would be acceptable.

9.0 **Impact on visual amenity**

9.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policy EN1, EN3, and EMP2. Policy CG1 states that is within the built up area of the Colne Valley Park, any development that would have a significant visual impact on the Park should be appropriately mitigated.

9.2 As described above, the local area is characterised by two-storey commercial buildings, most with a large footprint; albeit that one has now an unimplemented approval for residential use.

9.3 As a replacement building for those existing, it would be in-keeping with the form of development locally. It would reflect the height and footprint of the adjacent buildings. As such, it is considered that the development would not be out-of-place in this setting.

9.4 In terms of design and style, the proposals are considered to be crisp and contemporary – simple but unassuming. Contrasting silver and black facing panels are broken by fenestration and loading bay shutters, which provide animation, ordering through horizontal and vertical features based on a functionality of purpose, as well as a restrained number of panels in orange to introduce some modest eye-catching detail.

9.5 The siting of the proposed structure enables the retention of the most important existing trees and landscaping on the southern margins of the site i.e. adjacent to the Poyle Channel. Some further soft and hard landscaping – mostly on the western and northern parts of the site - would ensure the scheme would complement the general feel and visual amenities of the locality.

9.6 Based on the above, the proposal would have an acceptable impact on the character and visual amenity of the area and therefore comply with

Policies CG1, EN1, EN3, and EMP2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2021.

#### 10.0 **Impact on neighbouring properties**

10.1 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 Policies EN1 and EMP2.

10.2 As more fully described above, the scheme entails a new building that would match the general height and massing of adjacent buildings. Given the degree of separation between the application site and those adjacent neighbouring premises, it is considered there would be no adverse impact on the amenities of the occupants of those buildings, in terms of overshadowing, loss of any privacy, noise or disturbance.

10.3 In conclusion, as it is considered that there would be no adverse harm for neighbouring properties, the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.

#### 11.0 **Traffic and Highways**

11.1 The National Planning Policy Framework requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods, and provide facilities for electric vehicle charging. This is reflected in Core Policy 7 and Local Plan Policies T2, T8, EMP2 and EMP9. 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”.

11.2 Core Policy 7 of the Core strategy and Local Plan Policy T2 seek no

overall increase in the number of parking spaces in commercial schemes in this area. Core Policy 7 of the Core strategy provides a relaxation to this if additional parking is required for local road safety or operational reasons.

- 11.3 Whilst the site access point will remain more or less in the existing place, there are to be detailed modifications to satisfy the Highway Authority in terms of visibility and the provision of dropped kerbs and tactile paving.
- 11.4 Further to discussions between the traffic consultants for the applicant and the Highway Authority, it has been concluded that there would be a reduction in traffic generation between the previous use of the site and that of the proposed scheme.
- 11.5 The Highway Authority have concluded in discussions with the applicant's transport consultant that their provision of 36 car parking spaces and three lorry loading spaces would be satisfactory, subject to a limitation on the split of use between B2 and B8. Furthermore, the offices within the scheme must be ancillary only and thus not used independently. This is because the parking requirement for the use of the proposed new building for B2 or B1 would exceed the proposed parking provision. Accordingly, conditions reflecting the need to restrict the amount of B2 and B1 offices are set out below at 21.0.
- 11.6 The Highway Authority has confirmed it is satisfied by the proposed provision of two EV Charging points (serving four vehicles), cycle and bin storage, subject to conditions as set out below, which also require a Delivery Plan and a prohibition on any gates or barriers without prior approval from the LPA.
- 11.7 Based on the above, and subject to the conditions set out below, it is considered that the proposals would not lead to severe harm to highways users and thus are considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

## 12.0 **Air Quality**

- 12.1 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. Proposal should not result

in unacceptable levels of air pollution. This is reflected in Paragraph 181 of 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.

- 12.2 The Council has recently 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 and requiring electric charging points within new developments. The Low Emission Strategy (LES) is a material planning consideration but it does not form part of the current local development plan.
- 12.3 The site is not located within a designated Air Quality Management Area and the expected trip generation for the proposals indicated a reduction in traffic arising from the use of the site.
- 12.4 The scheme will provide EV Charging facilities pursuant to a condition – set out below at 21.0 - in line with the LES.
- 12.5 Based on the above, the proposal would comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework 2021.

### 13.0 **Surface Water drainage**

- 13.1 Paragraph 169 of the National Planning Policy Framework requires major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner.
- 13.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.
- 13.3 The application includes a drainage strategy, which has been assessed by the Lead Local Flood Authority, who agrees with the general principles for the surface water drainage proposals and have recommended a condition to secure the detailed design, which is set out below at 21.0.

#### 14.0 **Land Contamination**

14.1 The application documents set out the geo-environmental conditions at the site. These do not indicate any particular issues with contamination. Given the close proximity of the site to the Poyle Channel, a watching brief condition is set out below at 21.0.

#### 15.0 **Archaeology**

15.1 The applicant has had a desktop study into the archaeological significance of the site. This notes that:

- There are no nationally designated World Heritage sites, Scheduled Monuments, Historic Battlefield or Historic Wreck sites within the vicinity of the application site
- The application site does not lie within an area identified by the LPA of archaeological priority

It concludes that “In view of the recent development history of the site, it would appear unlikely that any archaeological remains will now be present.”

#### 16.0 **Impact on biodiversity and ecology**

16.1 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.

16.2 The application site does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest and is not an agricultural building or barn.

16.3 A habitat survey was carried out in February 2021 in order to ascertain the general ecological value of the site and identify the main habitats and the associated plant species located within the site. Special attention was paid to any particular use of the site by protected species, priority species or other notable species. Whilst specific surveys were conducted for the presence of any bats or badgers.

16.4 No signs of bats, badgers, water voles, otters, amphibians or reptiles were found.

16.5 The closest SSSI – Wraysbury Reservoir – lies some 0.9km. away. The

submitted report concludes that given the nature of the application site and its development, as well as the distance and intervening habitats, no significant adverse direct or indirect effects are anticipated as a result of the proposals.

- 16.6 The presence of Heathrow requires that no fruit-bearing vegetation is included in the proposed landscape plan. The adherence to the EA guidance for an 8-metre buffer zone for the Poyle Channel ensures there would be no adverse indirect impacts on the watercourse.
- 16.7 In order to enhance the existing ecological value of the site, the proposals include bat boxes, bird boxes, invertebrate “hotels” and log piles, in the southern zone alongside the Poyle Channel.
- 16.8 Based on the above, the proposal would satisfy Core Policy 9 of the Core Strategy and the National Planning Policy Framework.

17.0 **Sustainable design and construction**

- 17.1 The application proposes achieving a ‘BREEAM ‘Very Good’ rating.
- 17.2 Conditions are included to ensure this rating is achieved during construction and prior to occupation.

18.0 **Equalities Considerations**

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

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

18.2 It is considered that there will be temporary (but limited) adverse impacts

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

18.3 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.

19.0 **Presumption in favour of sustainable development**

19.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.” This report identifies that the proposal would comply with the relevant policies in the Development Plan. The application is therefore recommended for approval subject to conditions.

20.0 **PART C: RECOMMENDATION**

20.1 Subject to the expiry of the press notice and having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for approval; in order to finalise conditions and agree pre-commencement conditions; and any other minor changes.

21.0 **PART D: LIST CONDITIONS AND INFORMATIVES**

1. Commence within three years

The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light

of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

## 2. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

- (a) Drawing No. 11362\_PL\_100; Dated May 21; Recd On 16/06/2021
- (b) Drawing No. 11362\_PL\_101; Dated May 21; Recd On 16/06/2021
- (c) Drawing No. 11362\_PL\_102; Dated May 21; Recd On 16/06/2021
- (d) Drawing No. 11362\_PL\_103; Dated May 21; Recd On 16/06/2021
- (e) Drawing No. 11362\_PL\_104; Dated May 21; Recd On 16/06/2021
- (f) Drawing No. 11362\_PL\_105; Dated May 21; Recd On 16/06/2021
- (g) Drawing No. 11362\_PL\_110; Dated Jun.'21; Recd On 16/06/2021
- (h) Drawing No. 11362\_PL\_120; Dated May 21; Recd On 16/06/2021
- (i) Drawing No. 11362\_PL\_121; Dated May 21; Recd On 16/06/2021
- (j) Drawing No. 11362\_PL\_122; Dated May 21; Recd On 16/06/2021
- (k) Drawing No. 11362\_PL\_131; Dated Aug 21; Recd On 26/08/2021
- (l) Air Quality Assessment by Accon UK ref: A4238/AQ/02; Dated 07.06.2021; Recd On 16/06/2021
- (m) Archaeology Desk Based Assessment by RPS ref: 27287 Version 2; Dated June 2021; Recd On 16/06/2021
- (n) Unnumbered/undated Bird Hazard Management Plan by PRC; Recd On 16/06/2021
- (o) BREEAM Pre-Assessment Report by Cudd Bentley Consulting Ltd. ref: 6125-CBC-RGV-RP-Z-001-P03; Dated 07 June 2021; Recd On 16/06/2021
- (p) Demolition Plan by Shaun Demolition ref: A278/R014a/03; Dated 03/06/2021; Recd On 16/06/2021
- (q) Design & Access Statement by PRC ref: 11362; Dated May 2021; Recd On 16/06/2021
- (r) Ecological Assessment by Ecology Solutions ref: 9655.EcoAs.vf6; Dated August 2021; Recd On 06/08/2021
- (s) Energy & Sustainability Statement by Cudd Bentley Consulting Ltd. ref: 6125-CBC-HM-RP-Z-001-P05; Dated 04/06/2021; Recd On 16/06/2021
- (t) External Lighting Assessment by Cudd Bentley Consulting Ltd. ref: 6125-CBC-AF-RP-E-003 Rev. T04; Dated 03<sup>rd</sup> June 2021; Recd On 16/06/2021
- (u) External Lighting Plan by Kinfisher Lighting drawing no: 043127/JB/C; Dated 2 June 2021; Recd On 16/06/2021
- (v) Flood Risk & Drainage Impact Assessment by Portland Consulting Engineers ref: 2021035 Rev. A; Dated June 2021; Recd On 16/06/2021
- (w) Framework Travel Plan by Stunt Consulting ref: B2108/TP01; Dated 27 May 2021; Recd On 16/06/2021
- (x) Geo Environmental Report by WDE Consulting ref: 21038R1 Issue A; Dated 27 March 2021; Recd On 16/06/2021
- (y) Landscape Management and Maintenance Plan by PRC ref: 11362; Dated June 2021; Recd On 16/06/2021

- (z) Noise Impact Assessment by Accon UK ref: A4238/N/001; Dated 04.06.2021; Recd On 16/06/2021
- (aa) Planning Statement by PRC ref: 11362; Dated June 2021; Recd On 16/06/2021
- (bb) Topo Survey by Greenhatch drawing no: 39497\_T Rev. 0; Dated 24.05.21; Recd On 16/06/2021
- (cc) Transport Assessment by Stunt Consulting ref: B2108/TA01; Dated 04 June 2021; Recd On 16/06/2021
- (dd) Tree Constraints Plan by Keen Consultants drawing no: 1607-KC-XX-YTREE-TCP01Rev0; Dated March 2021; Recd On 16/06/2021
- (ee) Tree Protection Plan by Keen Consultants drawing no: 1607-KC-XX-YTREE-TPP01Rev0; Dated June 2021; Recd On 16/06/2021
- (ff) Tree Survey and Impact Assessment by Keen Consultants ref: 1607-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0; Dated June 2021; Recd On 16/06/2021
- (gg) Utility Survey by Greenhatch drawing no: 39497\_UG Rev. 0; Dated 26.02.21; Recd On 16/06/2021
- (hh) Proposed site access by Stunt Consulting drawing no. B21000/001; Dated 29.07.2021; Recd On 02/08/2021.

REASON To ensure that the site is developed in accordance with the submitted application and does not prejudice the amenity of the area, so as to comply with the Policies in the Development Plan.

### 3. Contamination Watching Brief

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority to the presence of any unsuspected contamination (to soil or/and water, determined by either visual or olfactory indicators) encountered during the development.

In the event of contamination to land and/or water being encountered, no development or part thereof shall continue until a programme of investigation and/or remedial work to include details of the remedial scheme and methods of monitoring, and validation of such work undertaken has been submitted to and approved in writing by the Local Planning Authority.

None of the development shall be commissioned and/or occupied until the approved remedial works, monitoring and validation of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

In the event that no significant contamination is encountered, the developer shall provide a written statement to the Local Planning Authority confirming that this was the case, and only after written approval by the Local Planning Authority shall the development be commissioned and/or occupied.

REASON: To ensure that any ground and water contamination is identified and adequately assessed, and that remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use.

4. Tree Protection

No development hereby permitted shall commence until the tree protection measures detailed in the submitted Tree Protection Plan by Keen Consultants drawing no: 1607-KC-XX-YTREE-TPP01Rev0; Dated June 2021; have been implemented, and these measures shall be provided and maintained during the period of construction works.

REASON To ensure the satisfactory protection of trees to be retained in the interest of visual amenity and to meet the objectives of Policy EN3 of The Local Plan for Slough 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the National Planning Policy Framework.

5. Drainage (SuDS)

Prior to any construction works above ground floor slab taking place, details of a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall include:

- Final detailed designs of the drainage scheme including invert levels, cover levels, gradients and exceedance routes
- Evidence that the applicant understands the sensitivity of discharge points relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)
- Evidence of and information on the existing drainage network for previously developed (brownfield) sites
- Evidence that the proposed drainage will follow the same pattern as existing. This avoids directing flows to other directions.
- Information evidencing that the correct level of water treatment exists in the system in accordance with Ciria SuDS manual C753
- Maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organization responsible for each element.

Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.

- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development and shall not prejudice the existing sewerage systems in accordance with Policies 8 and 9 of the adopted Core Strategy 2006 – 2026, the Council's Development Plan Document – Developer's Guide Part 4 Section 6 (2016) and the National Planning Policy Framework 2021.

#### 6. External materials - Development

Prior to any construction works above ground floor slab taking place, samples of new external finishes and materials (including, reference to manufacturer, specification details, positioning, and colour) to be used in the construction of the external envelope of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

#### 7. New surface treatments

Prior to any construction works above ground floor slab taking place, the external ground surface materials to be used in the construction of the access and circulation roadways, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved prior to first occupation of the buildings.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004.

#### 8. Boundary Treatment

Prior to the commencement of works on the relevant part of the development hereby approved, details of the proposed boundary treatment including position, external appearance, height and materials of all boundary walls, fences and gates have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the approved boundary treatment has been implemented on site. It shall be retained at all time in the future.

REASON: In the interests of the visual amenity of the area and to reduce opportunities for crime and anti-social behaviour in accordance with Policies EN1 and EN3 of The Adopted Local Plan for Slough 2004, Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework 2021.

#### 9. Landscaping Design

The external areas of the development hereby approved shall be landscaped as set out on Drawing No. 11362\_PL\_110; Dated Jun.'21; Recd On 16/06/2021 and in no other way unless and otherwise approved in writing by the Local Planning Authority.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

#### 10. Access

Prior to the development hereby approved first being brought into use the new means of access shall be altered in accordance with the approved drawing by Stunt Consulting no. B21000/001; Dated 29.07.2021; Recd On 02/08/2021 and constructed in accordance with Slough Borough Council's Design Guide.

REASON To ensure that adequate access provision is available to serve the development to prevent highway congestion and safety issues and to

protect the amenities of the area in accordance with Core Policy 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004 and the requirements of the NPPF 2021.

#### 11. Visibility

No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

REASON: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

#### 12. Layout

The scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

#### 13. Cycle parking

Prior to the first occupation of the development hereby approved details of the cycle parking provision (including location, housing and cycle stand details) shall be submitted to for approval by the Local Planning Authority. The cycle parking shall be provided in accordance with these details and shall be retained for this purpose.

Reason: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

#### 14. Bin storage

Details of the proposed bin store (to include siting, design and external materials) shall be submitted to for approval by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Local Plan for Slough 2004.

15. Car Parking Provision

Prior to the development hereby approved first being brought into use, 36 no. car parking spaces shall be provided and made available for use in connection with the development and maintained for the parking of cars thereafter. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON To ensure that adequate on-site parking provision is available to serve the development to prevent highway congestion and safety issues by overspill of parking onto the surrounding streets in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2021.

16. EV Charging facilities

Prior to the first occupation of the development, the car parking provision shall include a total of 2 Dual Electric Vehicle Charging Points, providing 4 charging sockets. The electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure vehicle parking is provided and encourage up-take of electric vehicle use, in accordance with Policy T2 of the Adopted Local Plan (2004), Policies 7 and 8 of the Core Strategy 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2021.

17. Delivery and Servicing Plan

Prior to the development hereby approved first being brought into use, a site servicing strategy and Delivery and Servicing Plan (DSP) for the development including vehicle tracking, shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

REASON: In order to ensure that satisfactory provision is made for deliveries, drop-offs and refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy T3 of The Adopted Local Plan for Slough 2004, Policies 7 and 10 of the adopted Core Strategy 2006-2026 and the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework (2021).

18. Sustainable Development Design Stage Certificate

Prior to the first use of the development hereby approved a Design Stage Certificate shall be submitted to and approved by the Local Planning Authority confirming that the development has been designed to achieve a standard of BREEAM Very Good (or equivalent standard).

REASON In the interest of sustainable development in accordance with Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

19. External site lighting

No lighting shall be provided at the site other than in accordance with the approved plans and documents.

REASON To ensure the safety of aviation and in the interests of the amenities of the area, in order to comply with Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021

20. Bird Hazard Management

The development hereby approved shall be carried out in accordance with the Bird Hazard Management Plan by PRC; Recd On 16/06/2021 for the lifetime of the development.

REASON To ensure the safety of aviation.

21. Sustainable Development Post-Construction Review Certificate

Within 6 months of the development hereby approved being brought into first use a Post-Construction Review Certificate confirming the development hereby approved has been constructed so as to achieve a standard of BREEAM Very Good (or equivalent standard) shall be submitted to and approved the Local Planning Authority.

REASON In the interest of sustainable development in accordance with policy 8 of the Core Strategy of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

22. Ancillary offices

The offices hereby permitted shall be used ancillary to the main use only and shall at no time be used as independent offices falling within Class E of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose.

REASON In order ensure that independent offices which are high intensive employment generating uses, are directed towards the Town Centre to promote the long-term vitality and viability of the Town Centre, and to ensure offices are located in the most sustainable locations, in order to comply with Local Plan Policy EMP9, Core Policies 1, 5 and 7 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

23. No change of use

Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), the development shall only be used for purposes falling within E(g)(iii), B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose.

REASON In order protect the amenities of the area and to ensure an appropriate use within a defined business area comply with Core Policies 5 and 8 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

24. No change of use to residential

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the land uses hereby permitted falling within E(g)(iii), B2, and B8 as defined by Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification) shall not be used for any residential purposes falling with the C3 Use Class as defined by Town and Country Planning (Use Classes) Order 1987 (as amended) ) (or any Order revoking or re-enacting that Order

with or without modification).

REASON: to prevent the loss of employment uses and to prevent poor living conditions by virtue of using of buildings which are not design coded for residential purposes in accordance with Core Policies 4, 5, and 11 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework 2021.

25. No additional floor space

No floor space created by internal sub-division, mezzanine floor, or external extension shall take place without the prior written approval of the Local Planning Authority.

REASON: In the interest of ensuring there is adequate parking provision for the proposed B8 and B2 uses and to protect from overspill parking on the public highway site in accordance with the objectives of the Slough Local Transport Strategy, Policy T2 of the Local Plan for Slough 2004, Core Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

26. Gates

Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order), no vehicle access gates, roller shutters doors or other vehicle entry barriers or control systems (other than those shown on the drawings hereby approved) shall be installed without first obtaining permission in writing from the Local Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

27. No new windows

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those hereby approved, shall be formed in any elevations of the development without the prior written approval of the Local Planning Authority.

REASON To ensure the visual character and appearance of the facades are preserved in accordance with Policies EN1 and H15 of The Adopted Local Plan for Slough 2004 and to ensure the development does not prejudice the future development of adjoining lands; so, as to protect the privacy of neighbouring properties and to protect the visual amenities of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan

Document, December 2008, Policy EN1 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2021.

28. Landscape management plan

The development hereby approved shall be carried out in accordance with the Landscape Management and Maintenance Plan by PRC ref: 11362; Dated June 2021; Recd On 16/06/2021 for the lifetime of the development.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2021

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

2. Highways

No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.

The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

The applicant must apply to the Highway Authority for the implementation of the works in the existing highway. The council at the expense of the applicant will carry out the required works.

The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.

Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 / Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.

### 3. Thames Water

#### Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based

on the information provided.

#### Water Comments

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

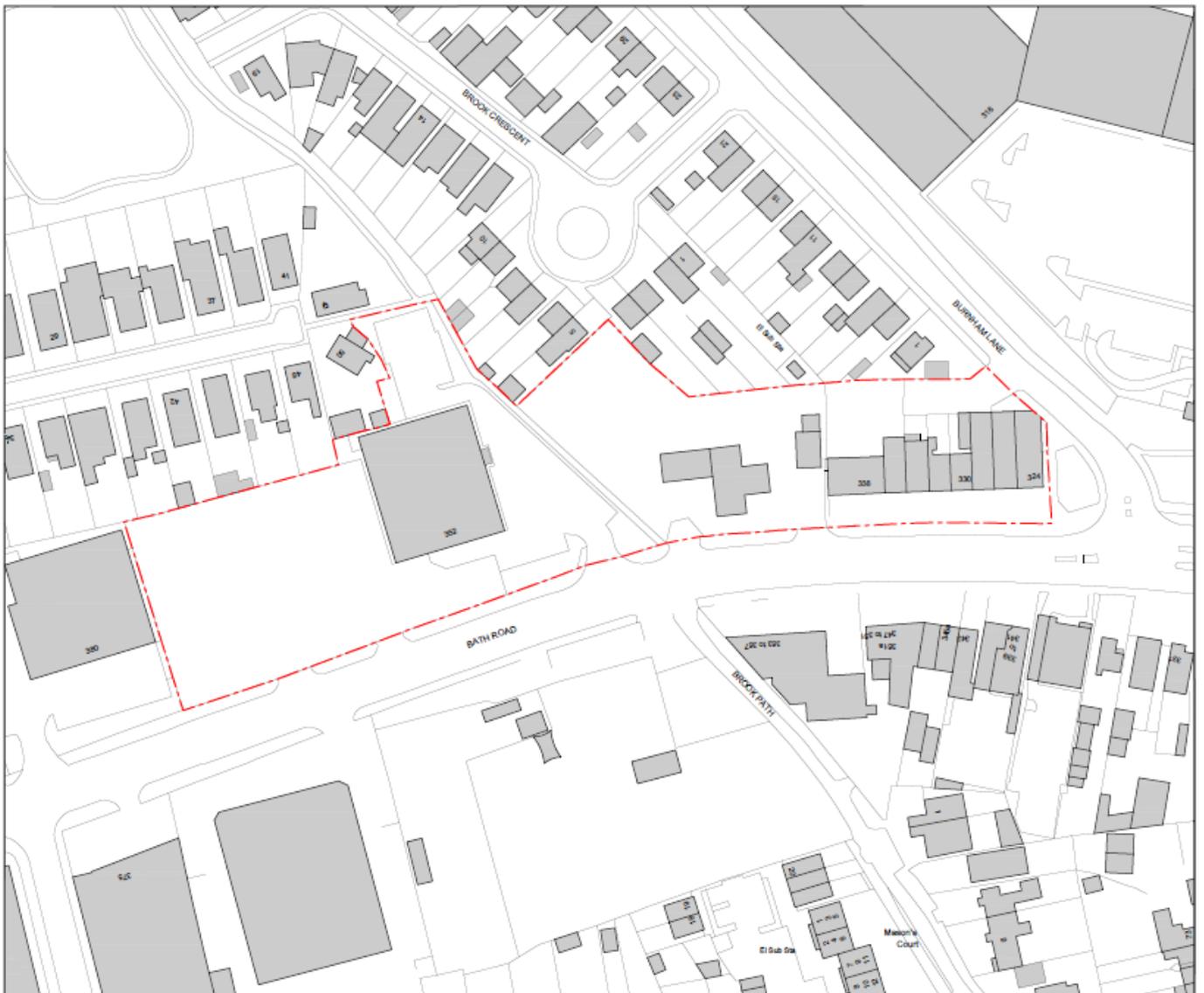
#### 4 Heathrow Safeguarding

##### Cranes

Given the nature of the proposed application, it is possible that a crane may be required. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes'.

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Registration Date:	N/A	Application No:	PREAPP/1403
Officer:	Neil Button	Ward:	Cippenham Green
Applicant:	Mackenzie Homes Ltd	Application Type:	Major
Agent:	Turley, 8th Floor Lacon House, 84 Theobald's Road, London WC1X 8NL		
Location:	324-374 Bath Road, Cippenham		
Proposal:	Demolition of all existing buildings and structures; and the [phased] construction of a residential development (Use Class C3) comprising a series of buildings, and all associated infrastructure, access, plant, public and semi-private realm, car/cycle parking, and hard and soft landscaping. 310 apartments and retail space are currently projected.		



## **PRE-APPLICATION PRESENTATION**

### Introduction:

The applicant has entered into pre-application discussions with Slough Borough Council Planning officers regarding the redevelopment of the land which comprises the vacant land north side of Bath Road alongside the mixed commercial/residential properties 324-336 Bath Road and Enterprise and Thrifty Car Rental businesses, Cippenham. The western part of the Site (including Thrifty and Enterprise Car Rental sites) is located within the Cippenham Strip Selected Key Location SKL01 in the Local Plan. The applicant is seeking permission for a high density residential development on the site which comprises the erection of two development blocks ranging from 2-11 storeys to provide approx. 310 residential flats, undercroft and surface level ground floor car park, cycle storage, landscaping and access arrangements. The applicant is targeting between 15-20% of the units to be affordable pending the outcome of the financial viability review and pre-app design discussions.

To date, a number of pre-application planning meetings, including a Design Review Panel (held by Design South East on 26<sup>th</sup> August 2021) have been held and the latest proposals have been amended to take into account officer feedback. The applicant is in the process of carrying work on their public engagement exercise and has engaged with Lead Members, Ward Councillors and the Leader of the Council.

It is understood that the owner/agents are in discussion with other landowners/parties of adjoining and adjacent sites on Bath Road (including Slough Borough Council Asset Management) in close proximity of the site acknowledging the site's designation Key Location (SKL01) which promotes a comprehensive approach towards redevelopment

### The Site and Surroundings:

The site is located on Bath Road in Cippenham, some 2 miles west of Slough Town Centre and within a 10 minute walk to Burnham train station. Burnham train station will be served by Crossrail/Elizabeth Line.

It has easy access by road/public transport to Slough, Slough Trading Estate and to M4. The site is well serviced by retail, being next door to Bath Road Shopping Park, home to a host of national retailers including Next, Boots, B&Q and M&S. Local convenience shops and restaurants are on the doorstep and Cippenham School is easily accessible by a 5 minute walk. Cippenham Recreation Ground, a large green open space, is located nearby to the North.

Bath Road is a major vehicular artery lined with large, standalone retail and light industrial units, set amongst small scale suburban grain. The road severs the areas to the North and to the South and the connectivity between these is poor. The car dominated road environment is not conducive to pedestrian movement or cycling. The Site is bisected by a public footpath (Brook Path) which provides pedestrian connections between Burnham and Cippenham.

Whilst the immediate area to the east, west and south of the site is largely commercial, characterised by big box commercial units, the area to the north including Iona Crescent, Burnham Lane, Brook Crescent and Compton Close is low rise residential. Iona Crescent comprises predominantly bungalows with rear gardens that abut the development site. It is noted there is a circa 2-3m wall at the northern boundary of the site adjacent to the rear of Iona Crescent. A similar height boundary wall/fence exists between the northern site boundary and the rear gardens of the dwellings on Burnham Lane and Brook Close. A number of these gardens contain substantial outbuildings and structures. Some gardens are unusually cramped and contain limited useable amenity areas.

As set out above, the Development Plan envisages the sites along Bath Road to come forward for redevelopment with this site being one of a number being promoted at this stage.

Overall, the site can be described as underutilised, previously developed, highly sustainable and well-connected ('brownfield') land.

It is noted that the western part of the site is substantially within Flood Zone 3 which comprises land that has a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding.

No existing trees of ecological value. The western part of the site (Site A) is cleared, vacant and hoarded up (i.e. former commercial buildings have been demolished). The eastern part (Site B) consists of terraced mixed use building comprising commercial and residential uses.

#### Slough Local Development Framework Site Allocations, November 2010:

The western part of the site (west of 336 Bath Road) is located within a Selected Key Location (SKL01) for Comprehensive Regeneration. The SKL01 allocation confirms that the loss of existing business area may be permitted in order to allow for residential or mixed use development. It also noted that there is an opportunity for comprehensive redevelopment and regeneration of the area. Any residential or mixed use development should be comprehensively planned in a way which:

- Improves the appearance of this important main road frontage
- Provides some family housing at the rear of the site
- Includes suitable amenity areas or gardens
- Minimises the number of access points onto the A4
- Provides for cycleways where appropriate
- Overcomes all flooding and drainage issues
- Protects the amenities of adjoining residential areas

The site is within a Key Location which is identified as an Area of Major Change in the Core Strategy. If the car sales operation ceases on the various sites there would be the opportunity to comprehensively regenerate this important main road frontage in a way which would improve its appearance and make better use of the land. The site could be redeveloped for residential use, even though it is currently zoned as an Existing Business Area.

The design and layout of any comprehensive development would have to take account of flooding and drainage issues, the juxtaposition of adjoining residential property and the need to create an attractive and distinctive development on this important main road frontage.

### **Proposed Spatial Strategy 2020 (Emerging Local Plan)**

The western part of the site is located within the Cippenham Central Key Location in the Proposed Spatial Strategy. The Spatial Strategy aims to *“regenerate this area of Cippenham, provide new housing and provide space for some employment uses. This would be achieved through redevelopment of either all or most of the existing buildings/vacant sites to provide primarily new residential accommodation. This, combined with public realm improvements would improve the environment for this part of the A4 corridor”*.

The Spatial Strategy recommends that *“Comprehensively planned or comprehensively coordinated redevelopment is required to deliver regeneration and to optimise the capacity of the site for new homes and for highway/transportation improvement in particular safe access and traffic flow”*.

The site is considered to be in a sustainable location as recognised in Paragraph 14.26 of the emerging Proposed Spatial Strategy (November 2020) which notes that it *“is not far from Burnham station (650m walking distance) [Note: Expected to be served by the Elizabeth Line/Crossrail by 2022], is on a major bus route and has retail and community facilities nearby such as Elmshott Lane shopping parade, a library combined with community hub, church halls, Cippenham recreation ground and a doctors surgery. The location means it’s a reasonably sustainable site in terms of local travel and travel to some nearby towns and London”*.

Paragraph 14.34 states that *“it is not proposed for the site to have a cluster of tall buildings. This would not be suitable for the character of Cippenham and such scale of development is only appropriate for the Centre of Slough”*. However, the Spatial Strategy in para 14.34 states that *“the Council recognises “that quite high density development might be needed to achieve the redevelopment aim and this would be part of the character of the A4 frontage of this part of Cippenham in contrast to the typical suburban character and established stable residential areas away from the A4”*.

Paragraph 14.35 states that *“To ensure the new housing provides for both local and town wide needs, a mix of housing accommodation is required in terms of form, size and tenure and to attract a range of households to the area”*.

Paragraph 14.36 states that *“High quality public realm is needed for new development and existing highway areas to improve the appearance of the area for residents and the image of the town. The site has a frontage on the A4 and has an important entry point to the town. Part of that public realm enhancement should include where practical, major landscaping including street trees”*.

Paragraph 14.38 states that *“part of the site is liable to flood and so the design and layout of any development would have to take account of this”*.

Paragraph 14.39 states that “Redevelopment of any plot must not hinder reasonable redevelopment of adjacent plots”.

With reference to the pre-application site – Paragraph 14.41 states that *“the two plots on the north side next to the culverted brook will need to provide land for a pedestrian/cycle link to Cippenham Recreation Ground. Improved cycle/pedestrian links to Burnham Station and Cippenham Recreation Ground will be required to make the site more sustainable”*.

#### Site History:

No relevant planning history

#### The Proposal:

The Developer/Applicant is intending to submit a Full Planning Application for the demolition of all existing buildings and structures; and the [phased] construction of a residential development (Use Class C3) comprising a series of buildings, and all associated infrastructure, access, plant, public and semi-private realm, car/cycle parking, and hard and soft landscaping. Approx. 330 residential units (Use Class C3) with a car parking ratio between 0.7-0.8 spaces per dwelling are proposed.

The proposed development is arranged in six linear blocks orientated on a north south axis. Undercroft car parking sits beneath the landscaped podium levels. The podium is accessed from three entry points, two from Bath Road and one from Burnham Lane to the east. Ancillary residential use is proposed within parts of the ground floor (ie: management offices).

The Brook Path access is conceived as a shared surface for vehicles and pedestrians, improving the Brook Path link and leading to a residence pocket park in the north of the site and to Cippenham Recreation Ground beyond. All servicing of the development will take place on site, with perimeter roads running along the northern boundaries of the site with access to car parking and designated areas for service vehicles. Primary vehicle access points to the west off Bath Road and east along Burnham Lane will provide routes through the development for delivery and servicing. Residential entrance lobbies to each of the buildings address Bath Road and Burnham Lane creating some active frontages at ground floor level.

The buildings step up in height across the site from north to south, starting at two storeys, rising up four storeys and then up to a maximum of 11 storeys facing Bath Road. Along Bath Road the buildings also vary in height, from west to east they are arranged in a valley form, with the highest buildings on the approach to the development from each direction along Bath Road and stepping down towards the centre adjacent to Brook Path. From the west buildings range from 10 to 8 storeys and from the east from 11 to 7 storeys.

The palette of the external materials has been selected to reference the construction typologies of the historic buildings along Bath Road and the Site's industrial past. With Slough's rich history of brickmaking from as early as 1442 up to 1924, the proposals include the use of predominately crisp brick details and a varied coloured tonal palette, which references the industrial shed typology.

The darker brick tones will be used to articulate the first two storeys forming a plinth which grounds the building in to the new landscaping. As the building steps up in height towards Bath Road, the brick work lightens in colour creating clear forms and softening the taller element of the proposal.

This will be contrasted with balcony designs to provide some visual interest and hierarchy to the external envelope together with grouped windows creating verticality and spandrel panel design that echoes the art deco undertones and industrial context. A calm palette of textures and colours is proposed in order that the development sits comfortably within the wider townscape.

Along Bath Road the windows will be ordered and grouped together in a regular pattern creating a clear hierarchy to the facade, while to the north and rear of the buildings the window pattern changes to become irregular. This irregular arrangement together with both the stepping up of the building height from north to south and change in tonal brickwork produces a laying to the buildings which is intended to accentuate the perspective of the building as the increase in height to the south.

The indicative dwelling mix comprises a range of predominantly 1 and 2 bed apartments with a small number of 3 bed units.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee **DATE** 15<sup>th</sup> September, 2021  
**CONTACT OFFICER:** Paul Stimpson, Planning Policy Manager  
**(For all Enquiries)** (01753) 875820  
**WARD(S):** All

**PART I**  
**FOR DECISION****SLOUGH LOCAL PLAN – PROPOSED CONSULTATION ON THE RELEASE OF GREEN BELT SITES FOR FAMILY HOUSING****1 Purpose of Report**

- 1.1 The purpose of the report is to seek Member's views on the proposed release of Green Belt sites for housing so that they can be passed to the Cabinet which will be agreeing the proposed consultation at its meeting on 20<sup>th</sup> September.

**2 Recommendation(s)/Proposed Action****2.1 The Committee is requested to resolve that**

- a) The proposed consultation on the release of Green Belt sites for family housing be noted.
- b) Any comments on the report or proposed consultation be forwarded to the meeting of the Cabinet on 20<sup>th</sup> September.

**3 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan****3a Slough Joint Wellbeing Strategy Priorities**

- 3.1 The proposal to increase the supply of family housing in Slough to meet local needs supports the Slough Wellbeing Strategy 2020-2025 and its priority of having strong, healthy and attractive neighbourhoods

**3b Five Year Plan Outcomes**

- 3.2 The proposal to increase the supply of family housing in Slough to meet local needs supports the delivery of the 5 Year Plan and the following outcomes in particular:
- Outcome 3: Slough will be an attractive place where people choose to live, work and stay.
  - Outcome 4: Our residents will live in good quality homes.

#### 4 **Other Implications**

(a) **Financial**

There are no financial implications of this report but approval for expenditure upon the consultation exercise will be sought from the Cabinet..

(b) **Risk Management**

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee approves the recommendation.	Failure to agree the proposed overall approach for the release of Green Belt sites for family housing will affect the Council's ability to bring forward the Local Plan and meet local housing needs ..	Agree the recommendations.

(c) **Human Rights Act and Other Legal Implications**

There are no Human Rights Act Implications as a result of this report.

#### 5 **Supporting Information**

##### Introduction

5.1 One of the Objectives of the Local Plan is “to meet the Objectively Assessed Housing Need of 893 dwellings within the Borough or as close as possible to where the need arises within a balanced housing market” All the work that we have done has shown that there is a shortage of land for residential development in Slough and a shortage of sites suitable for new family housing in particular. As a result, one of the key components of the proposed Spatial Strategy is to promote the cross-border expansion of Slough to meet unmet housing needs. It is recognised that, because of the lack of any suitable brownfield sites, this would have to take place on Green Belt land.

5.2 Before we can do this, we have to make sure that we have “left no stone unturned” in our search for housing within the Borough. This means that we have to consider releasing Green Belt sites in Slough for housing. One of the advantages of this is that greenfield sites can provide lower density family housing with a higher proportion of affordable housing than brownfield sites can deliver.

##### Site Selection

5.3 As part of the work on the Local Plan both the Issues and Options and Proposed Spatial Strategy consultation documents identified ten sites that could possibly be released from the Green Belt for family housing.

5.4 In doing so large areas of Green Belt were ruled out as being unsuitable for development. This included the whole of the Colnbrook and Poyle area which was not considered suitable for family housing for environmental reasons and has been identified as part of the “Strategic Gap” in the proposed Spatial Strategy.

Nevertheless, the option of building upon “other sites” has been retained for the purposes of the public consultation exercise.

### Preliminary Assessments

- 5.5 The sites have been assessed against a range of planning criteria which include elements of Green Belt policy. It should be noted that they have only been subject to very high level technical and policy assessments at this stage. One of the purposes of the consultation is to help gather evidence about what other constraints there may be to developing the sites.
- 5.6 In order to help inform the consultation, each site has now been given a preliminary “traffic light” assessment to indicate whether they are considered “suitable”, “possible” or “unsuitable” for housing development. The results of this are shown below:
- 5.7 The main reason for coming to these preliminary conclusions about the sites, which are shown in the map below, are as follows:
- 5.8 The development of **St Anthony’s Field** would have a significant visual impact upon the small gap between Slough and Farnham Royal resulting in the merging of the two settlements. It would also have an impact upon the adjoining Conservation Area. It is for these reasons that the site is considered to be “**unsuitable**” for housing development.
- 5.9 Building upon **part of Bloom Park** would result in the loss of public open space. This is considered to be sufficient reason to make this an “**unsuitable**” site for housing development.
- 5.10 The site **North of Muddy Lane** is part of the Singh Sabha sports centre playing field. The site consists of a strip of land along the Stoke Road frontage which is not delineated on the ground in any way. This, and the loss of private open space, is considered to make this an “**unsuitable**” site for housing development.
- 5.11 The **land east of Market Lane** is part of the Colne Valley Park and forms part of the Strategic Gap between Slough and greater London. It is very visible with no clearly defined boundary. As a result any development could be described as “sprawl”.
- 5.12 The site was identified for possible housing development in the Slough Northern Extension study produced by Atkins in 2017. It also forms part of the area of search for major housing development in the Wider Area Growth Study which is being produced by Stantec. As a result it remains as a “**possible**” housing site but it is considered that it should only come forward as part of a wider comprehensive development where a full mitigation package can be provided. This will include the necessary infrastructure to make the development sustainable and include compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.
- 5.13 The **land south of Blenheim Road** is adjacent to the recent Kings Reach housing development which was released from the Green Belt for housing development in the 2004 Local Plan for Slough. One of the reasons why the proposed site was not allocated for housing at that time was that it formed part of the designated Ditton Park Historic Park and Garden. Any harm or loss of a designated heritage asset

such as a registered park and garden requires exceptional, clear and convincing justification.

- 5.14 The site is not in the same ownership as the rest of the park and has no discernible historic features. As a result it remains as a “**possible**” housing site provided heritage objections can be overcome with suitable mitigation.
- 5.15 There are no fundamental policy objections to the development of the cluster of sites around Wexham Park Hospital. Land to the south was released from the Green Belt in the 2004 Local Plan and the three proposed sites would result in the rounding off of development in the area.
- 5.16 As a result **Wexham Park Hospital School of Nursing** site, Wexham Street; **Land to the rear of Opal Court** Wexham Street; and **Land east of Wexham Park Hospital** are considered to be “**suitable**” for housing development.
- 5.17 Land **east of Rochfords Gardens** is a natural infilling site because it is surrounded by development on three sides. It is field with no intrinsic qualities. As a result it is considered to be a “**suitable**” site for housing development.
- 5.18 The **land at Upton Court Farm** is a partly underutilised site close to the centre of Slough. It has a number of buildings on the northern side fronting Upton Court Road and is well contained. As a result, on balance, this is considered to be a “**suitable**” site for residential development.

#### Green Belt Considerations

- 5.19 It is recognised that the fact that all of these sites are within the Green Belt remains the biggest policy constraint to development. Government policy attaches great importance to Green Belts which are intended to prevent urban sprawl by keeping land permanently open. This means that Green Belt boundaries should only be altered through the preparation of plans where there are “exceptional circumstances” which are “fully evidenced and justified”. The NPPF states that, before green belt boundaries are redrawn, an authority must demonstrate that it has “examined all other reasonable options for meeting its identified need for development”, including making use of brownfield land, increasing the density of existing settlements and exploring whether neighbouring authorities can help meet its needs. How this has been done is explained in Section 7 of Appendix A.
- 5.20 The final decision as to whether the necessary “exceptional circumstances” exist to justify allocating any of these sites for family housing will have to be made when the final version of the Local Plan is produced. This will be able to take account the results of public consultation and all other factors in determining whether there are the necessary exceptional circumstances to justify the release of Green Belt land for housing. This “publication” version of the plan will be the subject of a further round of public consultation before it is submitted for an examination by the Planning Inspector.

#### Consultation

- 5.21 Details of the proposed consultation exercise have not yet been finalised but it will take place over a six week period before Christmas. It is envisaged that a full range of consultation methods will be used including holding public meetings if this is permitted. Delegated powers are therefore being sought to finalise the

arrangements for the public consultation and make minor changes to the consultation document.

- 5.22 A draft of part 1 of the proposed consultation document is included in Appendix A. Part 2 will contain a more detailed assessment of each site.

## **6 Conclusions**

- 6.1 The proposed consultation on the release of Green Belt sites for family housing is an important stage in the preparation of the Local Plan.

## **7 Background Papers**

- 7.1 Review of the Local Plan for Slough – Issues and Options Consultation Document 2017.

Slough Local Plan Proposed Spatial Strategy (2020).

## **8 Appendices**

- 8.1 Appendix A – Draft of Part 1 of proposed consultation document on the release of Green Belt sites for family housing.

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# **Appendix A: PROPOSED RELEASE OF GREEN BELT LAND FOR FAMILY HOUSING**

## **A1. Introduction**

A1.1 The text below is the outline draft for the first part of the Consultation document referred to in the Report. The final document layout and appearance will co-ordinate with the Spatial Strategy Consultation document released last year.

A1.2 The section here sets out the context and purpose of the consultation. The second part, yet to be finalised, will contain site specific details such as initial site assessment criteria to inform their suitability. The decision to include the incomplete text was made by the Local Plan Board in August, so the team can progress with agreement in principle ahead of the more detailed proposals being available.

A1.3 The Consultation will include a set of questions to guide responses. These will be about:

- Site selection methodology
- Individual sites
- Any other Green Belt sites
- Alternatives to Green Belt releases
- Whether there are “exceptional circumstances” to justify the loss of Green Belt

A1.4 Formal representations require minimum contact details to show they are legitimate and enable them to be followed up, but general comments can be submitted. For more detail please see the Cabinet Report.

## **A2 Draft text**

# **PROPOSED RELEASE OF GREEN BELT LAND FOR FAMILY HOUSING**

FOREWARD

CONTENTS

## **1 About this Consultation**

1.1 The Council is consulting people about the proposal to release some sites in Slough from the Green Belt so that they can be developed for family housing. As a result we would like your views as to whether the ten sites that we have identified are suitable for housing.

1.2 It is recognised that Green Belt boundaries should be permanent and so we would also like your views as to whether the necessary “exceptional circumstances” exist to justify building upon Green Bet land.

1.3 It should be noted that this consultation is only about the possible release of land for housing. Any proposals for the use of Green Belt land for any other purpose will be considered at a later date as part of the Local Plan process.

1.4 The consultation period runs for 6 weeks from ??? to ???. All responses must be received before the close of the consultation at 5pm.

1.5 If possible responses should be submitted using the online form at [www.slough.citizenspace.com](http://www.slough.citizenspace.com)

1.6 Those not using the online form should submit representations:

- Via email to [planningpolicy@slough.gov.uk](mailto:planningpolicy@slough.gov.uk)
- Via post to: Planning Policy (GB), Slough Borough Council, Observatory House, 25 Windsor Road, Slough SL1 2EL

1.7 If you have any queries relating to the consultation please contact the Planning Policy team using the contact details above.

## **2 Why are we consulting about releasing Green Belt for family housing?**

2.1 All Council’s have a duty to produce a Local Plan which contains proposals and policies for the future spatial planning of the area. We are in the process of producing one for Slough which will cover the period up to 2040.

2.2 One of the Objectives of the Local Plan is “*to meet the Objectively Assessed Housing Need of 893 dwellings within the Borough or as close as possible to where the need arises within a balanced housing market*” Although the precise number may vary (currently 864) it is clear that there is a genuine need for more housing in Slough.

2.3 All of the work that we have done on the Local Plan through the *Issues and Options* and *Proposed Spatial Strategy* consultations has shown that there is a shortage of land for residential development in Slough and a shortage of sites

suitable for new family housing in particular.

2.4 As a result we have been trying to promote “*the cross border expansion of Slough to meet unmet housing needs.*” In practise this would involve the development of Green Belt land in adjacent Council areas. The Planning Process places a ‘Duty to Co-operate’ on all parties involved to address the matter.

2.5 As part of this process we have to make sure that we have “left no stone unturned” in our search for deliverable housing sites within the Borough. This means that we have to first consider releasing Green Belt sites in Slough for housing before asking our neighbours to meet some of Slough’s need.

2.6 One of the advantages of this is that greenfield sites have more ‘financial viability’ to provide lower density family housing with a higher proportion of affordable housing than brownfield sites can deliver. Because of the importance of Green Belt, Sites can only be released from the Green Belt through the Local Plan process which is explained below.

### **3 The Local Plan for Slough**

3.1 The starting point for the preparation of the Local Plan for Slough (2016 – 2040) was the *Issues and Options* consultation which took place in 2017. This identified a number of options for development. One of these was Option H: “The release of Green Belt land for housing”. There were a number of objections to the principle of the loss of Green Belt land and to the ten possible sites that were identified in the consultation document.

3.2 The main conclusion from the consultation was that there were no reasonable options, or combination of options which could accommodate all of Slough’s housing and employment needs within the Borough.

3.3 An “emerging” proposed Spatial Strategy was agreed in 2018 which took this into account. One of the main focuses of this was how the Local Plan could accommodate the proposed expansion of Heathrow with a third runway as this had a significant impact on land use in Colnbrook and Poyle in the east of the Borough.

3.4 Once it became clear that the proposed third runway was not going to go ahead in the short to medium term, a revised *Proposed Spatial Strategy* was produced. This was the subject of public consultation in November 2020.

3.5 This proposed to deliver most of the necessary growth through the major comprehensive redevelopment of the “centre of Slough”. Another component of the Strategy involved “*selecting other key locations for appropriate sustainable development.*” Part of this could involve green field or Green Belt land being released for housing.

3.6 The same ten possible sites from the Issues and Options document were identified for consultation. No details or assessments were included at this stage and it was made clear that further consultation would have to take place before any proposals could be made to release sites from the Green Belt for housing.

3.7 It was also suggested that any decision would have to take account of the results of Part 2 of the Wider Area Growth Study which is assessing the potential for developing major sites for housing in and around Slough.

3.8 One of the questions asked in the Spatial Strategy consultation was “*If you think that more homes should be built in Slough to meet local needs where should it be?*”. There was a range of responses but only around 10% of respondents thought that Green Belt sites on the edge of Slough should be released for housing. There were also objections to the specific sites that were identified in the consultation. At the same time only around 40% of respondents thought it was appropriate to plan for a shortfall of housing in Slough and promote the cross border expansion instead.

#### **4 Why is there a need for more housing in Slough?**

4.1 The Government requires Local Plans to make sufficient provision for housing (including affordable housing), employment, retail, leisure and other commercial development. (NPPF para 20) to meet the needs of the population over the long term.

4.2 The Government puts particular emphasis upon meeting housing needs and has produced a “standard” methodology for calculating what they are in each Local Plan area using household projections and an ‘affordability ratio’. This produces a need for an average of 864 dwellings a year in Slough.

4.3 The Spatial Strategy Consultation Document (November 2020) identified that the proposed Strategy could result in a shortfall of 5,000 homes in Slough. This was based upon a slightly higher annual need figure of 893 and the supply of housing sites identified in April 2020.

4.4 The most recent annual housing figures have reduced need in Slough slightly, and some new sites have been identified, but the rate of house building has remained low with just 501 completions last year. In addition, as a result of responses to the public consultation, it has been acknowledged that the end of the Local Plan period needs to be extended from 2036 to 2040. This means that another four years supply of housing has to be found.

4.5 The Housing Trajectory includes sites that have been built in the first five years of the plan, sites with planning permission, allocations and sites that could potentially be developed for residential use. The latest version identifies around 12,000 dwellings mostly in flatted development. This is well below the number needed to meet the objectively assessed housing need over the Local Plan period

up to 2040 as shown in Table x below.

Table x Housing Supply Calculations

[ INSERT MOST UP TO DATE CALCULATION before publication]

4.6 As a result it is clear that there will continue to be both a shortfall of housing supply and the provision of family housing in Slough over the Plan period which requires us to consider the release of Green Belt land to try to reduce this.

## **5 Why is there a need for more family housing in Slough?**

5.1 There is currently a mismatch between the type of housing that is needed to meet the needs of Slough residents and the type of new housing that is being built. This is resulting in overcrowding, people living in unsuitable accommodation and families having to move out of the Borough. As a result it is difficult to create a stable balanced community and the Local Plan Objective of enabling people to be able to “stay” in Slough if they want to. .

5.2 In addition to meeting the overall numbers, paragraph 62 of the NPPF states that “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. In order to do this a Local Housing Needs Assessment was produced by GL Hearn in October 2019 on behalf of Windsor & Maidenhead, South Bucks and Slough.

5.3 This showed that for market housing in Slough, the overwhelming requirement was for larger units with a need of 57% of the supply as 3 bedroomed houses and 20% as 4 or more bedroomed houses. The need for larger affordable housing for rent was not as high, but still constituted 29%.

5.4 Monitoring shows that around 80% of the dwellings built in Slough in the first five years of the Plan period were flats. Looking forward only around 6% of dwellings with planning permission are for houses..

5.5 This is reflected in research which has shown that the average size of residential properties built in Slough over the last three years is 68m<sup>2</sup> which is almost half the size of those built in South Bucks which is 132m<sup>2</sup>. This is despite the fact that the average household size in Slough (2.8) is higher than South Bucks (2.6) It also helps to explain why Slough has some of the highest levels of overcrowding with each person having on average 27.2 m<sup>2</sup> of space compared to an average of 36.5m<sup>2</sup> in other towns and cities.

5.6 In order to address this problem the Core Strategy and proposed Spatial Strategy seeks to protect the existing stock of family accommodation by preventing the redevelopment or subdivision of housing for flats. This will not meet demand and so there needs to be an increase in the supply of new family homes.

## **6 Is there a need for more affordable housing in Slough?**

6.1 Slough has a significant shortage of affordable housing. In March 2021 there were 1,911 households on the Council's Waiting List. Whilst only around 10% of these need 4 or 5 bedroomed houses, there is an extreme shortage of these larger homes with very few becoming available to rent. Indeed in 2020/21 only four units of this size were able to be let to new tenants which means that these large households can have up to a 5 year wait to get the accommodation that they need.

6.2 Paragraph 34 of the NPPF states that Local Plans should set out the types and level of affordable housing that is needed. Core Policy 4 of the Core Strategy states that all sites with 15 or more dwellings will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. It has not, however, been possible to obtain this level of affordable housing on sites because development will only proceed if it is viability and a developer can make a reasonable return on investment. As a result we have had to grant planning permission on some brownfield sites which have not provided any affordable housing at all.

6.3 This has resulted in an average of around 50 affordable units a year being provided during the first five years of the Local Plan period. Previous peak building rates for affordable housing has happened when there has been a supply of greenfield land.

6.4 Viability is much less of an issues when developing greenfield sites because they do not have the same existing use value and the cost of building can be lower than on previously developed sites. As a result it would be possible to obtain a much higher proportion of affordable housing upon any sites that are released from the Green Belt . And in addition there is more opportunity for those homes to be family housing.

6.5 The NPPF also requires plans to identify land for self or custom build homes. The Self Build Register in Slough currently has requests for a building plot from over 200 people. It is not possible to allocate plots for self build within flatted schemes and so the only opportunity for doing this is likely to be on greenfield sites where houses rather than flats are being built. More recent Government Policy is requiring the provision of a new type of affordable housing called 'First Homes'. The initial implications of that will also need to be assessed and integrated.

6.6 As a result it can be seen that there is a need for a more balance housing market in Slough which meets one of the main aims of the Local Plan which is to make it a place where people want to "work, rest, play and stay".

## **7 Are there any alternatives to releasing Green Belt land for housing?**

7.1 Paragraph 141 of the NPPF states that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.

7.2 As a result it is necessary to demonstrate whether the Local Plan strategy:

- a) Makes as much use as possible of suitable brownfield sites and underutilised land;
- b) Optimises the density of development in line with the policies in chapter 11 of the Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport;
- c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development.,

7.3 These matters have been considered through the Issues and Options consultation (2017) and the consultation on the Spatial Strategy (2020). The key conclusion from the Issues and Options consultation was that there was no reasonable option, or combination of options that could accommodate all of Slough's needs within the Borough boundary.

7.4 Taking this into account the proposed Spatial Strategy has the following key components:

- ***Delivering major comprehensive redevelopment within the “Centre of Slough”***
- ***Selecting*** other key locations for appropriate *sustainable* development;
- ***Enhancing our distinct suburbs, vibrant neighbourhood centres and environmental assets;***
- ***Protecting the “Strategic Gap” between Slough and Greater London;***
- ***Promoting the cross border expansion of Slough to meet unmet housing needs.***

7.5 A large proportion of the proposed growth will take place in the Centre of Slough. The rest of the town is already highly developed. The need to retain Existing Business Areas means that it has not been possible to identify very many selected key locations for major housing development. There is a shortage of public open space and so it is not proposed to identify any more of this for development.

7.6 The only other scope for major new housing would be to redevelop the suburban housing areas. The Spatial Strategy does not propose to do this because of the need to promote healthy, inclusive and safe communities and retain the existing stock of family housing. The “Protecting the Suburbs” report (2020) showed

why it was not practical, viable, sustainable or desirable to allow any of the family housing to be lost.

7.7 As a result it can be demonstrated that there is no suitable underutilised major brownfield land in Slough that hasn't already been identified for housing and optimum use is being made of the existing housing stock.

7.8 Paragraph 125 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. As a result it states that Local Plans should include minimum density standards for town centres which should seek a significant uplift in the average density of residential development.

7.9 The Core Strategy sets out an indicative density range for different location in Slough. This states that densities should be between 35 and 55 dwellings per hectare in the suburban areas, between 40 and 75 dwellings per hectare in the urban areas and above 70 dwellings per hectare in the town centre.

7.10 Development within the Centre of Slough has significantly exceeded this density with some schemes up to ten times higher than the minimum. Whilst these very high densities have delivered the maximum number of dwellings possible they have not produced the range of housing that is required in Slough.

7.11 Part of the Spatial Strategy involves promoting the cross border expansion of Slough to meet unmet housing needs. Discussions with neighbouring authorities about meeting some of Slough's unmet housing need have not so far been very successful. One of the reasons is that this would also involve releasing Green Belt land for housing.

7.12 As a result it can be seen that the proposal to release Green Belt land in Slough for family housing has been brought forward as a last resort after making as much use as possible of brownfield sites, optimising the density of development and exploring the possibility of building outside of the Borough.

## **8 How have the possible housing sites been selected?**

8.1 The ten sites that could possibly be released from the Green Belt were first identified in the Issues and Options consultation document (2017).

8.2 This noted that the largest area of Green Belt in the Borough is in Colnbrook and Poyle. This was not considered suitable for new housing because it is subject to a number of environmental constraints and the Government announced its support for a third runway in this location which makes it even less appropriate for housing.

8.3 The area of Green Belt south of the M4 in Slough was considered unsuitable for housing development because it contained the Jubilee river and the sewage works as well as having poor access and is mostly liable to flood.

8.4 A number of other pockets of Green Belt were also scoped out because they were not considered suitable for residential development for a variety of reasons such as their existing land use (eg education, cemetery, allotment, utility infrastructure, public open space); fundamental constraints such as flood risk or designated ecological value, or major utilities underground.

8.5 As a result, the ten possible sites identified in the Issues and Options consultation were:

- St Anthony's Field, Farnham Road;
- Wexham Park Hospital School of Nursing site, Wexham Street;
- Land to the rear of Opal Court Wexham Street;
- Land east of Wexham Park Hospital;
- North of Muddy Lane, Stoke Poges Lane;
- Land east of Rochfords Gardens;
- Bloom Park (part of), Middlegreen Road;
- Land East of Market Lane;
- Land south of Castlevue Road (south of Bleheim Rd)
- Upton Court Farm; Upton Court Road

8.6 It should be noted that no detailed work was carried out about possible constraints to the development of the sites. The consultation document also recognised that they could be subject to policy constraints. These included Bloom Park being public open space, the Castlevue site being part of an Historic Park and Garden, Market Lane being within the Colne Valley Park and Strategic Gap and St Anthony's Field having a role in the prevention of the coalescence of settlements.

8.7 The Spatial Strategy consultation document (2020) included the same ten sites as potential housing sites. It should be noted that the site south of Castlevue Road was renamed as being south of Blenheim Road since this is a more accurate description of its location. No further assessments of these sites had been carried out at this stage and the document reiterated that consideration would have to be given to strategic policies and local designations.

8.8 No new possible "Omission" housing sites within Green Belt were identified through the Spatial Strategy consultation exercise apart from some in the Colnbrook and Poyle area. As a result these ten sites have been brought forward for assessment as part of this consultation exercise.

8.9 One of the key elements of the proposed Spatial Strategy was "protecting the Strategic Gap between Slough and Greater London". As a result the assumptions

about not building any housing in the Colnbrook and Poyle area remained. This strategy would also effectively safeguard land from being developed which could be needed for the expansion of the airport in the future.

8.10 As a result no possible housing sites have been identified in the Colnbrook and Poyle area in this consultation document. Any comments upon this would be welcomed and any proposals that do come forward for the release of sites from the Green Belt will be considered against the criteria for site selection.

## **9 What criteria will be used for deciding which Green Belt sites could be released for housing?**

9.1 There are a number of factors that have to be taken into account in deciding whether sites are suitable for housing or not. Some of these relate to Green Belt factors others do not as explained below.

### Green Belt Considerations

9.2 All of the sites that have been identified as possible housing sites are in the Green Belt. Paragraph 137 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It is considered that all of the sites continue to have a Green Belt function and so have to be judged against Green Belt policy.

9.3 Paragraph 138 of the NPPF explains that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.4 Not all of these are relevant to the sites in Slough but the need to check sprawl and prevent settlements from merging are two of the criteria that can be used for assessing the potential housing sites.

9.5 Paragraph 141 of the NPPF describes some of the beneficial uses of Green Belt land. This includes providing access and opportunities for outdoor sport and recreation as well as retaining landscapes, visual amenity and biodiversity. All of these factors can be included in the site selection process.

9.6 Paragraph 146 of the NPPF gives examples of how Green Belt land can be improved by looking for opportunities to provide access; provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity,

biodiversity; or to improve damaged and derelict land. The potential impact upon any of these existing features can also be used as part of the site selection process.

9.7 Finally Paragraph 145 of the NPPF states that where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously developed and/or is well served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt.

#### Other Site Selection Criteria set out in the National Planning Policy Framework

9.8 There are a number of other factors that have to be taken into account in order to ensure that any proposed development is sustainable. Paragraph 11 of the NPPF sets out the basic principle that:

*“all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.*

9.9 Paragraph 99 of the National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless they are surplus or being replaced with better provision.

9.10 Paragraph 110 of the NPPF states that in allocating sites for development in plans, it should be ensured that there are appropriate opportunities to promote sustainable transport modes and a safe and suitable access to the site can be achieved.

9.11 Paragraph 159 of the NPPF states that Inappropriate development, such as housing, should be avoided in areas at risk of flooding.

9.12 Paragraph 175 of the NPPF states that plans should allocate sites with the least environmental or amenity value. This should be achieved by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and recognising the benefits of the best and most versatile agricultural land, and of trees and woodland(174).

9.13 Paragraph 189 of the NPPF explains that Heritage assets, including sites and buildings of local historic value, should be conserved in a manner appropriate to their significance.

Paragraph 212 of the NPPF states that Local Planning Authorities should not permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working .

### Local Planning Policies

9.14 Existing and emerging local planning policies reflect those set out in the NPPF. There are, however, some additional strategic designations which need to be taken into account. The most important are the policies in the Core Strategy and emerging Spatial Strategy which seek to protect the “Strategic Gap” between Slough and Greater London and the Colne Valley Regional Park.

9.15 The site selection process also has to take account of one of the elements of the proposed Spatial Strategy which is to promote the cross border expansion of Slough to meet local housing needs. This will be informed by the Wider Area Growth Study which was originally jointly commissioned by Windsor & Maidenhead, South Bucks and Slough. Part 2 of this study, which is being carried out by Stantec, is due to be published in the coming months.

9.16 The Spatial Strategy also seeks to safeguard the proposed third runway at Heathrow which remains as Government policy as set out in the Airports National Policy Statement.

### Conclusion

9.17 All the above criteria have been taken into account in coming to our initial conclusions about the suitability of sites for development for family housing. Full details of the site selection criteria and how they have been applied to individual sites are set out in Part 2 of the report.

9.18 One of the purposes of this consultation is to seek views as to whether the correct criteria has been used to assess the sites, and the weight given to them is appropriate and suitable (see question [insert ref. xx]).

## **10 Sustainability Appraisal**

10.1 All elements of the Local Plan have to be informed throughout is preparation by a Sustainability Appraisal. This demonstrates how the plan has balanced the relevant economic social and environmental objectives and considered alternative options which could reduce significant adverse impacts upon these objectives.

10.2 An addendum to the Sustainability Appraisal of the Proposed Spatial Strategy has been produced which considers the proposed Release of Green Belt Sites for Family Housing. This does not assess individual sites at this stage but assesses the extent to which the principle of developing greenfield sites to meet local housing

needs meets the Sustainability Objectives. As a result this can be used to inform the decision making process.

10.3 The Sustainability Appraisal Report is available to view and comment upon and will be subject to public consultation for a six week period as part of the overall consultation exercise.

10.4 An Equalities Impact Assessment will also be available.

## **11 What are the initial conclusions?**

11.1 All of the sites have been subject to a high level assessment against the criteria identified above. It should also be noted that further detailed technical assessments will be needed. One of the purposes of the consultation is to help gather evidence about what other constraints there may be to developing the sites.

11.2 All of the sites constitute an extension of the existing urban area, which are considered to be one of the most sustainable forms of development once all opportunities for the reuse of brownfield land have been used up..

11.3 None of the sites have any particular landscape value and there are not subject to any biodiversity or ecological designations. As a result there are no known fundamental constraints to development in these respects but they will have to be subject to detailed surveys

11.4 All of the sites contain potentially developable land that is not constrained by flood risk.

11.5 The key factors which distinguish the sites are the impact upon the wider Green Belt in terms of physical and visual sprawl, the impact upon the coalescence of settlements, the loss of public or private open space and the impact upon historical assets

11.6 In order to help inform the consultation, each site has been given a preliminary “traffic light” assessment to indicate whether they are considered “suitable”, “possible” or “unsuitable” for housing development. Maps of the sites are in the figure 1. The results of this are shown below:

### “GREEN” Suitable

- Wexham Park Hospital School of Nursing site, Wexham Street;
- Land to the rear of Opal Court Wexham Street;
- Land east of Wexham Park Hospital;
- Land east of Rochfords Gardens;
- Upton Court Farm;

### “AMBER” Possible

- Land East of Market Lane;
- Land south of Blenheim Road

“RED” Unsuitable

- St Anthony’s Field, Farnham Road;
- North of Muddy Lane, Stoke Poges Lane;
- Bloom Park (part of), Middlegreen Road;
- All other areas of Green Belt land

11.7 A detailed assessment of each site is set out in the proformas below but the main conclusions are as follows:

**Red - Unsuitable sites**

11.8 The development of **St Anthony’s Field** would have a significant visual impact upon the small gap between Slough and Farnham Royal resulting in the merging of the two settlements. It would also have an impact upon the adjoining Conservation Area. It is for these reasons that the site is considered to be “**unsuitable**” for housing development.

11.9 Building upon part of **Bloom Park** would result in the loss of public open space. This is considered to be sufficient reason to make this an “**unsuitable**” site for housing development.

11.10 The site **North of Muddy Lane** is part of the Singh Sabba sports centre playing field. The site consists of a strip of land along the Stoke Road frontage which is not delineated on the ground in any way. This, and the loss of private open space, is considered to make this an “**unsuitable**” site for housing development.

**Amber – sites possibly suitable for family housing**

11.11 The **land east of Market Lane** is part of the Colne Valley Park and forms part of the Strategic Gap between Slough and greater London. It is very visible with no clearly defined boundary. As a result any development could be described as “sprawl”.

11.12 The site was identified for possible housing development in the Slough Northern Extension study produced by Atkins in 2017. It also forms part of the area of search for major housing development in the Wider Area Growth Study which is being produced by Stantec. As a result it remains as a “**possible**” housing site but it is considered that it should only come forward as part of a wider comprehensive development where a full mitigation package can be provided. This will include the necessary infrastructure to make the development sustainable and include compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.

11.13 The **land south of Blenheim Road** is adjacent to the recent Kings Reach housing development which was released from the Green Belt for housing development in the 2004 Local Plan for Slough. One of the reasons why the proposed site was not allocated for housing at that time was that it formed part of the designated Ditton Park Historic Park and Garden. Any harm or loss of a designated heritage asset such as a registered park and garden should require exceptional, clear and convincing justification.

11.14 The site is not in the same ownership as the rest of the park and has no discernible historic features. As a result it remains as a “**possible**” housing site provided heritage objections can be overcome with suitable mitigation.

### **Green – Sites suitable for family housing**

11.15 There are no fundamental policy objections to the development of the cluster of sites around Wexham Park Hospital. Land to the south was released from the Green Belt in the 2004 Local Plan and the three proposed sites would result in the rounding off of development in the area.

11.16 As a result **Wexham Park Hospital School of Nursing site, Wexham Street; Land to the rear of Opal Court Wexham Street; and Land east of Wexham Park Hospital** are considered to be “**suitable**” for housing development.

11.17 **Land east of Rochfords Gardens** is a natural infilling site because it is surrounded by development on three sides. It is field with no intrinsic qualities. As a result it is considered to be a “**suitable**” site for housing development.

11.18 The **land at Upton Court Farm** is a partly underutilised site close to the centre of Slough. It has a number of buildings on the northern side fronting Upton Court Road and is well contained. As a result, on balance, this is considered to be a “**suitable**” site for residential development.

### Additional general requirements

11.19 A full explanation as to why the sites may or may not be suitable for housing development is set out in the site assessments in part 2 of this document.

11.20 It should be noted that the sites have not been the subject of detailed site technical assessments at this stage. It is recognised that some of them may have access issues and parts of some of them are liable to flood.

11.21 It will also be necessary to show that development of the sites is viable and capable of delivering family and affordable housing in high quality developments.

11.22 All of these issues will have to be resolved before the sites can be considered for allocation for development in the Local Plan.

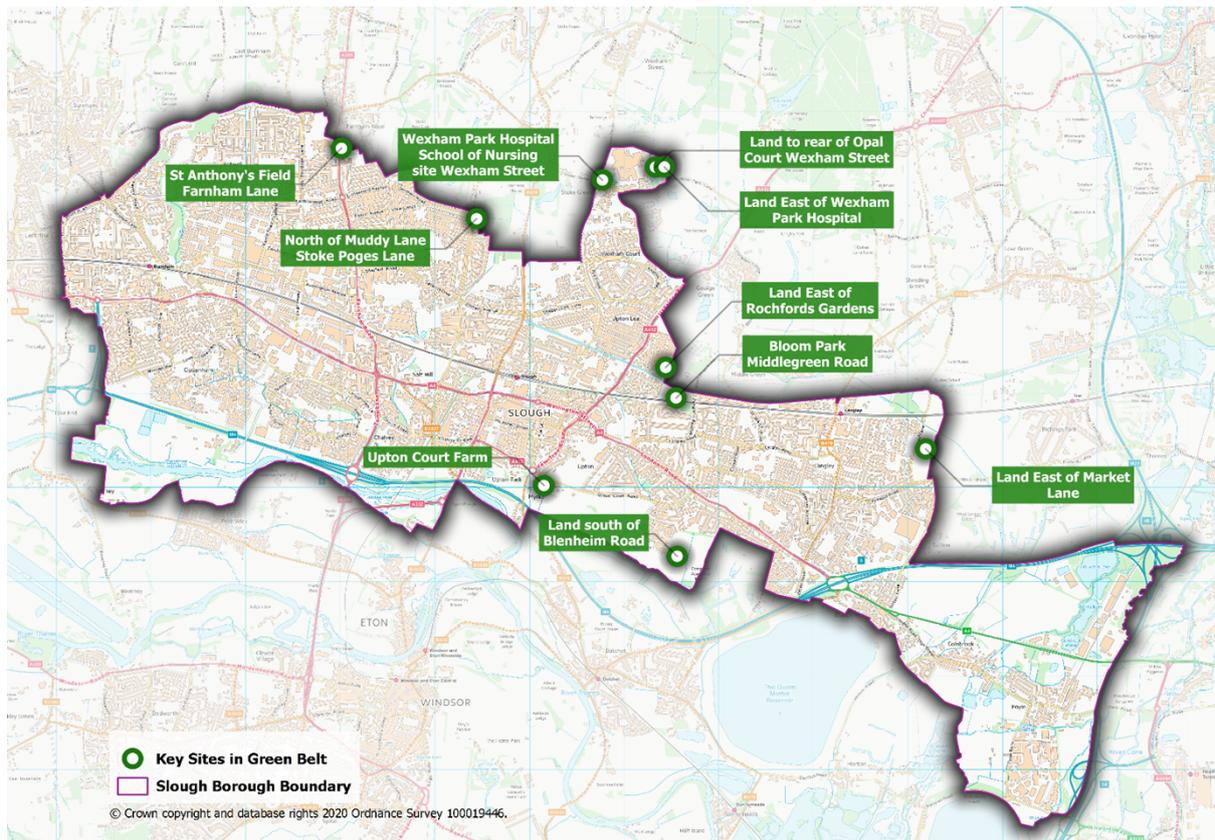


Fig. 1 Plan of proposed Sites to be released from the Green Belt for family housing ; see Part 2 for individual sites

## 12 What is the process for releasing Green Belt land?

12.1 Although the site assessments have taken account of some elements of Green Belt policy, they have not addressed the fundamental issue of the presumption against inappropriate development in the Green Belt. As a result they will have to be subject to a Green Belt Assessment. This will have to consider the impact upon the Green Belt in terms of the loss of openness and the impact upon the five purposes of having Green Belt which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

12.2 The Government attaches great importance to Green Belts which are to be regarded as permanent. Paragraph 140 of the NPPF states that “Green Belts should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”.

12.3 There is no definition as to what constitutes “exceptional Circumstances” but the Courts have found that “In principle, a shortage of housing land when compared to the needs of an area is capable of amounting to very special circumstances”.

12.4 The final decision as to whether it is justifiable to allocate Green Belt sites for housing in Slough will have to be made through the Local Plan process once we have taken into account a number of factors.

12.5 Firstly we will have to consider the response to the public consultation. Secondly we will have to carry out all of the necessary detailed technical work to ensure that the proposed housing can be delivered. Thirdly we will have to compile further evidence, including a detailed updated Housing Capacity Study, to confirm that we have left “no stone unturned” in our search for alternative ways of providing housing, including family housing.

12.6 It will also be necessary to identify ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.

12.7 Finally we will have to decide whether the release of Green Belt land in Slough is the most sustainable form of development for the Local Plan to promote in order to meet the objective of meeting a range of housing needs.

### **13 Conclusion:**

13.1 This consultation document identifies ten sites that have had a high level assessment to indicate if they are suitable to be released from the Green Belt to provide family housing. This forms part of the ongoing work for the Local Plan for Slough.

We have done an initial assessment of the suitability of the sites but would like your views on any aspect of this. We have set out a few questions on the topics below:

[ Insert questions]

- Site selection methodology
- Individual sites
- Any other Green Belt sites
- Alternatives to Green Belt releases
- Whether there are “exceptional circumstances” to justify the loss of Green Belt

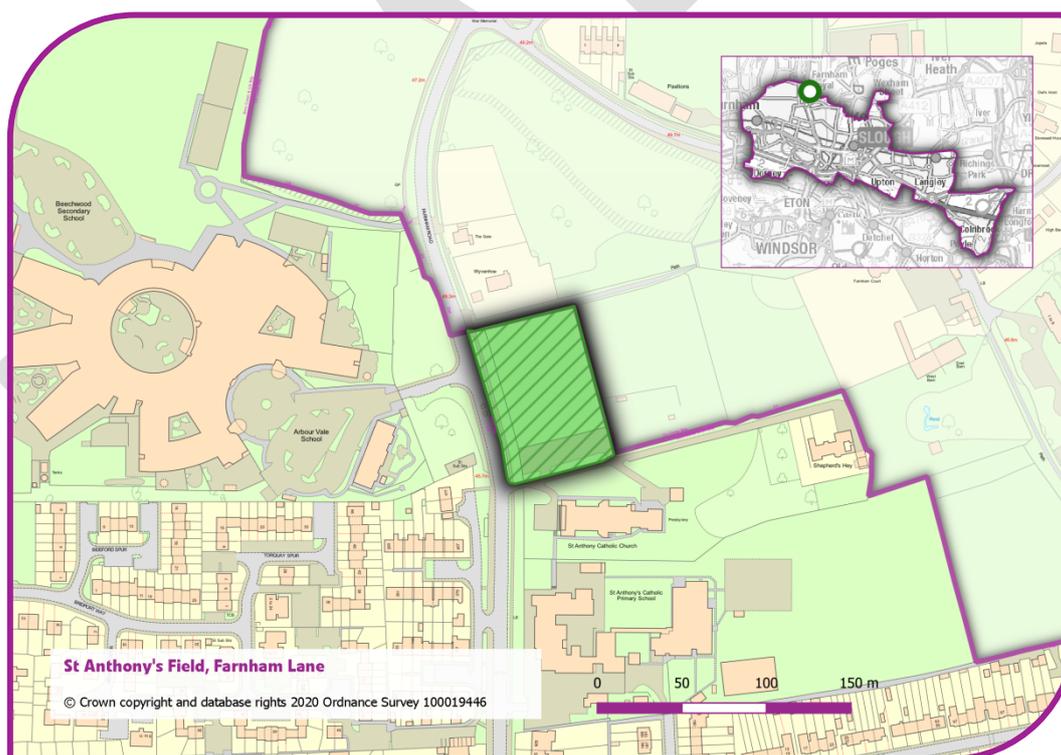
## **PART 2 INDIVIDUAL SITE ASSESSMENTS**

Site Name	Initial rating
1. Wexham Park Hospital School of Nursing, Wexham Street;	Green – Suitable
2. Land to the rear of Opal Court Wexham Street;	Green – Suitable
3. Land east of Wexham Park Hospital;	Green – Suitable
4. Land east of Rochfords Gardens;	Green – Suitable
5. Upton Court Farm;	Green – Suitable
6. Land East of Market Lane;	Amber – Possible
7. Land south of Blenheim Road	Amber – Possible
8. St Anthony's Field, Farnham Road;	Red – Unsuitable
9. North of Muddy Lane, Stoke Poges Lane;	Red – Unsuitable
10. Bloom Park (part of), Middlegreen Road;	Red – Unsuitable
11. All other areas of Green Belt land	Red – Unsuitable

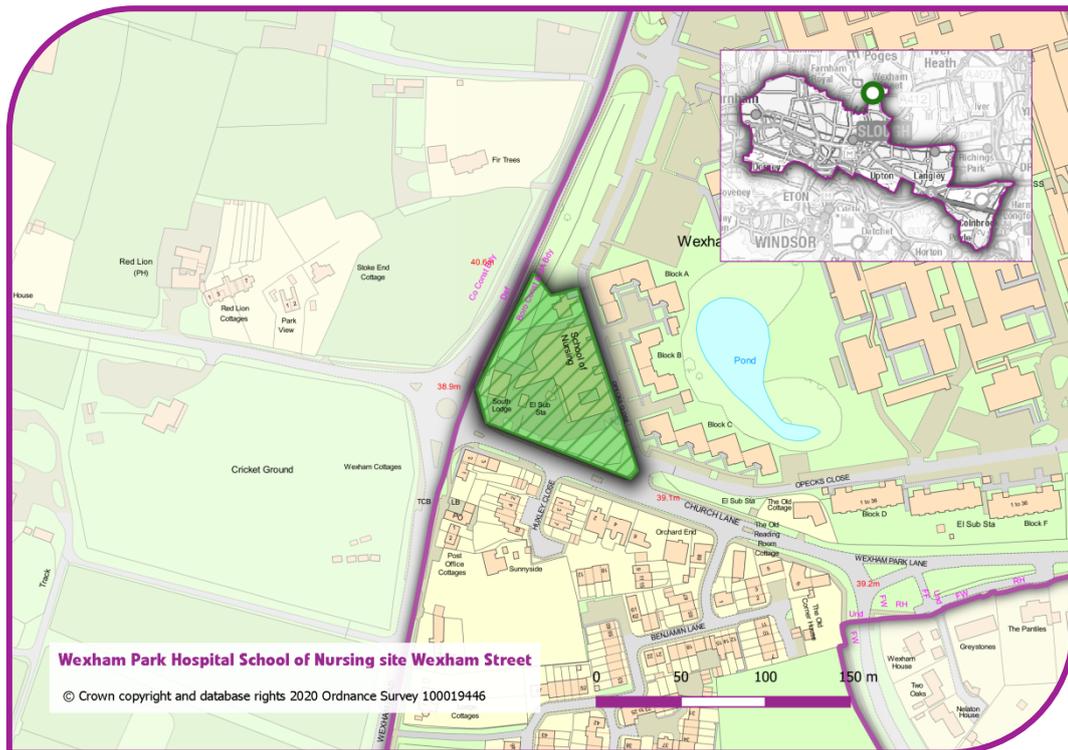
[insert site schedules]

### Plans of Site locations and boundaries

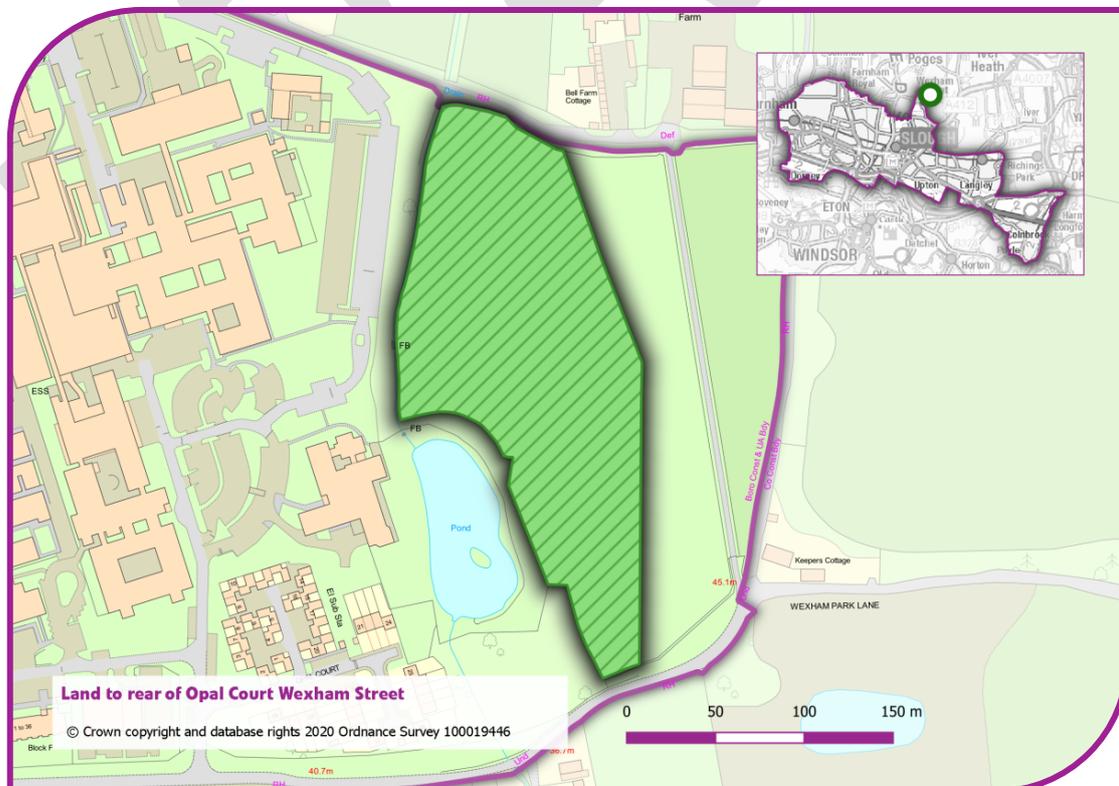
- Site 1 -St. Anthony's Field, Farnham Lane



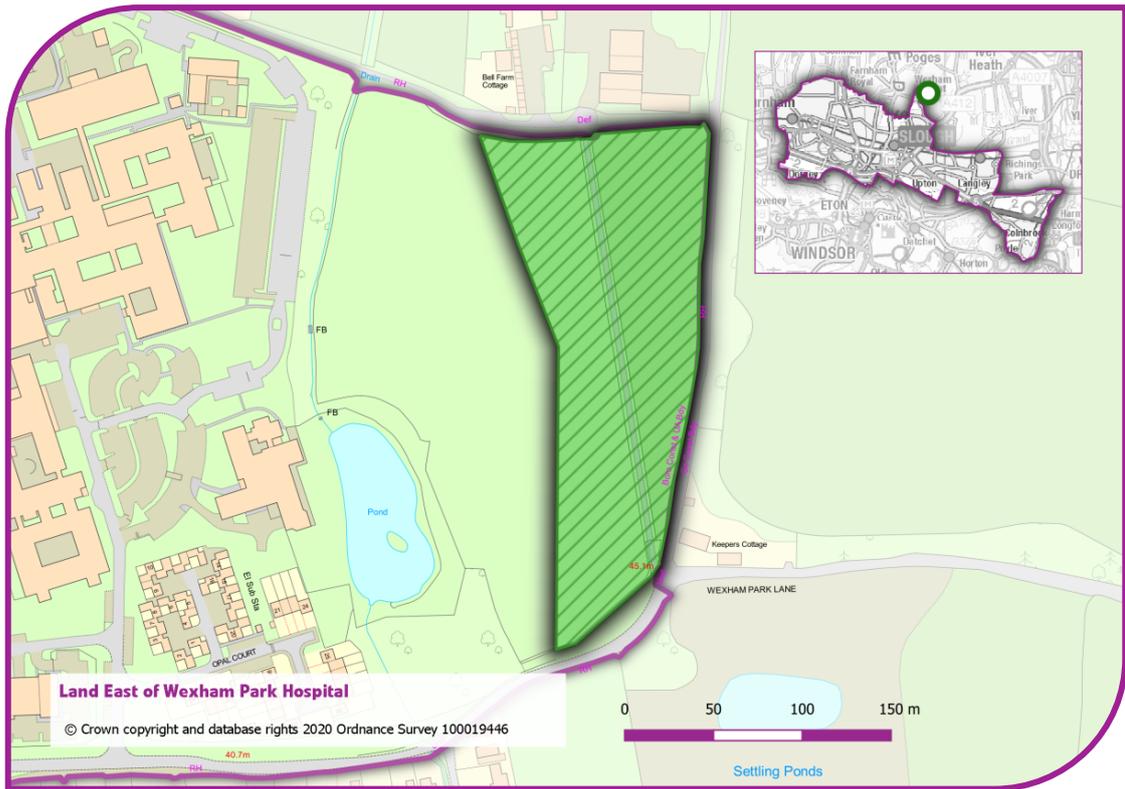
- Site 2 - Wexham Park Hospital School of Nursing site, Wexham Street



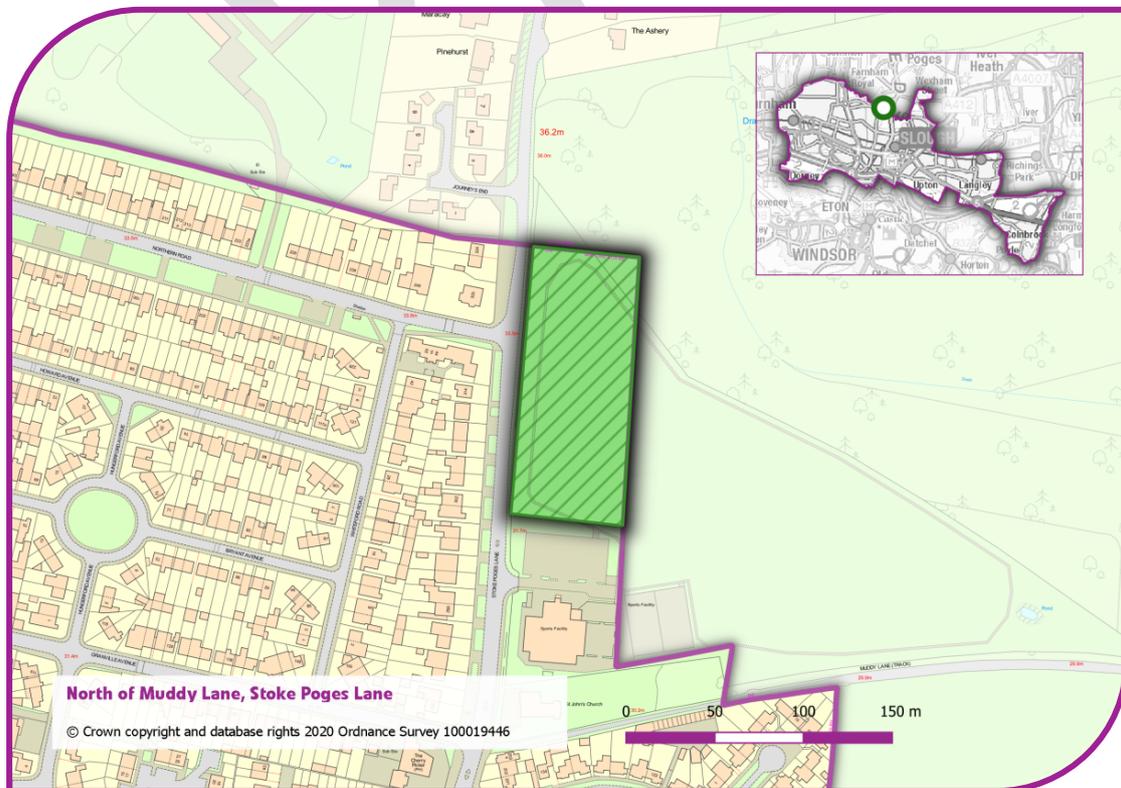
- Site 3 - Land to rear of Opal Court Wexham Street



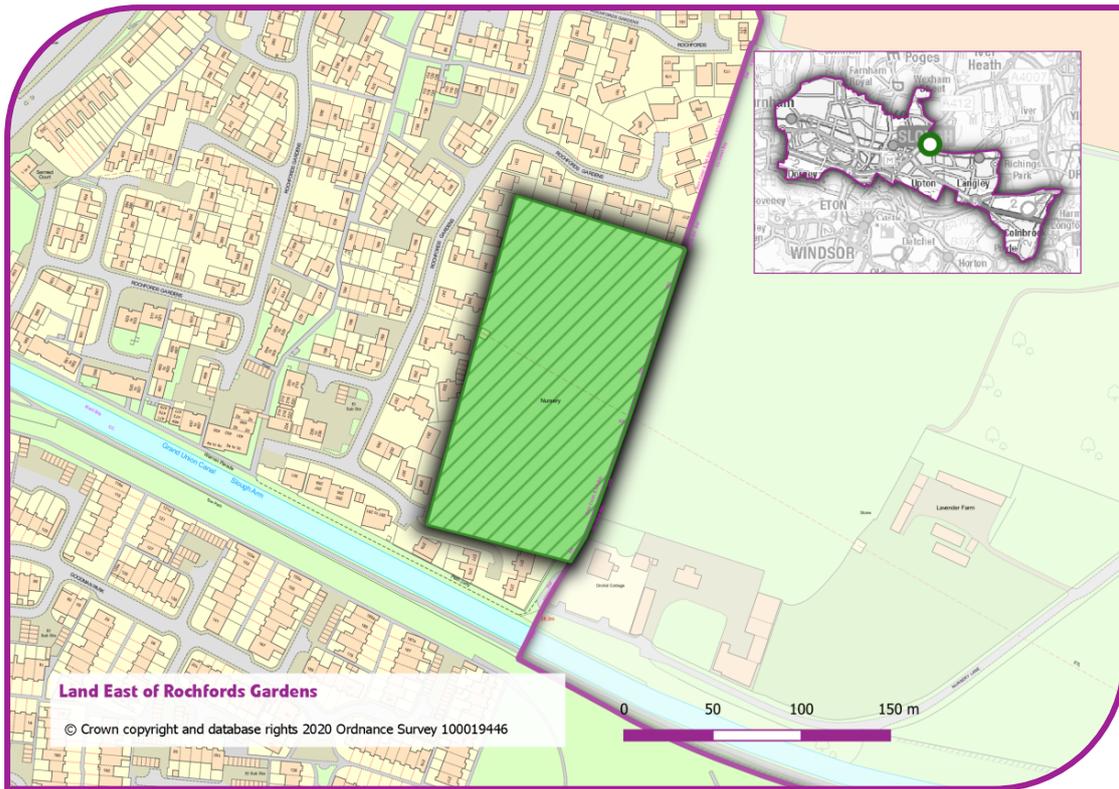
- Site 4 - Land east of Wexham Park Hospital



- Site 5 - North of Muddy Lane, Stoke Poges Lane

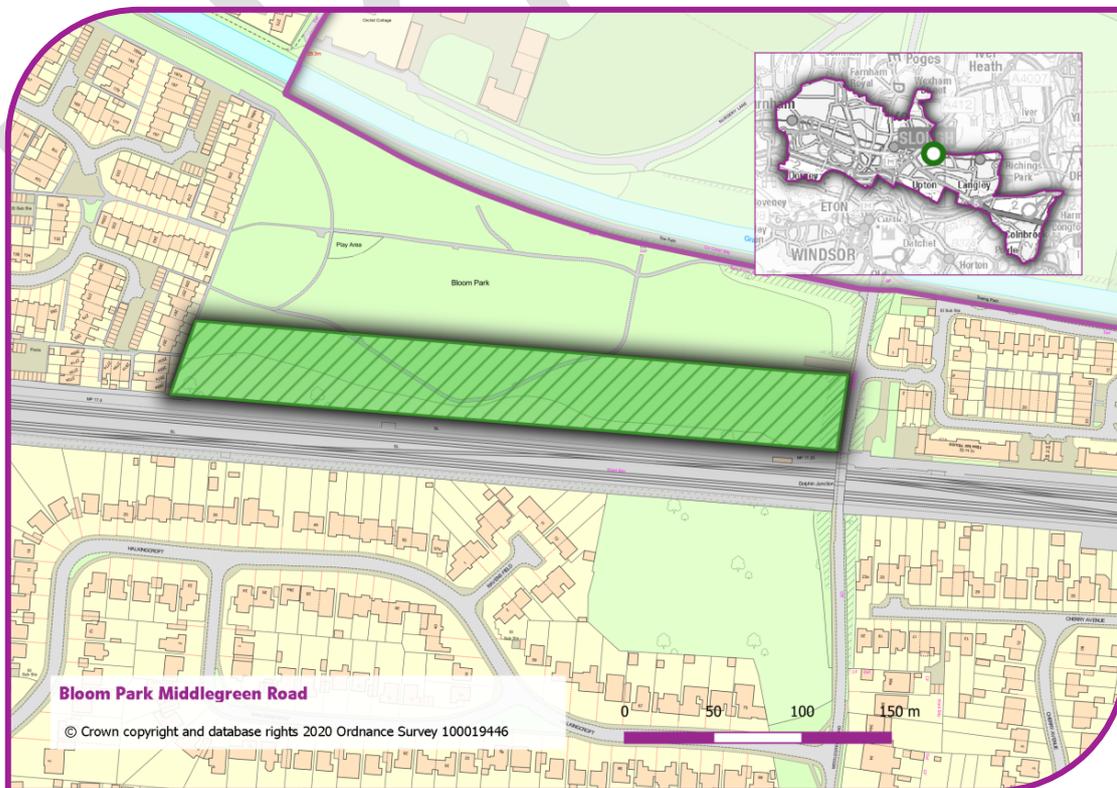


- Site 6 - Land east of Rochfords Gardens



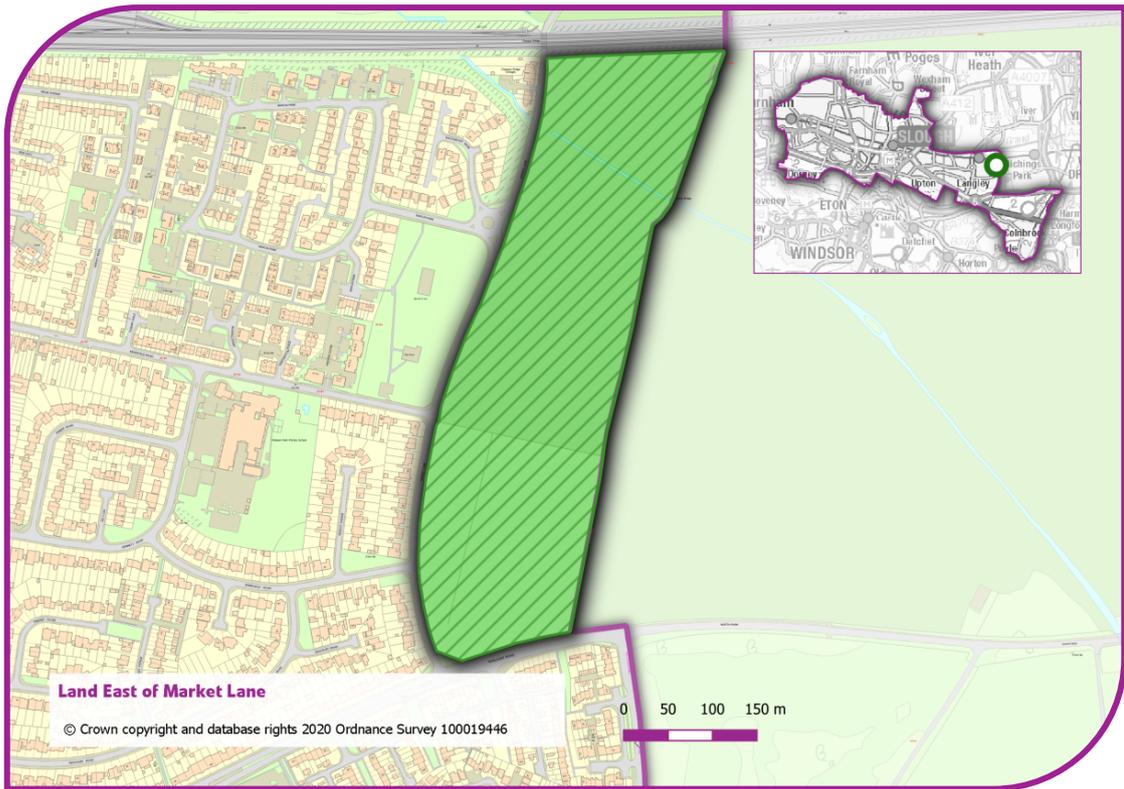
**Land East of Rochfords Gardens**

- Site 7 – Part of Bloom Park, Middlegreen Road



**Bloom Park Middlegreen Road**

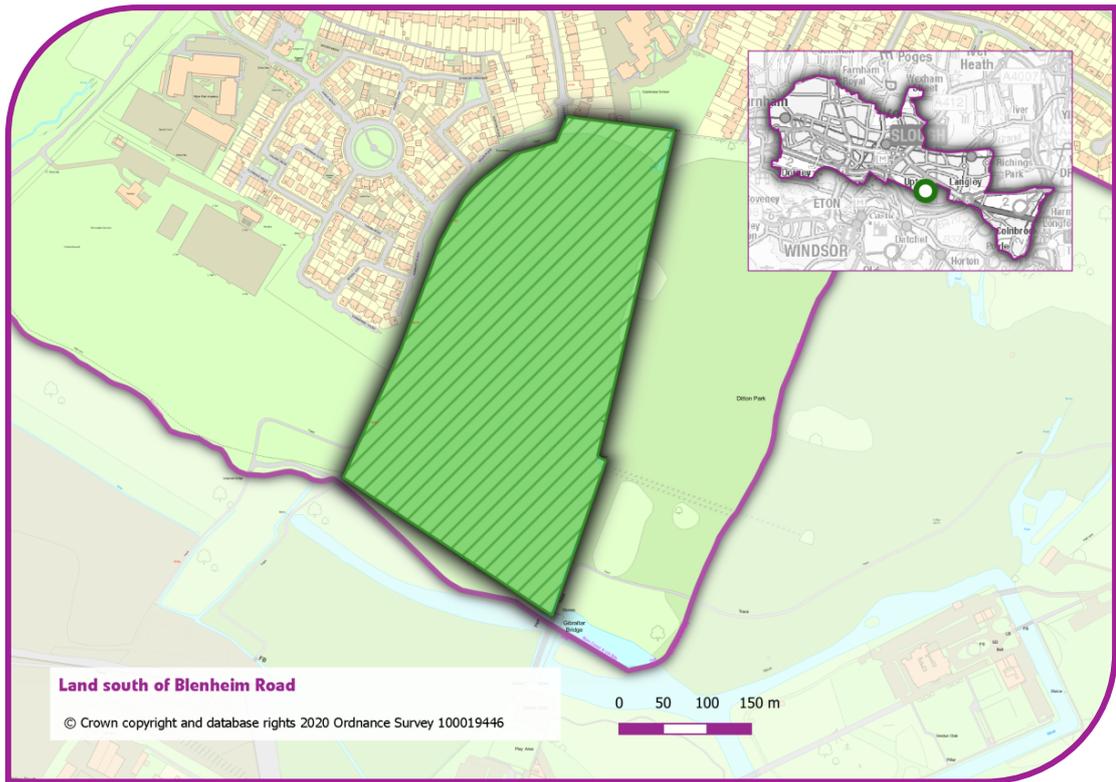
- Site 8 - Land east of Market Lane



- Site 9 - Upton Court Farm



- Site 10 - Land south of Blenheim Road



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**SLOUGH BOROUGH COUNCIL**

REPORT TO: PLANNING COMMITTEE

DATE: August 2021

**PART 1****FOR INFORMATION****Planning Appeal Decisions**

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

**WARD(S)****ALL**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/07822/008	10, Shackleton Road, Slough, SL1 3QU  Construction of a part single storey side and part first floor rear and side extension	Appeal Dismissed  20 <sup>th</sup> July 2021
P/02939/003	27, The Spur, Slough, SL1 6EU  Variation of condition 2 (approved drawings) of planning permission P/02939/001 dated 27/06/2018 (minor alterations, including permanent obscure glazing to side facing roof lights)	Appeal Granted  23 <sup>rd</sup> July 2021
2018/00444/ENF	27, The Spur, Slough, SL1 6EU  Breach of condition - additional windows	Notice upheld  23 <sup>rd</sup> July 2021
P/11562/005	88 & 90, Quinbrookes, Slough, SL2 5RU  Variation of condition 9 (permitted development rights) of planning permission P/11562/003 dated 27/08/2004  Variation of condition 9 (permitted development rights) of planning permission P/11562/003 dated 27/08/2004  An application was received to vary condition 9 to remove reference to Classes B and C of the GPDO (essentially removing the restriction of a loft conversion and rooflights). Planning permission was refused as the addition of another bedroom would have increased the amenity provision beyond that which is available at the site. This would have meant that the owners would have to submit a planning application for any additional extensions/bedrooms and enabled officers to assess amenity provisions at that time, in line with the Council's SPD.  The appeal was and allowed. The Inspector amended the condition to allow Classes B and C.  The Inspectors justification for this was that the loft conversion may allow for an additional bedroom or even a home office which would not necessarily increase the number of occupants	Appeal Granted  5 <sup>th</sup> August 2021

	<p>of the dwelling and thus the amount of garden that is currently there would be sufficient. In addition to this, the Inspector also considered the side garden to be of useable amenity space and thus included that in his overall calculation; therefore indicating that the amenity space available exceeds the minimum size within the Council's SPD even if there were to be more than 4 bedrooms within the dwelling.</p> <p>The appeal was therefore allowed subject to the conditions listed within the Inspectors Decision.</p>	
P/10430/011	<p>100b, Waterbeach Road, Slough, SL1 3JY</p> <p>Conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations</p> <p>The LPA granted planning permission on 14 January 2021, with conditions to form a pair of semi-detached dwellings within the existing building; the condition the subject of the appeal required the approval of the LPA for the resultant dwellings to be subdivided or used in multiple occupation. The LPA considered the restriction on use was appropriate given the impact on the amenity of the area that use of both dwellings for up to 6 occupants each (12 in total at the site), which would be considered to be Permitted Development as a C4 use, particularly given the recent refusal of planning permission (and appeal dismissed) for a House in Multiple Occupation for up to 9 occupants, within the existing, single building.</p> <p>The planning inspector concluded that a condition restricting the subdivision of a dwelling would require planning permission in any event, and therefore this element of the condition was unnecessary. The planning inspector determined that a restriction on the rights to occupy the dwellings in multiple occupation was justified and necessary, and varied the condition to restrict the use in multiple occupation, given specific reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 and The Town and Country Planning (Use Classes) Order 1987.</p> <p>The planning appeal granted planning permission for the conversion of the existing building to a pair of semi-detached dwellings, upholding the conditions imposed by the LPA, and varying the condition regarding use in multiple occupation; such use would require planning permission as the condition removes Permitted Development rights in this regard</p>	<p>Appeal Granted</p> <p>10<sup>th</sup> August 2021</p>
P/03283/019	<p>230, Farnham Road, Slough, SL1 4XE</p> <p>Variation of condition 3 (Hours of opening) of planning permission P/03283/013 for "Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) " dated 13/11/2018 to allow opening hours of Monday to Thursday 11:00 to 01:00, Friday to Sunday 11:00 to 02:00, seasonal variations Eid and Ramadan Only 11:00 to 03:00</p>	<p>Appeal Dismissed</p> <p>10<sup>th</sup> August 2021</p>

P/04532/005	36, Albert Street, Slough, SL1 2BU  Construction of a part single storey, part two storey front and rear extension and alterations to existing roof.	Appeal Dismissed (In Part)  18 <sup>th</sup> August 2021
P/19122/001	17, Telford Drive, Slough, SL1 9AD  Construction of a front porch	Appeal Dismissed  26 <sup>th</sup> August 2021
P/01272/012	<p>The Former Willow Tree, 62 , Station Road, Langley</p> <p>Demolition of existing structures and redevelopment of the site for a part single through to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision.</p> <p>1. The development is described as:</p> <p style="padding-left: 40px;">Demolition of existing structures and redevelopment of the site for a part single through to a part-five storey building to accommodate 41 residential units, with associated parking and amenity provision.</p> <p>. On 29th July 2020 the Planning Committee resolved to overturn the Planning Officer recommendation and refuse the planning application for reasons relating to the following:</p> <ul style="list-style-type: none"> <li>• the effect of the proposed development on the character and appearance of the area; and</li> <li>• the effect of the proposed development on the living conditions of neighbouring occupiers.</li> </ul> <p>. The applicant has since appealed the decision to refuse the application. Planning Officers provided a detailed written statement explaining and expanding upon the reasons for refusal. A virtual appeal hearing took place on 5<sup>th</sup> August 2021.</p> <p>. Following the close of the Hearing, the appeal was allowed.</p> <p><i>Character and appearance of the area:</i></p> <p>. The Planning Inspector found that overall, the proposed development would not harm the character and appearance of the area and would comply with Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan for Slough.</p> <p>. The Inspector noted the proposal would urbanise the site and alter the character of the area. However, the gradual stepping up of the building was considered to result in a sensible transition between the suburban character of Alderbury Road and the commercial character of Station Road. Consequently, the scale and massing of the scheme was considered to be</p>	Appeal Granted  31 <sup>st</sup> August 2021

	<p>acceptable.</p> <p><i>Living conditions of neighbouring occupiers.</i></p> <p>. The Inspector found the proposal would not result in an oppressive environment for the neighbouring occupiers, and would not result in unacceptable harm in terms of outlook. Acceptable privacy from within the neighbouring properties would be retained.</p> <p>. The Inspector found there would be harm (albeit a low level) to the privacy of the neighbouring occupiers when using the rear gardens at Nos 117 and 119 Alderbury Road and this to conflict with Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan for Slough. The Inspector noted the harm would be somewhat mitigated by the inclusion of low level obscure glazing, Juliet balconies, the tree planting along the neighbouring boundary, and distance.</p> <p><i>Planning balance:</i></p> <p>. The Inspector noted the Council are unable to demonstrate a five-year housing land supply and that the supply of housing lies in the region of 2.2 years.</p> <p>0. In applying the harm to the planning balance, the Inspector found the loss of privacy in the rear gardens amounted to limited negative weight. The Inspector also found the proposal would conflict with Core Policy 4 of the Core Strategy due to the proposal not consisting of family housing. Limited negative weight attributed to this harm.</p> <p>1. In applying the benefits to the planning balance, the Inspector noted the temporary economic benefit during the construction phase and future occupiers would contribute to the local Community. The Inspector found the proposal would contribute 41 dwellings to the housing supply in a sustainable location close to public transport and local services and facilities. Given the significant number of dwellings proposed and the acute housing shortfall, significant positive weight was attributed to this benefit.</p> <p>2. In conclusion the Inspector found the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework taken as a whole and tilted in favour of the supply of housing.</p> <p>.</p>	
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## Appeal Decision

Site visit made on 8 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

**by Martin Seaton BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 July 2021**

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**Appeal Ref: APP/J0350/D/21/3271344**

**10 Shackleton Road, Slough, SL1 3QU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Zacheer Kahn against the decision of Slough Borough Council.
  - The application Ref P/07822/008, dated 9 July 2020, was refused by notice dated 27 January 2021.
  - The development proposed is erection of ground floor part side and first floor side and part rear extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. A drawing of the proposed parking area which was not submitted with the original planning application forms part of the evidence for the appeal. I have considered it under the principles established by the Courts in *Wheatcroft*.<sup>1</sup> As it seeks to illustrate the manoeuvrability of vehicles at the already proposed parking area I have concluded that to consider it would not disadvantage anyone who might have otherwise been consulted on the plan. Accordingly, it has informed this recommendation.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area,
  - whether the proposed development would provide satisfactory parking spaces and the effect it would have on the safety of those using the public highway, with particular regard to pedestrians using the footpath and users of Shackleton Road,

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- whether the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space, and
- the effect of the proposed development and on the living conditions of occupants of Nos 8 and 10a with regards outlook.

## **Reasons for Recommendation**

### *Character and Appearance*

5. The appeal property has a prominent position at a wide bend of Shackleton Road near the blocked junction of Queens Road. It is located in a residential area generally comprising well-spaced semi-detached dwellings. No 10a is a modern addition set close to its northerly side boundary. No 8, to the south, which was originally the paired dwelling with the appeal property, has been extended to the side and the three properties now form a short terrace. However, despite these alterations, a sense of openness and degree of uniformity remains through the spaces between properties and this shapes the character of the area. The existing side extension to the appeal property is single storey and does not encroach harmfully on this important feature of the immediate and surrounding area.
6. Although designed to be subservient to the host dwelling and utilising matching materials and finishes, the first floor on the existing side extension would substantially fill the gap between No 10a and the appeal property. Whilst acknowledging that the proposal would retain a 1m set in from the boundary with No 10a in accordance with the guidance of the Residential Extensions Guidelines Supplementary Planning Document (SPD), there would nevertheless be a resultant terracing effect given the proximity of the existing built form at No 10a to the shared boundary. The development would therefore effectively close a significant gap which would be highly visible and would substantially erode the remaining space between dwellings in this prominent part of the street scene. This would appear at odds with the prevailing pattern of spacing which forms the pleasing character of the area.
7. It would therefore be harmful to the character and appearance of the area. In this respect it would conflict with Policies H15, EN1 and EN2 of the Local Plan for Slough (LP) and Policy 8 of the Slough Local Plan Development Framework Core Strategy (Core Strategy) and the guidance of the SPD. These collectively require, amongst other matters, proposals to be of a high-quality design and compatible with their surroundings in terms of visual impact and relationship to nearby properties.
8. It would also be inconsistent with policies of the National Planning Policy Framework (Framework) which seek well designed places.
9. It is noted that the Council's decision notice has also cited policy H14 of the LP which relates to amenity space, but is not specifically relevant to this issue.

### *Parking and Highway Safety*

10. Policy 7 of the Core Strategy states minimum parking standards may be applied to any small-scale residential development that is allowed in existing residential areas. The level of parking within residential areas will be appropriate to both its location, the scale of development and taking account of

- local parking conditions. However, this contrasts with the policy approach of the Framework, which at paragraph 106 states maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Furthermore, paragraph 109 sets out 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.
11. The existing off-street parking for the appeal property is to the front and accessed by crossing a wide footpath. Whilst this configuration is not unusual in the area, the space is small, and partially bound by a wall. Nevertheless, it appears to be just adequate for the parking of two vehicles without overhanging the footpath.
  12. The proposed area for off-street parking for this development would be similar to that existing. Whilst the drawing submitted illustrates that three vehicles could be parked in this area when all three vehicles were parked it would be difficult for people to exit and enter the vehicles and access the dwelling. If vehicles were of a slightly larger size than a modest family car there would not be adequate space for this number of vehicles. Furthermore, larger vehicles parked at the angle shown on the proposed plans would overhang the footpath, leading to conflict with pedestrians on this narrower section of the pavement.
  13. I am also mindful that the necessity for a greater level of manoeuvring when accessing and exiting from the angled and constricted space across the footpath would result in conflict between pedestrians and vehicles, and in this respect the footpath would be materially less safe for pedestrians as a result. It is for these reasons I am not persuaded that three vehicles could be safely parked without encroachment on to the footpath at the front of the property.
  14. I have had regard to the urban location of the appeal property and that it is well related to services, schools and public transport. The proposed development would result in a family dwelling with at least 4 bedrooms with potential capacity in the first-floor study for an additional single bed. It is noted that the SPD advises of a requirement for three off-street car parking spaces for a four plus bedroom dwelling, but also that the parking guidelines may be relaxed to two spaces in respect of a 4 bedroom dwelling where there is sufficient parking capacity in the street.
  15. Many dwellings, including the appeal property, have some off-street parking provision in this area. However, these spaces are generally small. There are double yellow lines on the carriageway restricting parking along the frontage of No 10, and on-street parking is extremely limited in the cul-de-sac near the dwelling. In this regard I observed a vehicle parked on the footpath/green verge at the front of No 8.
  16. The nearest on-street capacity is to the north on the short straight stretch of Shackleton Road and to the west on one side of Gilliat Road, where on-street parking was permitted in part on the footpath, given the constraints of the carriageway. Whilst I recognise that this must be taken only as a snapshot at the time of my visit, on-street parking on Gilliat Road was almost full in the early morning although the provision on Shackleton Road was less busy. Whilst parking is limited and less than ideal in this busy residential area, I have had

regard to the absence of any technical evidence having been submitted regarding parking stress in the area

17. In light of this I am not persuaded that there is a clear and compelling justification for requiring three car parking spaces in this case. Applying the guidelines of the SPD, it would therefore be appropriate to consider a reduced provision of two off-street parking spaces, where vehicles could be parked safely without the harm identified in respect to conflict with the footpath and pedestrians. I also find the location of the property close to services and public transport to be an additional factor in support of this conclusion.
18. I therefore conclude that the proposed development would provide satisfactory off-street parking. The proposal would not have a harmful effect on the safety of those using the public highway, including pedestrians. It would not be contrary to Policy 7 of the Core Strategy in respect to improving road safety. Nor would it be inconsistent with the policies of the Framework, which are a significant material consideration in this case, and that state development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. In reaching my conclusions, and being mindful of my conclusions, I have also had regard to the concerns raised regarding the impact on the existing parking arrangements at No. 10a Shackleton Road. However, it is noted that the means of access to No. 10 Shackleton Road is not being altered and the drawings confirm that the proposed development would not encroach onto the existing parking area currently used by occupants of No 10a. Any issues with regards the approved parking arrangements for No. 10a and compliance with conditions of the planning permission for that property is not a matter before me in this appeal.

#### *Private Garden Space*

20. The residential area in which the appeal property is located is generally characterised by modest dwellings with modestly sized rear gardens. However, a number of properties have extensions which have eroded this pattern of development. Moreover, the adjacent No 10a is a large detached dwelling with a modestly sized rear garden of similar proportions to the appeal property.
21. The size of the rear garden space would not be reduced as a result of the development. Whilst noting it was originally designed to serve a much smaller dwelling than would result from the development, this changing pattern of development would not be at odds with the existing immediate character of the area.
22. The rear garden space would be small proportionally to the large dwelling it would serve with the sizeable outbuilding on the rear boundary further limiting the available space. However, there is sufficient space for hanging laundry, accommodating some play equipment and space where occupants of the dwelling could sit and relax. As such it would be of a sufficient size for occupants of the dwelling to enjoy and for family activities.
23. The Council has noted that there is no fence on the shared boundary between the appeal property and No 10a. However, this matter could easily be resolved through a condition which would provide adequate and a more private space

for occupants of both properties, and I am not persuaded that this matter is therefore determinative.

24. For these reasons, the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space. It would in this respect be consistent with Policies H14, H15 and EN1 of the LP, Policy 8 of the Core Strategy and guidance in the SPD, which collectively require, when determining the appropriate level of amenity space, consideration should be given to type and size of dwelling, quality of the proposed amenity space and character of surrounding area.
25. It would also be consistent with policies of the Framework which seek a high standard of amenity for existing and future users.

#### *Living Conditions*

26. The existing side/rear extension at the appeal property is set close to the shared boundary with No 10a and its length matches the two-storey side elevation of this neighbouring dwelling at the rear. The proximity of the two dwellings at this boundary has created an enclosing effect at ground level. However, the windows on the side elevation of No 10a do not serve habitable rooms and the occupants of that dwelling enjoy a sense of openness in rooms at the rear elevation and when in the rear garden due to the undeveloped nature of the boundary with Queens Road.
27. The proposed two-storey extension to the side and rear would roughly align with the two-storey side elevation of No 10a. It would not project beyond the existing footprint of the rear elevation at the appeal property and would be stepped in slightly at this aspect. Given the scale and position of the development, the small increase in bulk at the first floor would be largely set against the existing mass of the property when viewed from the rear. The proposal would not extend along the existing undeveloped area on the shared boundary to the rear and it would not be visible from windows which serve rear habitable rooms at No 10a. Therefore, it would not appear overbearing to the occupants of No 10a when using these parts of their property.
28. I have had regard to the concerns raised by the neighbour at No 8 and appreciate the importance of access to an acceptable quality of garden space and privacy when in ground floor habitable rooms of the dwelling. However, the shared boundary with No 10 is defined by a high fence which affords the occupants of No 8 some privacy at the rear of their property and would maintain an acceptable quality of usable garden in this regard.
29. I also note the proposed development would be positioned on the northern boundary of the appeal property, with a substantial separation therefore from the shared boundary with No 8. As such it would not appear as an overly dominant feature when viewed from the rear patio or rear habitable rooms of No 8. Indeed, the outlook from the patio and patio doors at the rear elevation when looking towards the shared boundary would be similar to the existing outlook of the side elevation of No 10a. Moreover, given the favourable south easterly orientation of the rear of No 8, I am satisfied that the proposal would not result in an unacceptable loss of light reaching the patio area or windows at the rear elevation of No 8.

30. The proposed development would not therefore have a harmful effect on the living conditions of occupants of Nos 8 and 10a with regards to outlook. It would not in this respect conflict with Policies H15, EN1 and EN2 of the LP, Policy 8 of the Core Strategy and guidance of the SPD, which collectively state that proposals will only be permitted if there is no significant adverse impact on the amenity of adjoining occupiers.
31. It would also not be contrary in this regard with policies of the Framework which seek a high standard of amenity for existing and future users.

### **Other Matters**

32. I have had regard to the appellant's desire to enhance his family's living conditions, but I am satisfied that an alternative scheme could achieve this aim and benefit without the harm to the character of the area identified in this case.

### **Conclusion and Recommendation**

33. The proposed development would not result in an adverse impact on highway safety by virtue of the provision of off-street parking, and would neither result in harm by virtue of the impact on the living conditions of future occupiers, nor the occupiers of neighbouring dwellings. However, there would be an adverse effect on the character and appearance of the area from the proposed development, for which there are no material considerations, including the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
34. For the reasons given above, I therefore recommend that the appeal should be dismissed.

*A J Sutton*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

35. I have considered all the submitted evidence and concur that the appeal should be dismissed.

*Martin Seaton*

INSPECTOR



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## Appeal Decisions

Site visit made on 29 June 2021

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 July 2021**

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**Appeal A Ref: APP/J0350/C/21/3270258**

**Appeal B Ref: APP/J0350/C/21/3270259**

**27 The Spur, Slough SL1 6EU**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Santosh Potnuru and Appeal B is made by Mrs Ramya Potnuru, both against an enforcement notice issued by Slough Borough Council.
  - The notice was issued on 16 February 2021.
  - The breach of planning control as alleged in the notice is:  
*The unauthorised construction of rooflights on the side of the dwellinghouse.*
  - The requirements of the notice are to:
    - (i) *Remove the unauthorised 8 no. windows/roof lights from the northern elevation of the property and make good and repair the roof appropriately.*
    - (ii) *Remove from the land all materials, rubbish, debris, plants and machinery resulting from compliance with the above requirements.*
  - The period for compliance with the requirements is 3 months.
  - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
  - Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal C Ref: APP/J0350/D/21/3269700**

**27 The Spur, Slough SL1 6EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Santosh Potnuru against the decision of Slough Borough Council.
  - The application Ref P/02939/003, dated 31 July 2020, was refused by notice dated 10 December 2020.
  - The development proposed is to vary condition 2 attached to planning approval ref. P/02939/001 to enable the retention of the existing dwelling subject to minor alterations, including permanent obscure glazing to side facing roof lights.
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### Decisions

#### Appeals A and B – the enforcement appeals

1. It is directed that the enforcement notice is corrected by the deletion of the alleged breach of planning control and its substitution with "The failure to comply with condition 2 of planning permission Ref: P/02939/001, granted on 27 June 2018 for the construction of a part front & single storey side extension & loft conversion including rooflights" and the deletion of word "plants" in requirement (ii) of the notice and its substitution with the word "plant".

2. Subject to the corrections, the appeals are allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, I hereby discharge condition No 2 attached to planning permission dated 27 June 2018, ref: P/02939/001, granted by Slough Borough Council, and substitute the following new condition:

The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.

3. I also grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a part front & single storey side extension & loft conversion including rooflights at 27 The Spur, Slough SL1 6EU as shown on the plan attached to the notice without complying with the said condition and subject to the following conditions:

1. The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.
2. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building.
3. No windows, other than those hereby approved shall be formed in the north and south (side) elevations of the development without the prior written approval of the local planning authority.

### **Appeal C – the section 78 appeal**

4. The appeal is allowed and planning permission is granted for the construction of a part front & single storey side extension & loft conversion including rooflights at 27 The Spur, Slough, SL1 6EU without complying with condition 2 imposed on planning permission ref: P/02939/001, granted on 27 June 2018 in accordance with the terms of the application, Ref P/02939/003, dated 31 July 2020, and the plans submitted with it, subject to the following conditions:

1. The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.
2. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building.
3. No windows, other than those hereby approved shall be formed in the north and south (side) elevations of the development without the prior written approval of the local planning authority.

### **Costs**

5. An application for costs has been made by Mr Santosh Potnuru and Mrs Ramya Potnuru against Slough Borough Council. This application is the subject of a separate decision.

## **Preliminary Matters**

6. The notice purports to be one issued under paragraph 171(A)(b) of the 1990 Act and alleges a breach of condition, but the alleged breach of planning control makes no mention of a planning permission or any condition(s) said to be in breach. After I raised this with the main parties, the Council confirmed that the notice should allege a breach of condition, namely the failure to comply with condition 2 of planning permission Ref: P/02939/001, granted on 27 June 2018 for the construction of a part front & single storey side extension & loft conversion including rooflights, which states:

*The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:*

*(a) Drawing No. BW1-00708755, Dated April 30, 2018, Recd On 04/05/2018*

*(b) Drawing No. 903-A, Dated APR. 2018, Recd On 04/05/2018*

*(c) Drawing No. 903-B, Dated APR. 2018, Recd On 04/05/2018*

*(d) Drawing No. 903-C, Dated APR. 2018, Recd On 04/05/2018*

*(e) Drawing No. 903-D, Dated APR. 2018, Recd On 04/05/2018*

*(f) Drawing No. 903-E, Dated APR. 2018, Recd On 04/05/2018*

*(g) Drawing No. 903-F, Dated APR. 2018, Recd On 04/05/2018*

The reason for imposing the condition is:

*To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.*

7. The appellant has confirmed that this is how the appellant has viewed the breach of planning control and has been how the appeal has been approached. The occupier of 25 The Spur contends that what has been constructed is materially different from what was approved, in that the amount of new building work falls outside of the scope of the permitted development. Whilst I accept that it may not have been readily appreciated that the approved development would have entailed demolition and rebuilding to the extent that it has, I am nevertheless satisfied that the development is broadly in accordance with the permitted development. I am satisfied that no injustice would arise if I were to correct the notice to refer to the correct breach of planning control.
8. There is also a typographical error in requirement (ii) of the notice, which refers to "plants" instead of "plant". I shall correct this error as no injustice would arise from my doing so.

## **Appeal on ground (a) – that planning permission should be granted**

### **Main Issue**

9. The main issue is the effect of the removing or varying the condition on the living conditions of the occupiers of 25 The Spur, with particular regard to privacy and perceived overlooking.

### **Reasons**

10. The plans approved under planning permission Ref: P/02939/001 show 3 rooflights in the roof slope facing 25 The Spur, providing high-level light to a hallway, bedroom and utility room. The most significant difference in the development as carried out is that the internal room arrangement has changed, and that 8 rooflights have been installed in the roof slope facing 25 The Spur.
11. The side elevation of the extended property lies very close to the boundary with the bungalow at 25 The Spur. There are 8 rooflights set into the roof slope facing No 25, four at a lower level and 4 at a higher level. The 4 lower rooflights are all clear-glazed, but they provide light to a hallway and a family room, and are well above the height of the floor, and their height means that there can be no overlooking of No 25. The four higher rooflights provide light to a staircase, two bathrooms and a bedroom. At the time of my visit, all four had been obscurely glazed and the handles had been removed, rendering them unopenable. Were it not for these measures, they would provide scope for clear overlooking of windows in No. 25. Accordingly, with these mitigatory measures in place, no actual overlooking is possible.
12. The bungalow at 25 The Spur has a living room window and a kitchen window which face towards the appeal site, and the distance between these windows and the nearest rooflights is just a few metres, slightly more in the case of the kitchen. An L-shaped sofa is positioned immediately behind the living room window and a computer desk is next to it. Wherever anyone is seated on the sofa or in the chair at the computer desk, one or more of the rooflights can be seen. However, the angle between the room and the rooflights is such that little of the plane of the rooflights can be seen. Even so, the number of the rooflights and their closeness, particularly the lower ones, to the living room, and to a somewhat lesser extent to the kitchen, create an uncomfortable feeling that the room may be overlooked.
13. However, a relevant consideration is that the approved scheme allowed for 3 rooflights in the roof slope facing No.25, in a slightly lower position and of a slightly larger size than the lower ones currently installed, two of which would be clearly visible from the living room window and two from the kitchen window. In my judgement, because the approved rooflights would be lower, and therefore closer to the windows of No 25, and slightly larger, the perception of being overlooked would be of a similar magnitude to the current arrangement. The approved scheme is an obvious fallback position and I consider that the appellant would be very likely to construct the approved rooflights if this appeal were to fail. I therefore consider that it is a material consideration of great weight, so that, on balance, the perceived overlooking of the current arrangement is not materially different from that which would be experienced from the approved scheme.

14. The rooflights are also visible from parts of the rear garden of No. 25. Overlooking of rear gardens is a common feature of urban living, but here there would be no direct overlooking from the rooflights. Views of the rooflights from the garden are oblique and large parts are shielded by planting. I consider that no material harm would arise from perceived overlooking of the rear garden.
15. I therefore conclude on the main issue that the development, subject to the imposition of conditions requiring the upper rooflights to be permanently closed and obscurely glazed, does not result in material harm to the living conditions of the occupiers of 25 The Spur, and does not conflict with Core Policy 8 of the Slough Core Strategy or Policy EN1 of the Local Plan for Slough, which respectively deal with sustainable development and the standard of design, and seek to protect living conditions of neighbouring occupiers. Nor is there any conflict with the Council's Supplementary Planning Document – *Residential Extensions Guidelines*.

### **Other Matters**

16. The occupier of No 25 is also concerned about light pollution from the rooflights. Whilst it may be slightly noticeable when lights are on within the relevant rooms, given the shallow angle at which they are visible, I consider that this would be unlikely to cause material harm over and above that which would arise from the permitted windows.
17. The rooflights have no impact on the amount of light received in the rooms of the neighbouring property and have an almost immaterial impact on the outlook from that property in comparison with the approved scheme.
18. The occupier of No 25 has raised a number of other matters, including the way in which the Council dealt with the planning applications for No 27 and its enforcement investigations, as well as concerns about obstruction and trespass, but these are not matters which are the subject of my jurisdiction and they cannot affect my decisions on the appeals.

### **Conditions**

19. As I have discussed above, conditions are required to ensure that the upper rooflights are both obscurely glazed and non-opening to protect the privacy of the occupiers of No 25. I shall also require that the lower rooflights be non-opening to minimise the perception of being overlooked.
20. On both appeals, I shall reimpose the conditions on the original planning permission insofar as they are still capable of having effect.

### **Conclusions**

#### **Appeals A and B**

21. For the reasons given above, I conclude that Appeal A succeeds on ground (a) and the enforcement notice should be quashed. I shall discharge the condition which is subject to the notice, and grant planning permission on the application deemed to have been made for the operations previously permitted without complying with the condition enforced against but subject to new conditions as described above.

22. As the appeals succeed on the basis that a new planning condition should be imposed, it is necessary not only to grant planning permission on the deemed planning application under s177(5) and s177(1)(a), but also to discharge the condition that is subject to the enforcement notice under s177(1)(b) and impose the new condition on the original planning permission under s177(4).
23. The appeals on grounds (f) and (g) do not fall to be considered.

**Appeal C**

24. The appeal succeeds and planning permission is granted.

*JP Roberts*

INSPECTOR



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## Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 August 2021**

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### **Appeal Ref: APP/J0350/W/21/3273097**

### **88 & 90 Quinbrookes, Slough SL2 5RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr S Kaur against the decision of Slough Borough Council.
  - The application Ref P/11562/005, dated 21 August 2020, was refused by notice dated 4 December 2020.
  - The application sought planning permission for 'erection of pitched roof and single storey front extension and single storey rear extension with flat roof to 88 Quinbrookes and amendments to planning permission reference P/11562/001 to include the erection of a single storey rear extension with pitched roof and front bay window' without complying with a condition attached to planning permission Ref P/11562/003, dated 27 August 2004.
  - The condition in dispute is No 9 which states that: 'Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995, Schedule 2, Part 1, Classes A, B, C, D, E, & F, no further extension(s) to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority.'
  - The reason given for the condition is: 'The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed and would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order.'
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### **Decision**

1. The appeal is allowed and planning permission is granted for 'erection of pitched roof and single storey front extension and single storey rear extension with flat roof to 88 Quinbrookes and amendments to planning permission reference P/11562/001 to include the erection of a single storey rear extension with pitched roof and front bay window' at 88 & 90 Quinbrookes, Slough SL2 5RU in accordance with application ref P/11562/005 dated 21 August 2020, without compliance with condition 9 set out in planning permission ref P/11562/003 dated 27 August 2004 but otherwise subject to the following conditions:
  - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be formed in the flank elevation of the development.
  - 2) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.
  - 3) Visibility splays of 2.4 metres by 2.4 metres at the junction of the access and the adjoining public footpath (to be measured along the edge of the

- drive and the back of the footway from their point of intersection) shall be kept free of all obstructions to visibility above a height of 600mm.
- 4) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no further extensions or additions to the dwelling known as 88 Quinbrookes or buildings or enclosures shall be erected, constructed or placed on the site.
  - 5) Notwithstanding the provisions of Schedule 2, Part 1, Classes A or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no further extensions or additions to the dwelling known as 90 Quinbrookes or buildings or enclosures shall be erected, constructed or placed on the site.

### **Procedural Matter**

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.

### **Background and Main Issue**

3. Planning permission was granted on the appeal site for the erection of a two bedroom attached house (application reference P/11562/001). Permission was subsequently granted for extensions to the existing dwelling at 88 Quinbrookes and an amended attached house (application reference P/11562/003) ('the Original Permission').
4. Condition 9 of the Original Permission restricted a range of householder permitted development rights under Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 1995. This Order has since been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'), but the specified Classes relate to the same form of development under both iterations. The appeal relates to an application seeking to amend Condition 9 in order to reinstate permitted development rights under Classes B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (any other alteration to the roof of a dwellinghouse) of the GPDO.
5. Having regard to the above and the evidence before me, the main issue is whether or not Condition 9 is reasonable and necessary in the interests of the living conditions of occupiers of the development in respect of the provision of private amenity space.

### **Reasons**

6. The reason for imposing Condition 9 refers to the rear gardens as only just adequate for the amenity area appropriate for houses of the size proposed. Guidance within the Council's Residential Extensions Supplementary Planning Document 2010 (SPD) on roof extensions/dormer windows/roof lights does not refer to effects on amenity space. Nevertheless, Policy H15 of the

Local Plan for Slough 2004 (LP) sets out that extensions to dwellings will only be permitted where certain criteria are met, including that an appropriate level of amenity space is maintained. Core Policy 8 of the Core Strategy 2008 (CS) further includes a requirement that development provides appropriate amenity space and landscaping.

7. I note that in recommending that permitted development rights be removed for No 88, the commentary in the Council's officer report for the Original Permission referred particularly to ensuring that no other structures are built in the rear garden. Nevertheless, in considering whether or not amenity space is provided and maintained at an appropriate level, it seems to me that it would be necessary to consider the amount of space that is available in the context of factors including the number of occupiers reliant on it. In this regard, I note guidance at part 11 of the SPD which outlines minimum guidelines for usable rear garden areas which vary according to the number of bedrooms within a dwelling. I acknowledge that these guidelines are expressed as the sizes of gardens to be retained following rear extensions. Even so, they offer a useful indication of the level of private amenity space that would be considered generally appropriate to meet the needs of occupiers of different sized dwellings.
8. Development under Classes B or C of the GPDO would not reduce the area of the existing amenity spaces to 88 or 90 Quinbrookes. However, it would enable the provision of further habitable accommodation within their roofs. I accept that such accommodation may be used for purposes such as a home office which would not increase the occupation of the dwellings, but it could equally include additional bedrooms, and this could not be controlled.
9. At No 88, this could reasonably result in a dwelling with four bedrooms or more. The evidence before me indicates that while the area of No 88's garden meets the level suggested by the SPD for the existing three-bedroom dwelling, it is some way below the 100sqm that the SPD suggests would be necessary for a four-bedroom dwelling where the garden is less than 15m deep. Should No 88 be occupied as a four or more bedroom dwelling, I consider that the large shortfall in amenity space against the level that the SPD suggests would be appropriate for a dwelling of this size would be detrimental to the living conditions of the occupiers. Accordingly, I find for No 88 that a continued restriction on permitted development rights under Classes B and C of the GPDO would be justified and necessary to enable proper consideration of such effects in order to avoid unacceptable harm being caused.
10. Turning to consider No 90, I note that the rear garden is around 6m deep. However, there is additional space to the side of this dwelling, and the Council indicates that the total area of garden is around 107sqm. This is in excess of the minimum size which the SPD suggests would be necessary to allow a relaxation of suggested garden depths for four or more bedroom dwellings, as well as the lesser requirement for smaller dwellings. On this basis, I see no reason from the evidence before me that there would be inadequate private amenity space to meet the needs of occupiers of No 90, even if development under Classes B or C of the GPDO were to result in an increase in the number of bedrooms from the two existing.
11. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do

so. For the above reasons, I conclude that there is such a justification at No 88 where a restriction on development under Classes B and C of the GPDO would be necessary to ensure adequate private amenity space in the interests of the living conditions of the occupiers. However, there is no compelling evidence that development under Classes B or C of the GPDO would be detrimental to the living conditions of the occupiers of No 90 in conflict with Core Policy 8 of the CS or Policy H15 of the LP, or guidance within the SPD. I am therefore satisfied that the condition restricting these permitted development rights at No 90 is unreasonable and unnecessary.

### **Conditions**

12. The Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect. Where conditions of the Original Permission are still relevant, I have amended them where necessary having regard to the tests set out at paragraph 56 of the Framework or for the sake of consistency, brevity or clarity.
13. Because I have found that a restriction on Classes B and C of the GPDO is only necessary in the case of No 88, I have deleted the disputed Condition 9 and imposed two substitute conditions relating to No 88 and No 90 individually. These continue to restrict other permitted development rights under Classes A and E of the GPDO. I consider this is necessary and reasonable in the interests of the living conditions of occupiers given the constrained space around the dwellings which could be harmfully reduced by extensions or alterations increasing the footprint of built development within the rear gardens. The Original Permission also restricted permitted development rights under Classes A and F. However, these Classes relate to porches and to the provision or replacement of a hard surface for purposes incidental to the enjoyment of a dwellinghouse which would not diminish the amenity area available to occupiers. Although the appellant did not seek removal of the restrictions on Classes A and F, with regard to the stated reason for imposing the condition on the Original Permission, I do not therefore find that it is necessary or reasonable to restrict rights under these Classes, and I have not done so.
14. The development has been completed. Accordingly, conditions specifying the time limit and approved plans for implementation and concerning the materials to be used and formation of access to the site from the highway are not necessary. Nor is it necessary to restrict use of garages because none are present on the site. I have however reimposed a modified condition to require that visibility splays provided at the access are maintained free of obstruction in the interests of highway safety. I have also repeated conditions preventing the addition of flank windows and access to and use of the extension roof as a balcony or sitting out area which are necessary to safeguard the living conditions of neighbouring occupiers.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be allowed.

*J Bowyer*

**INSPECTOR**



## Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2021**

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**Appeal Ref: APP/J0350/W/21/3273875**

**100B Waterbeach Road, Slough SL1 3JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Talwinder Singh against the decision of Slough Borough Council.
  - The application Ref P/10430/011, dated 27 October 2020, was approved on 14 January 2021 and planning permission was granted subject to conditions.
  - The development permitted is conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations.
  - The condition in dispute is No 6 which states that: 'The dwellings hereby permitted shall not be sub-divided or used in multiple occupation without the prior written approval of the Local Planning Authority.'
  - The reason given for the condition is: 'To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area, which may occur if the property is sub-divided or used in multiple occupation in accordance with the provisions of Policy H20 of the adopted Local Plan for Slough 2004.'
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### Decision

1. The appeal is allowed and the planning permission Ref P/10430/11 for conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations granted on 14 January 2021 by Slough Borough Council is varied by deleting condition 6 and substituting the following condition:
  - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings hereby permitted shall not be used in multiple occupation, including any use within Class C4 of The Town and Country Planning (Use Classes) Order 1987 (as amended) or such other legislation as may subsequently supersede it.

### Procedural Matter

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I have had regard to the representations made.

### Background and Main Issue

3. Paragraph 56 of the Framework outlines that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to

planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

4. The appeal has been made pursuant to section 78 of the Town and Country Planning Act 1990 ('the Act') which provides the right to appeal where an application for planning permission is granted subject to conditions. It relates to the appellant's objection to Condition 6 which outlines that the dwellings should not be sub-divided or used in multiple occupation. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority, and I have considered the appeal on that basis.
5. With regard to the above background and the evidence before me, the main issue is whether or not Condition 6 is necessary and reasonable in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.

### **Reasons**

6. The first part of Condition 6 refers to the sub-division of the permitted dwellings. Such development would normally constitute a material change of use for which an application for planning permission is required. Accordingly, I find that this element of the condition serves no useful planning purpose and is not necessary.
7. The condition also seeks to restrict use of the dwellings in multiple occupation. Under the Town and Country Planning (Use Classes) Order 1987 (as amended), a dwellinghouse falls within Class C3, while a House in Multiple Occupation ('HMO') for between 3 and 6 unrelated individuals falls within Class C4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') provides that the change of use between these classes would typically be permitted development not requiring planning permission.
8. If not restricted, the exercise of these permitted development rights could allow for change of both dwellings to HMOs and the occupation of the appeal site by up to 12 unrelated individuals. The Council's evidence and representations by an interested party refer to past unauthorised use of the appeal site as flats which resulted in reports of parking issues, noise and disturbance. The unauthorised use is not a matter that is before me to consider as part of this appeal, but it is nevertheless clear against this background that the occupation of the site by multiple households could give rise to effects that would be noticeable to neighbouring occupiers.
9. Moreover, a previous proposal to change the use of 100B Waterbeach Road to a large HMO for up to 9 people was dismissed at appeal<sup>1</sup> where it was concluded that the development would harm the character and appearance of the area and the living conditions of surrounding residents. In support of these conclusions, the appeal Inspector found that:

*'The introduction of a large HMO, with the associated intensification of activity this would bring, into what is essentially a suburban location, would represent a form of development that would be uncharacteristic of the surrounding area.'*

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<sup>1</sup> Appeal ref APP/J0350/W/20/3246017

10. The decision further records that:

*'The occupiers of an HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a single household. Taking account of the size of the appeal property, the activity generated by nine persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would be likely to lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family. The resulting additional noise from vehicles entering and exiting and manoeuvring into the rear parking spaces would be very noticeable to the occupants of No 100. While the number of occupants could be limited to 9, the disturbance from additional vehicle and pedestrian activities would be likely to be detrimental to the living conditions of the occupiers of No 100.'*

11. I accept that the development subject of that appeal does not offer a direct comparison. Be that as it may, the potential use of the site now for 2 Class C4 HMOs could in my view result in a similar, if not greater, level of overall intensification of activity to the large HMO previously considered even when assessed against the higher baseline of 2 single family dwellings. From the evidence before me and my observations at my visit, I find no compelling reason to disagree with the previous Inspector that this activity would be uncharacteristic of the surrounding area. I also have no firm cause to disagree that the activity and consequent noise and disturbance would be detrimental to the quality of life of neighbouring occupiers.
12. The main parties indicate that planning permission previously granted for a pair of semi-detached dwellings on the site<sup>2</sup> did not include a condition restricting use of the dwellings in multiple occupation. However, that permission was granted some time ago, and I must consider the appeal before me on its own merits and in the context of the development plan and circumstances that apply at the current time.
13. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) further states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Nevertheless, given the above and that occupation of the site by up to 9 unrelated individuals has been previously found unacceptable, I find that a restriction on rights to occupy the dwellings as HMOs would in this case be justified and necessary to enable proper consideration of effects on the character and appearance of the area and the living conditions of neighbouring occupiers in order to avoid unacceptable harm being caused.
14. I accept that levels of activity would vary according to the number of individuals, and it is possible that small HMOs could have similar or lesser impacts to 2 single-family dwellings, or use of the existing dwelling as one HMO for 6 people. However, if the appeal were to succeed it would also potentially allow for far greater occupation by up to 12 people. The condition does not prevent use of the dwellings in multiple occupation outright. Instead, it requires

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<sup>2</sup> Application reference P/10430/00

an application for planning permission to be made, at which point any proposal would be assessed according to its merits, taking into account factors such as levels of occupation. The condition does not prevent use of the site as 2 single dwellings, and in light of the above I do not consider the condition to be unreasonable.

15. The condition is clearly relevant to planning and relevant to the development permitted, and I see no reason that it would not be enforceable. The intention that the dwellings may not be used in multiple occupation is plain. However, I am mindful that the PPG advises that the scope of conditions restricting the future use of permitted development rights or changes of use needs to be precisely defined, by reference to the relevant provisions of the GPDO so that it is clear exactly what rights have been limited or withdrawn. I consider that reference to the GPDO should be made within the condition to ensure it is adequately precise. The inclusion of 'without the prior written approval of the Local Planning Authority' within the condition is also ambiguous and insufficiently precise as to what is required, and I have therefore omitted it.
16. Drawing matters together, I am satisfied that the circumstances of this case mean that a condition to restrict use of the dwellings in multiple occupation is reasonable and necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. These objectives are supported by Policy H20 of The Local Plan for Slough 2004 which includes a requirement that use of properties as HMOs does not result in loss of amenity for adjoining occupiers. However, it is not necessary to specify that the dwellings may not be sub-divided, and I find that the condition should also be amended in the interests of precision in accordance with the tests set out in the Framework and PPG.

### **Conclusion**

17. For the reasons given above, I find that a condition to restrict permitted development rights for use of the dwellings as HMOs is necessary and reasonable, but that the permission should be varied as set out in the formal decision.

*J Bowyer*

**INSPECTOR**



## Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2021**

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**Appeal Ref: APP/J0350/W/21/3275149**

**230 Farnham Road, Slough SL1 4XE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Chaiwala Slough against the decision of Slough Borough Council.
  - The application Ref P/03283/019, dated 1 September 2020, was refused by notice dated 17 November 2020.
  - The application sought planning permission for change of use from A2 (Offices) to A3 (coffee shop) with ancillary A5 (take-away) service without complying with a condition attached to planning permission Ref P/03283/013, dated 13 November 2018.
  - The condition in dispute is No 3 which states that: 'the use hereby permitted shall not be open to members of the public / customers outside the hours of 23.30 hours to 08.00 hours'.
  - The reason given for the condition is: 'to protect the amenity of residents within the vicinity of the site in accordance with Policy EN26 of The Adopted Local Plan for Slough 2004'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.

### Background and Main Issue

3. Planning permission was granted for development described as 'change of use from A2 (offices) to A3 (coffee shop) with ancillary A5 (take-away) service under application reference P/03283/013. Condition 3 of this permission restricts the opening hours to 0800 – 2330. The appeal proposes amendment to these hours to allow the premises to be open 1100 - 0100 Monday to Thursday and 1100 - 0200 Friday to Sunday, with seasonal variations during Eid and Ramadan to allow opening hours of 1100 - 0300. The opening hours sought would reflect those allowed under a premises license for the site. However, the fact that this license has been granted does not mean that the opening hours would be acceptable in planning terms when it is assessed against the development plan
4. The main issue is the effect of the proposed variation of Condition 3 on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

## Reasons

5. The appeal relates to a ground-floor unit currently in use as a restaurant and takeaway which is located within the Farnham Road district shopping centre where there are a mix of commercial uses including other restaurants and takeaways. The premises directly above the appeal site are occupied by a law firm, but the majority of other units to the upper floors of buildings in the vicinity are in residential use, including those above the immediately adjacent units. In this regard, I note that the Council refers to past noise and disturbance to residents in the area, and highlights local concern over the number of people congregating which has resulted in multi-agency efforts to ensure that premises comply with planning conditions, including opening hours, as well as with COVID-19 measures.
6. The appellant suggests that gatherings outside the premises have only been observed recently and are queues of customers waiting to place an order before closing time, exacerbated by restrictions imposed through the COVID-19 pandemic. Extending the opening hours may help to spread the flow of customers over a longer period reducing queues, but would also be likely to attract additional customers to the appeal site. In either case, the proposal would extend activity at the site later through the evening and into the night than currently, to more sensitive times when even in a district centre location such as this, residents would reasonably expect a certain degree of peace and quiet and to sleep.
7. Outside of Eid and Ramadan, the proposed opening hours would be consistent with other units within the centre including at 246 and 248 Farnham Road where planning permission has been granted for similar uses to open until 0200. However, and irrespective of when they were permitted, I do not know from the limited information provided the full circumstances which led to the approvals for these hours, including any assessments undertaken of noise or disturbance at those locations. Nos 246 and 248 are also within a different parade, and while 238 Farnham Road is closer, the appellant advises that this unit is only open until 0100. Moreover, the proposed opening until 0300 during Eid and Ramadan would result in activity extending even later into the early morning than other similar uses drawn to my attention in this part of the centre.
8. The appellant advises that 'Liquor King' at 240 Farnham Road is open 24 hours a day, but as a shop it seems to me that it would be generally less likely to attract groups of customers or gatherings outside than the use at the appeal site. I also note recent changes under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which may allow premises to operate as restaurants or cafes without restriction on hours, but provision for takeaway at the site would also be likely to result in activity of a different nature with additional comings and goings. In any event, I must consider the appeal before me on its merits with regard to relevant policies of the development plan.
9. Nearby residents have not objected to the appeal proposal. Nevertheless, it does not necessarily follow that the development would be acceptable. From the evidence before me, the proposal would result in activity in close proximity to the closest residential neighbours to the site taking place much later than currently occurs, and the use of sound proofing and self-closing doors would do little to alleviate noise and disturbance generated by customers arriving at and

leaving the premises, or from those who may congregate outside. Allowing additional premises within the centre to open for longer hours also has the potential to increase visitors to the area as a whole, resulting in greater overall noise and disturbance in combination with existing uses.

10. For these reasons, I am concerned that introducing activity at the site at more sensitive times would be intrusive to residential occupiers at this part of the parade, as well as to occupiers in the wider area cumulatively with existing operations. Farnham Road may be relatively busy, but I have no substantive evidence to demonstrate existing background noise levels associated with either traffic or other uses near to the site, nor to consider how levels may change as a result of the proposal. Accordingly, I am unable to determine that additional noise and disturbance associated with the proposal would not be noticeable to surrounding occupiers in this location to the detriment of their quality of life.
11. In the absence of compelling evidence to the contrary, I conclude that the proposed variation of Condition 3 would cause unacceptable harm to the living conditions of neighbouring occupiers by reason of noise and disturbance. As a consequence, the proposal would conflict with Policy 8 of the Slough Local Development Framework Core Strategy 2008 (CS) and saved Policy S12 of the Local Plan for Slough 2004 (LP) which include requirements that development does not give rise to adverse environmental effects or unacceptable levels of noise. It would also be contrary to provisions within the Framework requiring a high standard of amenity for existing users and setting out that development should not be adversely affected by unacceptable levels of noise pollution.
12. The Framework is clear that economic activity should be supported, and I also note encouragement within the LP and CS for development within centres that would ensure they retain their vitality and viability. However, these objectives are balanced alongside requirements under the above noted policies and parts of the Framework to ensure that living conditions are not unacceptably harmed. I recognise that allowing extended hours may help to support the existing business and the jobs and local economic activity associated with it. I also have no reason to doubt the appellant's suggestion that the business is well received, nor that it has been used by local organisations for meetings and has made charitable contributions. However, I do not find that these factors in favour of the proposal are sufficient to outweigh the harm that would be caused contrary to the development plan.

### **Conclusion**

13. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
14. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**



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## Appeal Decision

Site Visit made on 22 June 2021

**by Mr Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 August 2021**

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**Appeal Ref: APP/J0350/D/20/3257929**

**36 Albert Street, Slough, SL1 2BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Neel Anand against the decision of Slough Borough Council.
  - The application Ref P/04532/005, dated 17 October 2019, was refused by notice dated 27 May 2020.
  - The development proposed is the construction of a part single storey, part two storey front and rear extension and alterations to existing roof, enlargement of existing vehicular access and sliding gates.
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### Decision

1. The appeal is dismissed insofar as it relates to the enlargement of existing vehicular access and sliding gates. The appeal is allowed insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof at 36 Albert Street, Slough, SL1 2BU in accordance with the terms of the application, Ref P/04532/005, dated 17 October 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted, insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof only, shall be carried out in accordance with the following approved plans: Existing Ground Floor Plan Drawing No PL100; Proposed Ground Floor Plan Drawing No PL200; Existing First Floor Plan Drawing No PL400; Proposed First Floor Plan Drawing No PL500; Proposed Elevations Drawing No PL800; Proposed Street View Drawing No PL950; Proposed Site Block Plan Drawing No PL960 and Site Plan.
  - 3) Prior to the beneficial use of the rooms they relate to, the proposed first floor side elevation windows shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed in accordance with those details and once installed shall be retained thereafter.
  - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## **Preliminary Matters**

2. I sought comments from the main parties on the description of development as the ones given on the application form and decision notice do not include the enlargement of the access or provision of sliding gates. These are shown on the submitted plans and are clearly separate to the works to the dwelling itself. As these aspects would have highways implications that would be different to, and they are clearly severable from, the rest of the scheme I have considered a split decision. I have therefore amended the description so that it more accurately reflects the proposal as shown on the plans.
3. The appellant's appeal statement included different parking options to those before the Council at the time of their decision or when the application was consulted upon. I cannot be satisfied that parties have had sufficient and fair opportunity to comment on the various options suggested. Therefore, I have assessed the appeal on the same plans that were before the Council at the time of their decision and upon which notification took place.

## **Main Issues**

4. The main issues of the appeal are the effect of the proposed development on:
  - The character and appearance of the area,
  - The living conditions of the occupiers of 34 Albert Street and Chapman Court, with particular regard to privacy; and
  - Highway safety.

## **Reasons**

### *Character and appearance*

5. There is no consistency to the appearance of the properties along this part of the street. Moreover, elements such as the flat roof dormer and catslide roof to the front of the appeal property are anomalies and are not found at others nearby. At present, the existing dwelling adds little to the streetscene.
6. The proposed development would considerably alter the appearance, floor space and floor area of the dwelling. Nonetheless, the alterations to the front of the property, while extending across the whole of the frontage, would largely replicate the adjacent dwelling. The height of the roof would increase; however, the use of a gable roof is more typical of the buildings in the row and similar to the properties either side.
7. The rear extensions would also stretch across the whole width of the property significantly altering the rear elevation. The ground floor addition is said to have been subject to a previous Prior Approval and the overall depth of the property would be comparable to 34 Albert Road.
8. Elements of the proposal would be contrary to certain Design Principles given in the SPD<sup>1</sup> and the original form and shape of the existing building would be largely lost. Notwithstanding this, although the alterations would not be subordinate to the existing property, the proposed scheme would improve the appearance of it. Furthermore, the scale, bulk and shape of the dwelling would

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<sup>1</sup> Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

assimilate into the streetscene and result in a property more in keeping with those it would be most readily seen with than the existing one currently does.

9. Therefore, the proposed development would not harm the character and appearance of the area. There would be conflict with elements of the SPD<sup>2</sup> as well as saved Policies H15 and EN2 of the Local Plan for Slough (LP) where they relate to reflecting the original dwelling.
10. Nonetheless, the scheme would accord with their aims to ensure extensions harmonise with the scale and architectural style of the character of the area and the impact on the character of the locality is acceptable. It would also comply with Core Policy 8 of the Slough Local Development Framework Core Strategy (CS) and saved Policy EN1 of the LP where they require developments to be compatible with their surroundings and reflect the streetscene.
11. Finally, it would comply with the National Planning Policy Framework (Framework) where it requires schemes to be sympathetic to local character.

#### *Living Conditions*

12. There would be additional first floor windows on both side elevations. However, the plans indicate these would be fitted with obscure glazing and be non-opening below 1.7m above floor level. Subject to the imposition of a condition to ensure they are provided and retained as such there would be no significant increase in overlooking at the adjacent properties.
13. Moreover, to one side the window would face a largely blank gable end wall at 34 Albert Street and the other side faces onto the driveway, parking and already overlooked outdoor space at Chapman Court.
14. Consequently, the proposed development would not harm the living conditions of the occupiers of 34 Albert Street and Chapman Court with regard to privacy. The scheme would accord with the amenity protection aims of Core Policy 8 of the CS, saved Policies H15, EN1 and EN2 of the LP and the SPD.

#### *Highways Safety*

15. At my visit, which was mid-afternoon, and I appreciate is only a snapshot in time, the road to the front of the site was busy with a relatively constant flow of traffic. The proposed sliding gates would be likely to require vehicles to wait on the road or partly across the layby while they opened. This would be detrimental to highway safety by obstructing the free flow of traffic and increase the risk of conflicts and collisions between users.
16. The Council have not raised concern over the widening of the existing access, and I have reached the same finding. This would also improve visibility to some degree for vehicles and pedestrians. However, on the information before me it is unclear whether this element is linked to the provision of the gates with them being shown as attached to the boundary wall.
17. While it has been put to me that living accommodation could be provided in the roof space, the floor plans show there would be no increase in the number of bedrooms at the site. Therefore, while there would be alterations to the layout and size of the accommodation at the property, there has been no compelling

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<sup>2</sup> Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

evidence to indicate that parking demand or traffic generation would increase. On this basis, the provision of a turning area is not required.

18. However, the proposed development would harm highway safety with regard to the free flow of traffic. It would conflict with Policy T2 of the LP where it requires schemes to make appropriate provision for road safety. It would fail to accord with the Framework where it states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. As the level of parking should be appropriate to its location and parking demand would not increase, the proposal accords with Core Policy 7 of the CS where it states that the level of parking should be appropriate to its location.

### **Conditions**

20. In addition to the standard time limit condition, in the interests of certainty, a condition specifying the approved plans, and clarifying the elements of the scheme allowed is required. To protect the character and appearance of the area, a condition requiring the external materials to match that of the existing property is imposed. A condition requiring obscure glazing for new first floor side elevation windows is imposed to retain privacy at the adjacent properties.

### **Conclusion**

21. For the reasons given above, the proposal insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof accords with the development plan when considered as a whole.
22. I conclude that this element of the appeal should be allowed subject to the conditions above but dismissed insofar as it relates to the enlargement of the vehicular access and sliding gates.

*Stuart Willis*

INSPECTOR



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## Appeal Decision

Site visit made on 17 August 2021

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 August 2021**

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**Appeal Ref: APP/J0350/D/21/3275839**

**17 Telford Drive, Slough SL1 9AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sandeep Saddal against the decision of Slough Borough Council.
  - The application Ref P/19122/001, dated 15 March 2021, was refused by notice dated 17 May 2021.
  - The development proposed is ground floor front entrance porch.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Whilst I have had regard to the revised national policy in my decision, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, given the particulars of this case I am satisfied that there is no requirement to seek further comment from the parties on the revised Framework, and that in taking such an approach no party or their cases would be prejudiced.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and upon the surrounding area.

### Reasons

4. 17 Telford Drive (No 17) is an end-of-terrace house positioned within a residential estate that comprises mostly similar aged and styled houses and apartment blocks. The appeal property is within part of the estate that is characterised by terraces of two-storey houses. Constructed from a recurrent palette of materials, the houses within these terraces have similar repeated forms and sizes, giving this part of the estate a distinctly cohesive and planned appearance.
5. A further feature of some of the terraces is that at each end there are back-to-back houses. The presence of several such terraces, comprising repeated house sizes, forms, and materials enhances the cohesion of the area. Some of

the houses have tiled canopies over the front doors, with others having a canopy and a store. Such features give a clear legibility that differentiates each house, as well as maintaining the harmony of the terrace. No 17 is the rear property at the end of one of the terraces, and it has the simple form and style of the other houses, with a pitched roof canopy over the front door. Consequently, the house shares many of the repeated architectural details of the host terrace and those nearby, and it thereby makes a positive contribution to the harmonious character and appearance of the area.

6. Although the extension would not span the full width of the front elevation of the house, it would extend for much of the width of the dwelling, and it would thereby from a prominent addition to the property. Given that none of the nearby terraced houses have front extensions, the proposal would be an anomalous addition, unacceptably eroding the cohesive appearance of this part of the estate. The largely unaltered and repeated presence of entrance canopies and stores provides a visual harmony throughout the terraces that the proposed extension would disrupt.
7. Furthermore, the design of the extension would set it apart from the entrance canopies and stores. The enclosed nature of the extension with its front door and side window, blank side wall and glazed rear section would have a solid appearance that would mask much of the front ground floor. This would form an incongruous juxtaposition to the open, light-weight appearance of the canopies and stores nearby.
8. Moreover, the terrace is on a gentle slope, being in an elevated position that makes the property visible from Telford Drive. Having regard to this and that the property is at one end of the terrace, it would make the extension prominent within the area. In addition, views of the extension would be available from the parking areas. The use of materials to match the house would create some harmony with the host building. Despite this, the position, size and form of the extension would combine to harmfully disrupt the character and appearance the terrace and the contribution it makes to the area.
9. I have considered the concerns of the Council that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations. It does not follow therefore, that if I were to permit this scheme that it would cause a precedent.
10. The appellant has drawn my attention to other front extensions. However, none of these examples is within terraces similar to that of which No 17 forms part. Of the others, some are upon semi-detached properties within part of the estate that has a broader diversity of house types. Given these differences, the comparisons do not form a binding precedent for approving the appeal scheme.
11. The extension would, therefore, neither respect the character and appearance of the host building nor that of the area, and this would be contrary to Policy 8 of the Slough Core Strategy (2008), and Policies H15, EN1 and EN2 of the Slough Local Plan (2004). These Policies and the Slough Residential Extension Guidelines (2010) seek amongst other things, that development is of a high quality of design, which is compatible with its location and surroundings,

thereby reflecting objectives of the Framework. Consequently, the proposal would fail to accord with the development plan when considered as a whole, and there are no material considerations that indicate the application should be determined other than in accordance with the development plan.

**Other Matters**

12. Finally, the appellant's concerns regarding the Council's handling of the application are procedural matters. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

**Conclusion**

13. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR



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## Appeal Decision

Hearing Held on 4 August 2021

Site visit made on 5 August 2021

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> August 2021

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**Appeal Ref: APP/J0350/W/20/3265173**

**The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Atwal of SN Langley Ltd against the decision of Slough Borough Council.
  - The application Ref P/01272/012, dated 15 October 2019, was refused by notice dated 19 August 2020.
  - The development proposed is demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision at The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT in accordance with the terms of the application, Ref P/01272/012, dated 15 October 2019, subject to the attached schedule of conditions.

### Preliminary Matter

2. During the hearing I consulted the main parties regarding the updated National Planning Policy Framework (Framework) which was published in July 2021 and taken the comments into consideration in my assessment.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the proposed development on the living conditions of neighbouring occupiers.

### Reasons

#### *Character and appearance*

4. The site lies in a prominent position on the corner of Station Road and Alderbury Road and adjacent to a railway line to the north. Station Road is a

busy highway that passes under the railway line adjacent to the site through a short tunnel. Langley Railway Station lies adjacent to this intersection and opposite to the site lies Clare House, a four-storey commercial building in a modern architectural style. Adjacent to Clare House lies Langley Business Centre, a large two to three storey modern building. As such, the opposite side of Station Road in the vicinity of the site has a commercial character and appearance with buildings of varying height.

5. Along the same side as the site along Station Road are a small group of two storey dwellings that are set back from the pavement a considerable distance. To the south of these dwellings at Scholars Walk lie three-storey blocks of flats which are in a traditional architectural style with pitched roofs and are close to the pavement such that they have more prominence than the two storey dwellings. Further to the south lies the modern Langley College. As such, while there are two storey dwellings on the same side as the site on Station Road, the taller buildings are not a significant distance away and the character of this side of the road is also varied in terms of scale and massing.
6. Alderbury Road is primarily characterised by two storey semi-detached dwellings with similar forms, fenestration and materials such that the street has a pleasant, unified and residential feel.
7. The site itself is occupied by a former public house in a traditional architectural style with varying roof forms and heights and from my observations during the site visit appears in need of some maintenance. The building is set back from the pavement on both roads and has space to the rear and sides such that the character of the site departs from that of Station Road and Alderbury Road in terms of architectural style as well as pattern of development. In terms of massing and height, the existing building is taller than the dwellings of Alderbury Road but smaller in height than Clare House. As such, the existing site provides a neutral contribution to the character and appearance of the area.
8. Given its position at the junction of Station Road and Alderbury Road, and the unique form and position of the building on the site, the existing building appears prominent when viewed from the south along Station Road. Moreover, the more suburban dwellings along Alderbury Road are not prominent when approaching the site from the south and are not largely visible until a position close to the junction is reached. In addition, given the set back of the two storey dwellings on Station Road, these buildings are also not dominant in the view towards the site from the south. Accordingly, the site has a closer visual relationship with Clare House and Langley Business Centre than the two storey residential properties when viewed from the south.
9. The view towards Station Road from Alderbury Road is largely suburban in character given the two storey dwellings. However, the four storey Clare House is notable in this view and indicative of the transition in character from Alderbury Road to Station Road.
10. The proposed building would vary in height from single storey adjacent to No 119 Alderbury Road (No 119), stepping up to five storeys at the portion closest to Station Road. The five-storey portion would then extend to the north of the site forming an overall 'L' shape building.

11. Since the five-storey massing of the eastern part of the building would be significantly higher than the existing building and the footprint of the building would be greater than existing, it would reduce the sense of spaciousness of the site. However, since it would visually relate to Clare House on the opposite side of the road, would be of a similar height and would be seen in the same view, the proposal would not appear incongruous in the area. While I acknowledge the siting of Clare House set back from Station Road it appears prominent in the street scene, such that the proposal would appear to be a similar height when viewed from street level. In addition, the uppermost storey of the proposed scheme would be recessed such that it would soften the massing and reduce the impact of the top storey.
12. While the building would be sited adjacent to the two storey buildings along Alderbury Road, the portion closest to No 119 would be single storey and the building would step up towards Station Road. Accordingly, while the building would undoubtedly urbanise the site and alter the character of the area, the gradual stepping up of the building would result in a sensible transition between the suburban character of Alderbury Road and the commercial character of Station Road. Consequently, the scale and massing of the scheme would not harm the character and appearance of the area.
13. I acknowledge that the flatted blocks of Scholars Walk are three storeys high whereas the proposal would be up to five storeys. However, given the scale and position of the appeal site in a more prominent location adjacent to the railway line, tunnel and near Clare House, the character of the vicinity around the site is not directly comparable to that of Scholars Walk. Therefore, the greater massing of the proposal would not appear inappropriate when viewed from Station Road.
14. The building would be clad primarily in brick with full height windows and flat roofs which would result in a contemporary appearance. However, given the modern appearance of Clare House and Langley Business Centre, this aspect of the proposal would not be out of keeping. In addition, the use of brick and transition to single storey massing would echo elements of the buildings along Alderbury Road. While I acknowledge the reference to layout in the reason for refusal, the 'L' shape of the proposed building would reflect the corner position of the site and result in active frontages along both streets. Therefore, the appearance and layout of the proposal would not harm the character and appearance of the area.
15. From the evidence the Council has granted outline planning permission for the redevelopment of the site consisting of Langley Business Park. While I note that, if implemented, the scheme would be likely to alter the character of that site and surrounding area, since there is no certainty with respect to the specific scheme or timing of that development, I attribute limited weight to that permission. Likewise, notwithstanding the ongoing Crossrail development at Langley Station, limited evidence was provided regarding the timing of completion such that I attribute limited weight to that development also.
16. Overall, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document (December 2008) (CS) which seeks, among other things, development that respects its location and surroundings. It would also

conflict with Policy EN1 of The Local Plan for Slough March 2004 (LP) which seeks development that would be compatible with its surroundings in terms of scale, height, massing, building form and design among other things. The development would not conflict the Framework in this respect.

17. While CS Core Policy 9 is cited in the reason for refusal, the Council has stated that it is not relevant to this main issue. Since it relates primarily to historic and natural environment, I agree with the Council in this particular respect.

*Living conditions*

18. The west facing elevations of the five-storey part of the proposal would face the rear gardens of Nos 117 and 119 Alderbury Road (Nos 117 and 119). Notwithstanding the separation distance of around 17m, I observed during my site visit that given the height of the proposal, a number of these windows would appear fairly close when stood in these rear gardens including the patio areas closest to the houses.
19. The flats of the five-storey portion of the building facing the neighbouring gardens would lack balconies but would have balcony railings in front of the lower part of all glazed west facing full length windows and would have obscured glazing. This would restrict views to the gardens of Nos 117 and 119 from within the rooms. However, future occupiers would overlook the rear gardens when stood close to the windows. I acknowledge that a number of the windows serve bedrooms and are less likely to be used during the daytime. I also note that the view would be largely at an angle and not directly towards the rear of the houses.
20. Given the distance and angle of the windows in relation to the rear elevations of the dwellings at Nos 117 and 119, the proposal would not result in undue harm to the privacy of the neighbouring occupiers within their houses. However, given the number of windows that would face the gardens particularly from the second, third and fourth storeys, there would be some harm to the privacy of the neighbouring occupiers of these gardens.
21. While there may also be some views into the gardens of the properties beyond Nos 117 and 119, the distance would be greater such that there would not be undue effects on those neighbouring occupiers in terms of privacy. In addition, while I acknowledge the evidence regarding views to other surrounding properties, given the distance between those properties and the proposal, there would not be undue harm in this respect.
22. The proposal includes a planting scheme with mature trees along the boundary with No 119 to address the harm with respect to privacy. A condition could be reasonably attached that would ensure that trees of a certain height were planted and retained. While there can be no certainty that the trees would fully mitigate the harm to privacy of the occupiers particularly during the winter months, they would be likely to significantly reduce the views to the gardens during the summer when the trees would have the most foliage, and the gardens are most likely to be used.
23. I note concerns regarding overshadowing as result of the proposed trees. However, given the orientation of Nos 117 to 119, there would not be unacceptable harm in this respect.

24. While a similar relationship in terms of distance and angle may be acceptable between a few mutually overlooking two storey houses, the proposal would result in a number of windows at a greater height overlooking the gardens of Nos 119 and 117. Consequently, the privacy of the neighbouring occupiers would be adversely affected by the development.
25. While the development would be clearly visible from the neighbouring gardens, since there would be outlook in other directions, the scheme would not result in an oppressive environment for the neighbouring occupiers and would not result in unacceptable harm in terms of outlook.
26. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. Therefore, it would conflict with CS Core Policy 8 and LP Policy EN1 which together seek development that respect the amenities of adjoining occupiers and are compatible with their surroundings in terms of the relationship to nearby properties. The development would also conflict with the Framework in this particular respect.
27. Since the scheme would affect the privacy from the garden areas rather than the internal spaces of the houses, and the balcony railings of the windows of the proposed west elevation would have obscured glazing, the harm would be limited.

### **Other Matters**

28. I acknowledge local concerns including those relating to parking and highway safety. Given the proximity to the Langley Station and the accessibility of services and facilities, as well as the number of one-bedroom dwellings proposed, it is unlikely that all future occupiers would require a parking space. Therefore, the number of proposed parking spaces would be unlikely to result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. The proposed access would be of sufficient width and adequate visibility such that motorists would have adequate time and space to avoid collisions when entering or exiting the site. As such, I agree with the Highway Authority who has not objected to the scheme.
29. While I also acknowledge concerns regarding future improvements to the railway bridge, the proposed building would be set away from the railway line such that there would be unlikely to be any adverse effects in this respect and the Highway Authority has not objected on this basis.
30. I note concerns regarding the effect on Langley Station which is a Locally Listed Building the significance of which lies in the evidence of historic architecture. The visibility of the Station from the site is limited and since I have not found harm with respect to the character and appearance of the area, the scheme would not adversely affect the setting or significance of this building.
31. I also acknowledge concerns regarding the living environment of future occupiers and the effect on neighbouring occupiers with respect to the noise from the plant room and other sources. Given the conclusions of the noise assessment submitted with the application, I see no reason why conditions relating to noise levels would not mitigate the harm in this respect.
32. In addition, I acknowledge local concerns regarding the size of the communal rooftop garden and balconies as well as the proposed internal spaces. However,

given the limited number of bedrooms in the dwellings and likely number of future occupiers, there would not be any harm in this respect.

33. I acknowledge concerns regarding flooding. However, the site lies within Flood Zone 1 and I see no reason why a suitably worded condition regarding surface drainage could not mitigate any risk in this regard.

### **Planning Obligations**

34. The appellant has completed a Section 106 Agreement (S106) in conjunction with Slough Borough Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following matters:

**Affordable Housing:** CS Core Policy 4 which states that 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. The proposal would conflict with this Policy in this respect as less than 30% of the dwellings are proposed to be affordable homes. However, the Viability report submitted by the appellant demonstrates that any more affordable homes would make the scheme unviable. Furthermore, given the Council's housing land supply position, I attribute limited weight to the conflict with this Policy.

While the agreement does not provide for off-site contributions towards affordable homes, it does include a Viability Review Mechanism which requires that a viability review is carried out in the event that a substantial start has not been made within a certain time. Given the findings of the Viability Report submitted as part of the application, I consider this approach to be robustly justified. In addition, the provision of just over 10% of affordable homes is in line with the requirements of the Framework. Accordingly, I consider the agreement in this respect is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Highway Works:** The highway works set out in drawing 1910-099 Rev PL09 are necessary to make the development acceptable in planning terms and the S106 requires that a Highway Agreement is entered into with the Council to ensure that a portion of land is dedicated for a future road widening scheme among other things. The measures are in line with the Transport and Highway Guidance Developer's Guide Part 3 Interim Document November 2008. As such I consider the agreement is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Education Contribution, Car Club Contribution, Locality Parking Study Contribution, Sustainable Transport Contribution:** The sums in these respects are undisputed and the terms related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

### **Planning Balance**

35. The Council are unable to demonstrate a five-year housing land supply and therefore the tilted balance in the terms of paragraph 11(d) of the Framework are engaged. The supply of housing lies in the region of 2.2 years.

36. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. CS Core Policy 8 and LP Policy EN1 relate to sustainability and high-quality design and are consistent with the Framework. Accordingly, since these policies are most relevant to the scheme, the proposal would conflict with the development plan as a whole.
37. The proposal would adversely affect the living conditions of the neighbouring occupiers of Nos 117 and 119 with regard to privacy. However, the proposal would affect the privacy of the occupiers of the garden areas rather than the internal spaces. In addition, the proposed obscure glazing would restrict views to those gained when stood in close proximity to the windows and the proposed trees along the boundary would partially mitigate the remaining harm. Therefore, since the harm would be limited, I attribute limited weight to the conflict with CS Core Policy 8.
38. While the Council has not cited CS Core Policy CS4 in their reasons for refusal, conflict with this Policy was raised by interested parties. I acknowledge the conflict with CS Core Policy 4 which states that within existing suburban residential areas there will only be limited infilling which will consist of family houses. While I also note the evidence regarding the provision of 3 bedroom dwellings, given the lack of five-year housing supply, this Policy is out-of-date and given the acute housing shortfall, I attribute limited weight to the conflict with this Policy.
39. The proposal would contribute 41 dwellings to the housing supply in a sustainable location close to public transport and local services and facilities. The scheme would also provide a temporary economic benefit during the construction phase and future occupiers would contribute to the local community. Given the significant number of dwellings proposed and the acute housing shortfall, I attribute significant weight to this benefit.
40. The Council has accepted Section 106 agreements relating to affordable housing, highway works and contributions towards education, car club, locality parking study and sustainable transport, and have found that the location is otherwise suitable. Given that the harm to the living conditions of neighbouring occupiers would be limited, I do not consider that the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### **Conditions**

41. I have considered the conditions suggested by the main parties and made changes having regard to paragraph 56 of the Framework.
42. The conditions regarding time limits and specifying plans are necessary in the interests of certainty.
43. The conditions relating to surface drainage is necessary in the interests of flooding and the condition regarding archaeology is necessary since the site lies in an area of archaeological potential. Given the evidence of historic materials within the building fabric, a condition regarding a building record is also necessary. The conditions relating to construction management plans have been combined and condensed as the aims of the suggested condition requiring

- a construction environment management plan are met through one condition which is necessary to safeguard that living conditions of neighbouring occupiers. Given the existing use of the site, the conditions relating to contamination are necessary. A condition regarding landscaping is necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. A condition relating to future electric vehicle charging points is necessary in the interests of environmental sustainability. In order to safeguard underground utilities, a condition relating to piling is necessary.
44. Since a year has passed since the bat survey, the condition requiring a new survey to be carried out is necessary to safeguard the protected species.
45. The above conditions need to be pre-commencement as they would affect the early stages of construction.
46. In order to safeguard the character and appearance of the area, conditions regarding external materials and architectural detailing are necessary. A condition relating to wheelchair user dwellings is necessary in the interests of the living environment of future occupiers.
47. A condition relating to noise is necessary to safeguard the living conditions of neighbouring occupiers. The condition does not need to be pre-commencement as it is unlikely to affect the early stages of construction. In order to protect the living environment of future occupiers, a condition regarding air quality is necessary.
48. Conditions regarding green roofs and boundary treatments are necessary to safeguard the character and appearance of the area. In order to safeguard the living environment of future occupiers, a condition relating to privacy screening is necessary. Conditions regarding a delivery servicing plan and external lighting are necessary to safeguard the living conditions of neighbouring occupiers. In the interests of biodiversity, a condition relating to bird and bat boxes is necessary. A condition regarding CCTV is necessary in the interests of security. A condition regarding renewable energy is necessary in the interests of environmental sustainability.
49. In order to protect the living conditions of neighbouring occupiers, a condition regarding the accessibility of flat roof areas is necessary. A condition relating to a landscape management plan is necessary to safeguard the character and appearance of the area.
50. Conditions regarding trees have been combined and are necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. To safeguard the living environment of future occupiers, a condition regarding cycle storage is necessary. A condition regarding noise rating level is necessary to safeguard the living conditions of neighbouring occupiers. A condition regarding the electric vehicle charging points is necessary in the interests of environmental sustainability. In order to protect the living conditions of neighbouring occupiers, a condition relating to obscured glazing is necessary. A condition relating to car parking is also necessary in the interests of highway safety.
51. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed that they approve of the pre-commencement conditions.

**Conclusion**

52. The Framework is a material consideration to which I attach significant weight. Therefore, notwithstanding the conflict with the development plan, the outcome of the tilted balance as a material consideration indicates that the appeal should be allowed.

*R Sabu*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos. 1910-001 PL01, 1910- 002 PL01, 1910-010 PL03, 1910-098 PL01, 1910-099 PL09, 1910-100 PL09, 1910-101 PL05, 1910-102 PL06, 1910-103 PL06, 1910-104 PL05, 1910-105 PL05, 1910-110 PL05, 1910-111 PL04, 1910-112, 1910-120 PL03, 1910-121 PL01
- 3) No development shall take place until a surface water drainage scheme for the site, based on
  - (i) sustainable drainage principles that control surface water run-off as close to its source as possible through a sustainable drainage approach to surface water management (SUDS), and
  - (ii) an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include a Whole Life Management and Maintenance Scheme for the Surface Water Drainage Scheme. The approved details shall be fully completed before first occupation of the development thereby approved and be retained and maintained at all times in the future in accordance with the approved details.
- 4) A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
  - (i) The programme and methodology of site investigation and recording.
  - (ii) The programme for post investigation assessment.
  - (iii) Provision to be made for analysis of the site investigation and recording provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (iv) Provision to be made for archive deposition of the analysis and records of the site investigation
  - (v) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5) No demolition works or construction works shall commence until an appropriate programme of building recording and analysis, the making of a detailed record of the building to Historic England Level 2, and a watching

- brief during the demolition works; has been secured in accordance with a written scheme of investigation, to be approved by the planning authority. The development including the demolition phase shall be carried out in accordance with the approved details.
- 6) No development shall take place, including any ground works until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.
  - 7) The findings of the Phase 1 - Preliminary Investigation Report (Job Reference: 17827/PIR\_R26/V1.2) identified the potential for contamination; thus, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the local planning authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.
  - 8) Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the local planning authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the local planning authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.
  - 9) No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the local planning authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

- 10) Notwithstanding the 8no. Electric Vehicle charging bays as shown on the approved plans, a Passive Electric Vehicle Charging Report shall be submitted to the local authority for approval in writing detailing how infrastructure capacity to power 100 percent of the parking provision for future Electric Vehicles could be delivered, post occupation of the development. The report shall comprise evidence of the physical equipment, alterations to the car parking area and building and any subterranean works required to convert passive Electric Vehicle charger spaces to active spaces along with the required power supply necessary to support the Electric Vehicle chargers. The report shall be submitted to the local planning authority prior to commencement of any development work. The future conversion of passive Electric Vehicle spaces to active spaces shall be carried out in accordance with the approved Passive Electric Vehicle Charging Report for the lifetime of the development.
- 11) Prior to the commencement of the development hereby approved, a detailed landscaping scheme pursuant to the Landscape Design Document (Standerwick Land Design), dated 13/09/19 shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Scaled plan showing the proposed trees, vegetation and landscape features to be planted pursuant to the approved plans and the Landscape Design Document (Standerwick Land Design), dated 13/09/19
- Location, type and materials to be used for hard landscaping including specifications in coordination with the approved drainage strategy
- Root protection details:
- a) appropriate design for the boundary treatment and any foundations along with tree pit design tree pit design to ensure boundary tree planting does not damage the boundary treatment
  - b) underground modular systems
  - c) use within tree Root Protection Areas (RPAs)
  - d) methods to prevent the crowns from the boundary tree planting overhanging neighbour boundaries
- A schedule detailing sizes and numbers/densities of all proposed plants and to include species which attract Bumble Bees;
- Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and a plan and / or schedule demonstrating coordination and compliance with the ecological enhancements.
- The approved details shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local planning authority.
- 12) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential

- for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 13) Prior to the commencement of the development hereby approved, bat surveys with mitigation and net gains should be undertaken and submitted to the local planning authority for approval before demolition is commenced. Any mitigation and net gains shall be implemented and completed in accordance with the recommendations set out in the bat survey.
  - 14) Prior to any development above the ground floor slab of any of the dwellings hereby approved, specification and appearance details the external materials used on the building and any ancillary structures, retaining walls, and all hard standing areas (in accordance with the approved drainage strategy) pursuant to the materials indicated in the submitted design and access statement shall be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 15) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed scaled plans of the architectural detailing and appropriate depths of the returns and reveals in the elevations pursuant to the submitted design and access statement be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 16) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed plans along with Building Regulation approval demonstrating a minimum of two of the residential units and access through the building shall be provided as Wheelchair User Dwellings in accordance with Building Regulation requirement M4 (3) Wheelchair User Dwellings shall be submitted to and approved in writing by the local planning authority.  
The Wheelchair User Dwellings and access through the building shall be fully completed prior to first occupation of the development thereby approved.
  - 17) No development beyond finished ground floor slab level shall be undertaken until a supplementary noise assessment to include details of permanent on-site ventilation plant and other permanent noise-generating equipment has been submitted to and approved by the Local Planning Authority. Any noise mitigation / recommendations shall be installed prior any on-site ventilation plant and other permanent noise-generating equipment is brought into first use and be retained in good working order at all times in the future.
  - 18) No development beyond finished ground floor level / floor slab shall be undertaken until a detailed technical study to ensure acceptable internal levels of air quality within the building, including the methods and equipment that will be incorporated into the development to achieve this, has been submitted to and approved in writing by the Local planning authority. The technical study will include an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> .
  - 19) Prior to the commencement of work on the relevant part of the buildings hereby approved, details of green roofs, including planting, methods for establishment, retention, expedited measure to address failure of the planting and maintenance schedules, and ecological enhancement measures for the

development shall be submitted to and approved in writing by the Local planning authority. The green roofs shall be laid out on the building, prior to first occupation in accordance with the details as approved. The green roofs shall be permanently retained thereafter and be maintained in accordance with the timescales and methods set out in the approved maintenance schedule.

- 20) Prior to the first occupation of the development hereby approved details of the proposed boundary treatment including position, external appearance, height, materials, shall be submitted to and approved by the Local planning authority. The approved boundary treatment shall be fully installed in accordance with the approved details prior to the first occupation of the development and retained at all time on the future.
- 21) Prior to the first occupation of the development hereby approved, details of appropriate privacy screening to the side of the external terrace areas and balconies measuring 1.8 metres in height from the floor level shall be submitted and approved in writing by the Local planning authority. The approved privacy screening shall in accordance with the approved details prior to the first occupation of the development hereby approved and retained as such at all times in the future.
- 22) Prior to first occupation of the development, a site servicing strategy or Delivery and Servicing Plan (DSP) for the development including vehicle tracking, for the Development shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses in the development.
- 23) No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local planning authority for external site lighting including details of the lighting units, hours of use, and Illuminance levels including on the neighbouring land. The scheme shall demonstrate there would be no unacceptable increase in light on neighbouring habitable windows over the ambient background lighting and have acceptable impacts on highway and railway safety.

The development shall be carried out in full accordance with the approved details prior to first occupation and shall be retained as such at all times in the future. No lighting shall be provided at the site other than in accordance with the approved scheme.

- 24) Prior to occupation of any part of the development, and in accordance with the recommendations of the Ecological Letter (CSA Environmental Ref: 4985/01/CSA, 06 May 2020), details of the location of Bird and Bat nesting Boxes shall be submitted to and approved in writing by the Local planning authority. The scheme shall detail in addition to locations the design, size and material of the bird boxes and elevations and plans shall be provided to identify the bird boxes to the satisfaction of the Local planning authority. The development shall be carried out in accordance with the approved details prior to any occupation of the development and shall be retained and maintained for the lifetime of the development.

- 25) The development shall not be occupied until evidence has been submitted to and approved in writing by the Local planning authority to demonstrate how the applicant has used reasonable steps to incorporate measures to comply with Secured by Design Gold Award for the development including details of any proposed CCTV equipment. The evidence shall be submitted and approved in writing by the Local planning authority, prior to first occupation of the development, and the approved security measures shall be maintained and retained thereafter.
- 26) Within three months of first occupation of the development, evidence that the renewable energy technologies, sustainable design and energy efficiency measures that achieve the forecast cumulative on-site CO2 savings of 19.0% against a Building Regulations Part L 2013 compliant scheme of otherwise identical design, as set out in the approved Energy Statement (XCO2, September 2019), have been implemented in accordance with the approved details shall be submitted and approved in writing by the Local planning authority. The approved details shall then be retained in good working order for the lifetime of the development, unless replaced by features that provide improved energy performance, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 27) Flat roof areas not to be used as balconies or terraces unless specifically shown as such on the approved drawings. These areas will be provided as green roofs in accordance with the approved drawings, unless written approval is first given for use of part of the roof(s) for the purpose of providing photovoltaic panels in accordance with the approved Energy Statement and Sustainability Statement, which shall also demonstrate that the area of green roof concerned is not required to meet the requirement for surface water run-off to the site from being no greater than greenfield run off rates. Any renewable energy details approved in accordance with this condition shall be retained as such for the lifetime of the development unless replaced by features that provide improved energy performance, also in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 28) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the approved red line site plan shall be submitted to and approved in writing by the Local planning authority prior to the occupation of the development. The landscaped areas within the approved red line site plan shall be maintained in accordance with the timescales and methods set out in the approved Landscape Management Plan.
- 29) Any tree which forms part of the approved landscaping scheme within the car parking area at the rear of the building and adjacent to the western site boundary which fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced no later than the next planting season by a tree of the same species, and of a size and maturity to be approved by the local planning authority. Any other tree, planter or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub or planter of a species, size and maturity to be approved by the local planning authority.

- 30) The cycle parking racks and storage facilities for 41 bicycles within the development shall be provided in accordance with the approved plans. The cycle facilities shall be implemented prior to the occupation of the relevant part of the development and shall be retained thereafter at all times in the future for this purpose.
- 31) The noise rating level of plant associated with building services must not exceed typical background noise levels of the development site during construction and operation. The plant rating level limits to be achieved 1m from nearest window shall not exceed 40 LAeq T dB (during daytime) or 30 LAeq T dB (during 2200-0700 hours) at Noise sensitive receptor.
- 32) The 8 x Electric Vehicle charging points as shown on the approved plans must have at least a 'Type 2' sockets, and be Mode 3 enabled EV charging units and be rated at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase). The Electric Vehicle charging points shall be constructed to be fully operational and made available for use prior to occupation of the dwellings. The Electric Vehicle charging bays shall be retained in good working order at all times in the future.
- 33) The balcony railings as shown on the approved plans, elevations, and sections, shall be glazed with obscure glass at a height of 1.1 metres above the adjoining finished floor or roof level (whichever is relevant) prior to the first occupation of the development thereby approved.
- 34) The access and parking layout as shown on the approved General Arrangement drawing shall be fully completed and made available for residents upon first occupation of the development. The parking spaces as shown on the approved plans shall used for residential purposes in connection with the development hereby approved and be retained for this purpose at all times in the future.

END OF SCHEDULE

## **APPEARANCES**

### FOR THE APPELLANT:

Ms Anjoli Foster	Barrister - Landmark Chambers
Nicki Broderick MRTPI	Planning Consultant, NMB Planning Ltd
Mr Tom Berndorfer RIBA	Partner, DGA Architects
Mr Richard Langley BDES(Hons)	Associate, DGA Architects
Mr Teerath Atwal	Appellant (SN Developments)
Mr Tom Collinson	Appellant (SN Developments)

### FOR THE COUNCIL:

Mr Christian Morrone	Principal Planning Officer
Mr Daniel Ray	Group Manager for Planning and Building Control
Mr Neil Button	Development Management Lead

### DOCUMENTS

Signed Section 106 Agreement dated 12 August 2021

**MEMBERS' ATTENDANCE RECORD 2021/22**  
**PLANNING COMMITTEE**

<b>COUNCILLOR</b>	<b>26/5</b>	<b>23/6</b>	<b>28/7</b>	<b>15/9</b>	<b>13/10</b>	<b>10/11</b>	<b>15/12</b>	<b>19/1</b>	<b>16/2</b>	<b>16/3</b>	<b>13/4</b>
Ajaib	P	P	P								
A Cheema	P	P	P								
Dar	P	P	P								
J Davis	P	P	P								
R Davis	P	P	P								
Gahir	P	P	P								
Mann	P	P	P								
Muvvala	P	P	Ap								
S Parmar	P	P	P								

P = Present for whole meeting  
Ap = Apologies given

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

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