

Date of issue: Monday, 16 January 2023

MEETING	PLANNING COMMITTEE (Councillors Carter (Chair), J. Davis, Akbar, Dar, Gahir, Mann, Mohammad, Muvvala and S. Parmar)
DATE AND TIME:	TUESDAY, 24TH JANUARY, 2023 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	MADELEINE MORGAN 07736 629 349

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.



STEPHEN BROWN
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

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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.

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PLANNING APPLICATIONS

5.	P/10913/028 - Landmark Place, High Street, Slough, SL1 1JL <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	9 - 56	Central
6.	P/09806/002 - 15, Upton Park, Slough, SL1 2DA <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	57 - 84	Central

MATTERS FOR INFORMATION

7.	Planning Appeal Decisions	85 - 86	-
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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.

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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, 21st December, 2022.

Present:- Councillors Carter (Chair), Akbar, Dar, Gahir, Mann, Muvvala and S. Parmar

Apologies for Absence:- Councillor Mohammad

PART I

51. Declarations of Interest

None.

52. Guidance on Predetermination/Predisposition - To Note

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

53. Minutes of the Last Meeting held on 30th November 2022

Resolved – That the minutes of the meeting held on 30th November 2022 be approved as a correct record.

54. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

55. 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 they had received and read it prior to the consideration of planning applications.

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

Application P/01158/037 – 19-25 Lansdowne Avenue, Slough – the agent addressed the Committee.

Application P/03444/003 – HSS Tool Hire Shop, 375 Bath Road, Slough – 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 any Amendment Sheet circulated to Members prior to the meeting and subject to any further amendments and conditions agreed by the Committee.

Planning Committee - 21.12.22

56. P/01158/037 - 19-25 Lansdowne Avenue, Slough SL1 3SG

Application	Decision
<p>Construction of two buildings containing 33 no. residential dwellings together with associated car parking, landscaping and amenity space.</p>	<p>Delegated to the Planning Manager:</p> <ol style="list-style-type: none"> 1. For approval subject to: the satisfactory completion of a s106 Agreement to secure affordable housing (Slough living rent), and to ensure financial contributions towards each of the matters set out in paragraph 20.1 of the planning officers report, finalising conditions, and any other minor changes. 2. Refuse the application if a satisfactory s106 Agreement was not completed by 30th June 2023, unless otherwise agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

57. P/03444/003 - HSS Tool Hire Shop, 375 Bath Road, Slough, SL1 5QA

Application	Decision
<p>Demolition of existing commercial (Class E use) building and erection of a new 4-8 storey development accommodating 91 Class C3 self-contained apartments with associated podium level amenity space, balconies and roof terraces, new vehicular access to ground level undercroft car park, plant rooms, bin and bicycle stores and Servicing/Loading Bay.</p>	<p>Delegated to the Planning Manager for:</p> <p>A. Approval subject to:</p> <ol style="list-style-type: none"> i) The satisfactory completion of a Section 106 Agreement to secure affordable housing with review mechanisms, financial contributions towards education improvements, sustainable

	<p>transport and air quality improvements, Burnham Beeches SAC mitigation, Travel Plans, and provision of all necessary off-site s278 highways works to mitigate the impact of the development on the local highways network.</p> <p>ii) Further to discussions already held with Natural England and as set out in this report, formal adoption by the Council (being the competent authority) of an appropriate assessment pursuant to the Habitats Regulations in order to conclude upon the likely impact of the development on the Burnham Beeches SAC and the final form of any mitigation that is necessary to address that impact either i) by the Planning Manager acting in consultation with the Chair of the Planning Committee; or ii) if considered necessary by the Planning Manager acting in consultation with the Chair of the Planning Committee, by being referred to a future meeting of the Planning Committee.</p> <p>iii) Finalising conditions [and any other minor changes, including adding a condition for a car park management plan, and amendment to wording of condition 11 to require details of a management plan to ensure the building facades are adequately maintained to a good condition].</p> <p>OR</p>
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Planning Committee - 21.12.22

	<p>B. Refuse the application if the Section 106 Agreement was not completed by 31st March 2023 unless a longer period was agreed by the Planning Manager, or Chair of the Planning Committee.</p>
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58. **Members Attendance Record**

Resolved - That the record of members' attendance for 2022/23 be noted.

59. **Date of Next Meeting - 24th January 2023**

The date of the next meeting was confirmed as 24th January 2023.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.33 pm)

The Human Rights Act 1998 was brought into force in this country on 2nd 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

	OLD USE CLASSES – Principal uses
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

	OFFICER ABBREVIATIONS
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:	12-May-2022	Application No:	P/10913/028
Officer:	Alex Harrison	Ward:	Central
Applicant:	Kingston Landmark LLP,Kingston Landmark LLP	Application Type:	Major
		13 Week Date:	11 August 2022
Agent:	Amir Aramfar, Future PD 2 Wardrobe Place, London, EC4V 5AH		
Location:	Landmark Place, High Street, Slough, SL1 1JL		
Proposal:	Roof extension to construct a fourth and fifth floor to accommodate 45no. self-contained flats (22no. 1-bedroom and 23no. 2-bedroom flats),with associated parking and refuse/recycling storage.		

Recommendation: Delegate to Planning Manager to approve



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 delegated to the Planning Manager for:

A. Approval subject to:

- (i) The satisfactory completion of a Section 106 Agreement to secure habitat and infrastructure mitigation contributions, a viability review mechanism and highway works.
- (ii) Confirmation of satisfactory completion of a Stage 1 Road Safety Audit.
- (iii) Confirmation of no objections in respect of fire safety measures from Health and Safety Executive.
- (iv) Finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 30 June 2023 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

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 Full planning permission is sought to vertically extend the existing building above the existing footprint to provide 45 flats.

2.2 Accommodation will be provided in the following housing mix:

- 22no 1-bed flats
- 23no 2-bed flats

2.3 The proposed design shows the 4th and 5th floor constructed in a lighter construction with grey aluminium paneling and windows to match the lower floors. Both floors are stepped in from the external façades of the existing building with the 5th floor stepped further in from the 4th to reduce its prominence and provide balcony areas for the upper-most units.

2.4 Access to the residential units will be from street level via the existing 4no entrance cores; these will be extended vertically to provide the access to the new units and this includes central lift access. The existing building has

basement level parking over two lower floors. This application states that 52 spaces from the basement will be allocated to the development which provides a ratio of 1.15 spaces per dwelling. The application also allocates 45 cycle parking spaces to the proposed development at a ratio of 1 space per dwelling.

- 2.5 All of the residential units are given private amenity space through the provision of balconies and terraces with a mixture of integrated and projecting balconies proposed.
- 2.6 The proposal does not provide any on-site affordable housing provision and the applicant submitted a viability assessment to demonstrate why provision would not be viable. Financial infrastructure contributions have been proposed which are elaborated upon further into the report.
- 2.7 The application was originally submitted with the following technical content:
- Planning Statement
 - Daylight/Sunlight Report
 - Planning Statement
 - Design and Access Statement
 - Sustainability and Energy Statement
 - Transport Statement
 - Fire Statement
 - Viability assessment
 - Habitat Regulations Assessment

Since first submission the plans have been amended to accommodate highway comments and comments relating to amenity impacts. It results in an amended daylight/sunlight assessment being submitted.

3.0 Application Site

- 3.1 The application relates to an office building set over four floor levels with car parking/ancillary facilities set in the lower ground level. The property is on the corner of Windsor Road and the High Street.
- 3.2 It is a brick built construction with prominent projecting curved elements comprising blockwork and glazing. From Windsor Road and the High Street the top floor (3rd floor) is set back and predominantly glazed and clad, showing a variation in external treatment. The rear of the building is more uniform in appearance comprising brick faced elevations with an unvaried façade dominated by evenly provided glazing.
- 3.3 Pedestrian access to the site would be gained from a principal entrance on Windsor Road and an entrance on the corner of Windsor Road and the High Street and a further entrance on the High Street. Vehicular access is gained

to the rear via Buckingham Gardens leading to a basement car park providing paces over two lower levels.

- 3.4 The site lies in the designated Town Centre and in Flood Zone 1, where no Flood risk assessment is required.

4.0 Site History

- 4.1 The following applications are the most relevant to the proposal:

P/10913/000

Demolition of existing buildings & erection of mixed use development to include offices with ancillary basement car parking, hotel with restaurant/bar, leisure & retail(A3) units & provision of replacement surface level car park (amended plans 03/10/2000)

Approved 16/02/2001

F/10913/019

Prior approval for change of use from Class B1(a) offices to Class C3 to create 89 residential units, ranging from studios, 1 bed and 2 bed units.

Prior Approval; Granted 13/05/2021

F/10913/020

Prior approval notification for a change of use from commercial, business and service (Class E) to residential (class C3) (8 flats (2x 2 bedroom and 6 x 1 bedroom).

Approved 01/12/2021

F/10913/021

Creation of new window openings at the rear and like-for-like replacements of certain existing windows to provide openable casements

Approved 23/11/2021

P/10913/022

Creation of new window openings to the rear of the site together with like for like replacement of certain existing windows to the front and rear elevations to provide openable casements for ventilation of new flats

Approved 15/12./2021

P/10913/024

Erection of timber fencing and new landscaping to existing rear courtyard to create private and communal amenity space for new flats

Approved 21/3/2022

F/10913/027

Prior approval notification for a change of use from commercial, business and service (Class E) to residential (Class C3) (9 flats (1x 2 bedroom, 6x 1 bedroom and 2x studios)

Prior Approval granted 07/04/2022

- 4.2 The site has been subject to numerous applications over the last 2 years resulting in multiple decisions granting approval to change the use of the building to residential. For the benefit of Members the following provides a summary of consented development on the site at the time that this current application will be considered.

The building currently has extant consents for conversion to 98 units across the entire structure. These have not been implemented to date but the permissions have not expired either. The permissions were gained through the prior approval process that allows for the change of use of redundant office buildings to residential.

The units proposed in this current application would provide a further 45 units, totally a building that provides 143 flats overall.

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 07/06/2022. The application was advertised in the 24/06/2022 edition of The Slough Express.

- 5.2 No letters from neighbouring residents have been received.

6.0 Consultations

- 6.1 Highways and Transport

Vehicle Access

Vehicular access to the existing site car park will be via the existing access from Buckingham Gardens to the east of the proposed dwellings.

The proposed extension of the building will increase the number of delivery and servicing movements. The applicant has provided swept path analysis which demonstrates that suitable turning space is provided within the site for a 7.5 tonne Box Van (8.010m in length) to turn and ingress/egress the site in a forward gear.

Pedestrian Access

The proposed development will increase the number of pedestrian trips in/out of the building.

As requested by SBC, the applicant has agreed to the provision of a raised, table junction at the site access, which would extend the footway across the access and provide a vehicle crossover rather than the existing bellmouth arrangement. This is to prioritise pedestrian movements and ensure vehicles give-way to pedestrians. The tabled crossing is shown on Caneparo Drawing No. 001, titled: '*Proposed Raised Table Crossing*', dated: 25.08.2022)

The proposed development will generate high numbers of pedestrian movements between the proposed development and Slough Railway Station and facilities on the High Street to the north. To the south, pedestrians will look to utilise facilities such as Buzz Gym, Tesco Express and Herschel Street Car Park.

The applicant will be required to enter into a Section 278 Agreement for the completion of the raised table junction. A Stage 1 Road Safety Audit will be completed as part of the Section 278 Agreement.

Buckingham Gardens is already an area of high pedestrian activity, with many pedestrians using Buckingham Gardens to walk between Slough Station or the High Street and Travel Lodge, offices on Windsor Road, Buzz Gym and Slough's Courts and Police Station.

The provision of a raised, table junction is necessary to provide a safer route which prioritises pedestrian journeys due to the additional pedestrian movements the site will generate. The National Planning Policy Framework states within paragraph 112 that applications for development should: '*Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use*'.

SBC Highways and Transport request the provision of swept path analysis of the proposed table junction which demonstrates that a long wheelbase van (measuring 7.1m long), a 7.5T Luton Box Van and a large car (measuring 5.079m long) can ingress and egress the proposed development using the existing access and the junction with Buckingham Gardens.

This is to demonstrate that the existing junction provides suitable manoeuvring room to accommodate vehicles associated with the additional dwellings which will increase the number of deliveries and servicing movements on site.

Access by Sustainable Travel Modes

The site is considered highly accessible by sustainable travel modes due to its close proximity to a range of facilities. The proposed development is located 100m (2 minutes' walk) from Slough High Street, 400m (5 minutes' walk) from Slough Bus Station, 450m (6 minutes' walk) from Slough Rail Station and 700m (9 minutes' walk) from the Tesco Extra Supermarket. In addition, the site benefits from being located 170m from a car club on Windsor Road operated by Enterprise Car Clubs.

As a result of the site's accessibility by Sustainable Travel Modes, SBC consider the site suitable for a reduced parking ratio as per the adopted Slough Parking Standards which allow for nil parking provision within the highly accessible Town Centre Area.

The Chartered Institute of Highways and Transportation also advises that: *'Walking neighbourhoods typically characterised as having a range of facilities within 10 minutes' walking distance (Around 800 metres)'* and that people will walk up to 800 metres to access a railway station, reflecting its greater perceived quality and the importance of rail services.

Car Parking Provision

SBC Highways and Transport would have no objection to the proposed development due to the number of parking spaces proposed. 45 of the existing parking spaces allocated to the proposed dwellings provided 1 parking space per dwelling.

The Transport Statement outlines that the existing basement car parking provides 171 car parking spaces and that 126 parking spaces would be retained for office use.

Whilst this would be a reduction in parking provision for the offices, 126 parking spaces for office use would still be compliant with Slough's Parking Standards for Town Centre Office use which sets a maximum parking standard of 1 car parking space per 40 square metres.

The adopted Slough Borough Council Parking Standards allow nil car parking provision for proposed residential developments located within the Town Centre area and therefore 1 parking space per dwelling would strike a balance between taking advantage of the site's sustainable location and facilitating car ownership for residents who still wish to own a car.

EV Charging

At the request of SBC, the applicant has agreed to provide Electric Vehicle Charging Points (EVCP) for each of the 45 proposed dwellings within the existing 171 car parking spaces provided on site.

This is considered compliant with the Slough Low Emissions Strategy (2018 – 2025) which requires the provision of EV Charging Points for new dwellings with allocated parking. The NPPF requires in Paragraph 112 that applications for new development should: *‘Be designed to enable charging of plug-in and other ultra-low emissions vehicles in safe, accessible, and convenient locations’*

Cycle Parking

The Transport Assessment outlines that 248 cycle parking spaces will be provided (240 Josta stands and 8 Sheffield Stands) with basement level 1, as were proposed in support of the consented scheme for 89 dwellings.

SBC Highways and Transport have no objection to the proposed cycle parking provision. The Slough Developer’s Guide – Part 3: Highways and Transport (2008) requires the provision of 1 secure and covered cycle parking space per dwelling.

Deliveries, Servicing and Refuse Collection

The applicant has amended the proposed site plan to display a marked loading area within the car parking area, so that all deliveries can take place to the rear of the development site from Buckingham Gardens rather than from Windsor Road. This is to ensure deliveries do not impede the free flow of traffic on Windsor Road.

The transport consultant has submitted swept path analysis which demonstrates that suitable turning space is provided within the site for a 7.5 tonne Box Van (8.010m in length) to turn and ingress/egress the site in a forward gear.

The transport consultant has forecast there will be 5 deliveries per day and assuming the other 97 residential units are delivered, the site would generate 15 – 16 deliveries per day in total.

Summary and Conclusions

I can confirm that I would have no objection to the proposed development. I recommend that any planning approval granted is subject to Conditions and Informative

6.2 Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the Foul water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to

do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. *"No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development.*

Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:- 1. Surface water capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development.

Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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).

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 Landscape/Tree Officer

Bin store not approved

The Proposed new bin store access and transfer route is outside of the guidance notes found in "Refuse and recycling storage for new dwellings 2018 page No2" being over 26m from main bin store entrance doorway further when one regards vehicle manoeuvring and manual handling requirements. In this situation of a long drawn out bin drag through a least two sets of door Slough Borough Councils (SBC) guidance notes indicates

the SBC will not collect from this development new bin store provide for the additions of the new 45 flats development. To resolve this problem the developer as indicted that the building management company will provide concierge staff 'The bins will be dragged by the concierge staff on the loading bay'. Providing this method continues into the future the question of bin movement is resolved.

Within the number of refuse/recycling bins there is capacity for containers to handle food waste when that comes on line. I would also assume that having a concierge staff on site can be adapted to handle reusable items possible by utilized an under used refuse 1100lt container.

Blue Roof

The Blue roof system sounds a good idea for storm water control are they making use of living plants for example sedum or artificial grass as the top roof covering

Landscaping

The plans show a Landscaped area 230m at ground level a landscape and planting plan and maintenance schedule is required which may include seating constructed to also support exercise.

Following additional plans

No comments received.

6.4 Environmental Quality

Air quality:

Impact to air quality is likely to be low – if permitted development goes ahead, trips reduce, if existing office plus proposed roof development, trips marginally increase, and are described as negligible in transport assessment.

Exposure is more difficult to judge. Comparable diffusion tube locations indicate historic exceedances in 2019 and have been compliant since the pandemic, however there is risk that traffic levels will return to more 'typical' levels and result in a worsening of air quality, so it is not safe to assume concentrations will continue to improve. As such, an exposure assessment is required. Ideally this should be done for the whole block but I understand that may not be possible (the previous prior approval didn't need to consider air quality impact/exposure). As a worst case, this may result in windows being made permanently closed and mechanical ventilation installed with filtration, however it is likely that the upper storeys are less likely to be affected when compared to the lower storeys.

Noise:

As the development is in close proximity to the road and some commercial uses (including pub across the road), noise is likely to impact future occupants if not mitigated. Therefore, a noise assessment is required which

assesses the impact of both transport and commercial noise sources. The attached noise informative is applicable. This needs to be completed prior to application determination, otherwise it is difficult to set noise conditions on plant etc.

6.5 Lead Local Flood Authority

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. Further details of the proposed drainage system must be included. This includes, but is not limited to, the following:
 - a. Calculation of existing brownfield runoff rates from the site area.
 - b. As the site is currently brownfield, evidence that surface water discharge from the proposed development will not exceed existing brownfield runoff rates.
 - c. Calculations demonstrating the proposed attenuation has sufficient volume to contain a number of return periods, up to and including the 1 in 100 years, for a range of storm durations, from 15 minutes up to 10080 minutes.
 - d. Further details of the attenuation proposed, including depths and volumes.
 - e. An operation and maintenance plan, including details of every aspect of the proposed drainage system, and details of who will be responsible for the maintenance.
 - f. An exceedance plan demonstrating that flooding will not be routed towards buildings in the event of the proposed drainage system failing.

Overcoming our concerns

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above.

6.6 Crime Prevention Design Advisor

No comments received.

6.7 Natural England

No objection - subject to appropriate mitigation being secured.

Between 500 metres to 5.6km from Burnham Beeches SAC, a Habitats Regulations Assessment (HRA) is required to determine Likely Significant Effect. The following mitigation measures will be necessary to rule out adverse effects on integrity:

- Financial Contributions towards Upton Court Park SANG in accordance with the Upton Court Park SANG Management Plan produced by Slough Borough Council.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

6.8 HSE – Fire Safety

Means of escape and fire service access and facilities.

The fire statement (section 14) states that the fire service site plan is provided in section 11. It is unclear from the information provided as to the access and facilities provided for the fire service. The current plan shows access routes around the building only. A fire service site plan is needed to assess the fire service access to the facilities provided within the proposed development, and it should illustrate elements such as:

- Siting of appliances for firefighting purposes.
- Location of the fire main inlet/outlets and relevant distances from a fire appliance parking location.
- Main fire personnel access point and route to enter a firefighting shaft.
- Location of water hydrants the proposal relies on and associated distances.

Measurements taken from the submitted drawings show the proposal has a floor area of 900m² or more and a floor level of 18m or more above fire service access level. The fire safety standard states that a minimum of 2 firefighting shafts should be provided within this building. Furthermore, a sufficient number of rising fire mains should be provided for the safety of firefighters. Fire safety guidance states that 30m is the maximum distance firefighters should penetrate into a building to rescue a casualty, where no stair climbing is required. This should include the provisions for firefighting within the basement where there would be onerous conditions for firefighters. Design changes necessary to provide suitable access and facilities for the firefighters will affect land use planning considerations such as the layout and appearance of the development.

7.0 **Policy Background**

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

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

Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current version of the National Planning Policy Framework (NPPF) was published on 20th July 2021. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant paragraphs of the NPPF are outlined below. However, before doing so officers first identify the relevant policies in the Development Plan which is the starting-point of an assessment of the application consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

The National Planning Policy Framework 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 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.

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

- Limited
- Moderate
- Considerable
- Substantial

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

7.2 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

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

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

Local Plan for Slough March 2004 policies (saved policies 2010):

- EN1 (Standards of Design)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- H14 (Amenity Space)
- T2 (Parking Restraint)
- T8 (Cycling Network and Facilities)
- OSC17 (Loss of Community, Leisure or Religious Facilities)

Other Relevant Documents/Statements

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

7.3 Emerging Preferred Spatial Strategy for the Local Plan for Slough

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

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

7.4 National Planning Practice Guidance (NPPG)

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

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

The Department for Levelling Up, Homes and Communities (DLUHC) has brought in changes to the planning system whereby HSE Gateway One are a statutory consultee on specified planning applications. The DLUHC Guidance states that the changes are intended to help ensure that applicants and decision-makers consider planning issues relevant to fire safety, bringing forward thinking on fire safety matters as they relate to land use planning to the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety.

7.6 The Proposed Spatial Strategy (Nov 2020)

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

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

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

7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its

functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals as set out in Section 24 of this report.

7.8 Written Ministerial Statement (2021) – First Homes

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

Specifically, First Homes are discounted market sale units which:

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

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

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

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

Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the

1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive.

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

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

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

7.10 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

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

7.11 Planning (Listed Buildings and Conservation Areas) Act 1990

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

8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

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

9.0 **Principle of Development**

9.1 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built-up area, predominately on previously developed land. The policy seeks to ensure high density housing is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings.

9.2 Core Policy 4 again emphasises that high density housing should be located in the Town Centre area and that outside the Town Centre the development will be predominately family housing at a density related to the character of the area. In particular, in suburban residential areas, there will only be limited infilling consisting of family houses which are designed to enhance the distinctive suburban character and identity of the area. The site is not identified as a development site within the Slough Local Development Framework Site Allocation Document DPD.

9.3 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non family type housing to be located in the town centre or urban areas. As the site is located within the town centre and the proposal would be similar in scale and density to the surrounding buildings, the proposal for accords with these objectives.

9.4 The site is located within the town centre and is in a central location close to existing shops, services and transport links. It is considered a suitable

location for a higher density development in accordance with Core Policy 4. While unimplemented the existing floors of the building have consent to change to residential to provide 98 residential units. The existing consents do not set a precedent for this current proposal however it does mean that, if implemented, the proposal would be a compatible use with the existing building.

- 9.5 The lower floors of the building have had prior approval to change their use to residential units. There would be a total 143 residential dwellings within the whole building once the lower floor units approved under consents F/10913/019, F/10913/020 and F/10913/02 are taken into account. Notwithstanding this, as the changes of use of the lower floors have not been completed, the prior approval has not been implemented under Part 1(b) of Section 56 of the Town and Country Planning Act 1990 (as amended) which states:

“Subject to the following provisions of this section, for the purposes of this Act Development of land shall be taken to be initiated, (b) if the development consists of a change in use, at the time when the new use is instituted;

As the new use approved under the Prior Approval consents F/10913/019, F/10913/020 or F/10913/027 within the existing building has not been commenced, it is considered that the prior approval has not been implemented. Therefore, consideration falls on whether the proposed works specified in this planning application could be carried out with or without the prior approval development.

- 9.6 In coming to a view of the status of the prior approval consent, officers consider that there is a strong possibility of these works being carried out as part of one development project noting that the applicant is the same on both the planning application and the prior approval application. However, it is acknowledged that the proposed development (as per the description of development) could theoretically occur as a standalone development with the offices being reinstated on the lower floors (although this remains unlikely). The resulting juxtaposition of uses would at this scenario create shared accesses, car parking and the need for potential sound attenuation to mitigate noise between the floors with the offices not being subject to any planning controls (in terms of hours of operation, ventilation and plant machinery operations). It is considered that there would be conflicts from an unregulated office use being below two floors of residential use as the planning permission could not impose further restrictions on the office use.

- 9.7 The principle of the building as a wholly residential use is considered to be acceptable which would rely on the implementation of the other consents. Given the lower floors are within the red line of the application site and the developer has control over this building, a planning condition is necessary to ensure the proposed development is only carried out once the prior approvals have been lawfully commenced and completed. It is considered that this condition would be necessary, relevant, enforceable, precise and reasonable (in accordance with sections 70 & 72 of the Planning Act 1990).

9.8 On the basis of the above, having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site.

10.0 Supply of Housing

10.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.

10.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the period between 2020 and 2041. The Council's objectively assessed local housing need (as at April 2022) is 847 dwellings per annum. This equates to a figure of about 18,000 new homes over the plan period in order to ensure local housing need is met.

10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 45 residential units would make a contribution to the supply of housing, it is unclear as to how quickly the units could be built out which lessens the weight the units are afforded. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.

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

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

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

- 22no – 1 bed flats
- 23no – 2 bed flats

10.6 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 it is considered that a scheme to provide a mix of predominantly 1 and 2 bed units is not in line with Core Policy 4 which

seeks out of town centre sites to comprise family housing. However it is closely located to the town centre and other services and a number of other high density schemes have been allowed and implemented in the area. The scheme proposes a majority of 2-bed units which would be a preferred arrangement for a scheme that proposes smaller units in general. While the housing mix would be improved with the inclusion of larger units, the town centre location is suited for smaller properties and no objection is raised.

11.0 Design and Impact on Appearance and Character of the area

- 11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.2 The proposed additional of two storeys to the building will significantly increase the scale and bulk of the building. The resultant scale of the building will relate well to the immediate character of the area. The scale, at 5 storeys, will be reflective of the height of Observatory House, the Travelodge building and the development of flats currently under construction to the south. It is also comparable to the height of The Moxy to the north. It is higher than buildings to the north of the site on The High Street and also to the immediate west and immediate south, but the difference in scale is not significant to the extent that the building would sit out of character in this area.
- 11.3 The impact of the increased scale is mitigated somewhat by setting back the proposed storeys from the front of the building. At street level this will greatly reduce the visual prominence of the resultant building. From a massing point of view, the set back reduces any visual bulkiness from the scheme and aid the assimilation of the proposal into the streetscene. The height and massing of the proposal are considered to be acceptable in planning terms.
- 11.4 In respect of detailing and visual appearance the principal elevations, north and west, are designed to reflect the appearance of the top floor of the existing building in this location. It sets a contrast to the lower floors which is considered acceptable as it reads as a lighter addition to the heavier lower floors, creating an acceptable relationship. The aluminium grey finish is considered to be acceptable in principle and ancillary materials are considered complimentary.
- 11.5 The communal garden is located in the curtilage to the rear adjacent to the proposed bin store setup. This is considered acceptable given the

constrained nature of the site and its current layout makes it directly related to the development it serves.

11.6 On the basis of the considerations above the scheme is considered to be acceptable in light of policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF. The impact will be appropriately weighted as part of the planning balance.

12.0 **Landscaping**

12.1 Landscaping principally takes the form of the provision of a roof level communal area that would serve all the units proposed. This is different from the previous scheme which linked two larger blocks through a lower garden level. The space proposed in this scheme is considered to be suitable for a town centre location and no objections are raised as a result.

12.2 Detailed landscape proposals are not submitted with this application, and they will need to be secured by condition as a result.

12.3 The Landscape Officer has provided comments on this application and raised no objections. Detailed landscaping requirements will be conditioned as part of the recommendation and it is noted that the Officer has requested the proposal incorporate opportunities for exercise. This is not a factor that can be insisted on to make the scheme acceptable in planning terms and it is noted that the communal area is restricted in size due to the nature of the curtilage. It is appropriate to include an informative as part of the recommendation to encourage this approach to the landscaping proposals. No objections are raised as a result of landscaping.

13.0 **Impact on neighbouring amenity**

13.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.

13.2 There are neighbouring properties to the west of the site on the opposite side of Windsor Road. They largely take the form of first floor units above ground floor businesses. The addition of the proposed units will not increase any overlooking impacts due to their elevation position and set back nature. The setback nature also reduces the bulk of the proposal and it would not be considered overbearing in character from these neighbours when considering existing bulk.

13.3 To the north there are residential units above ground floor level at Maple House on the other side of the High Street. The separation caused by the High Street in this location provides suitable distance between the two buildings. The additional storeys are set back again at this site which again

reduces the impact to the extent that there are no objections regarding overlooking or loss of light to these neighbouring units.

- 13.4 To the west of the site there are some units above ground floor level at 100A High Street. There are no principal windows on the elevation that faces the application site and no adverse impact as a result. To the south of this building there are a number of units above ground floor level at Brisbane Court and The Village and there are units that face the application site. There are suitable separation distances between the scheme and units at The Village (varying between approx. 18 and 27 metres) but there is a close relationship with Brisbane Court at approx. 12 metres. The plans show that at the area of the close relationship there would be no proposed windows facing the neighbour and therefore no overlooking impact. The increased bulk will be visible from the units but the set-back nature of the design will mean there would not be a significantly adverse impact on amenity compared to the existing circumstance.
- 13.5 To the south there is a residential block under construction which will have a suitable separation distance of approx. 39 metres. In respect of directly facing windows from the northern outlook. There are closer windows with an indirect relationship and the positioning is such that there are no concerns over amenity impacts.
- 13.6 As a result of the above assessment, the proposal is 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. This will be considered as part of the planning balance.

14.0 Living conditions for future occupiers of the development

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 14.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 14.3 The submitted details show that the proposed units will be compliant with the nationally described space standards for accommodation which is considered to be acceptable.
- 14.4 Each unit will have its own private balcony or terrace which affords private amenity space for the whole development. There are circumstances where the balconies and terraces are closely related or adjacent to each other and this would result in amenity impacts within the development. As a result it will be necessary to condition screening details to be provided in locations where it will be necessary to remove overlooking impacts. The

implementation of the details would ensure suitable privacy levels for residents.

- 14.6 With regards to environmental noise impacts the Environmental Quality Officer has requested a noise assessment to determine this. It is noted that this assessment is requested prior to determination but in this instance it is proposed to secure this via pre-commencement condition along with any subsequent windows and ventilation details. This is because the rest of the building has been granted permission to change the use to residential under various prior approvals which took account of noise impacts on the existing building. The assessments concluded that mechanical ventilation would be required to mitigate the requirement to have windows closed due to noise impacts. Therefore it is reasonable to conclude that the same conclusion would be drawn from the additional floors and that there is enough evidence to be comfortable that mitigation can address the impacts as a matter of principle. Therefore the requirement for assessment and mitigation can be secured by condition which is included as part of the recommendation.
- 14.7 Based on the above considerations the proposal is considered to provide a suitable level of amenity for all occupiers of the development and the scheme is therefore acceptable in light of the goals of the NPPF, Core Policy 4 of Council's Core Strategy, and Policies EN1 and EN2 of the Adopted Local Plan.

15.0 Highways and Parking

- 15.1 The National Planning Policy Framework states that planning should seek to development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan policies T2 and T8. Paragraph 111 of the National Planning Policy Framework states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 15.2 The Highways Officer has reviewed the application and raised no objections in respect of car and cycle parking. The site is in the town centre where zero parking is acceptable for residential scheme and this proposal allocates 52 spaces to the development, providing at least one space for each unit. Six of these are proposed to be fitted with EV charging points, accounting for over 10% of the spaces however it will be necessary for each of the dwellings to have an EV charging point, making the requirement 45 and this can be secured by condition. Cycle parking is provided through the previously approved 248 spaces in the building which is acceptable. The breakdown of parking is provided below:

15.3 The breakdown of parking is provided below:

Application Type	Reference	No. of units.	No. of spaces allocated (per agent)
Current Planning Application	P/10913/028	45 (proposed)	52
Prior notification	F/10913/019	89 (approved)	104
Prior Notification	F/10913/020*	8 (approved)	11
Prior Notification	F/10913/027*	9 (approved)	11

* Note that F/10913/020 and F/10913/027 relate to the same area of the building and are therefore an 'either/or' scenario and both consents cannot be implemented independently.

15.4 In the context of the holistic building the proposed plans show that the basement levels will provide 167 parking spaces which will be allocated across the site. Using 52 spaces for this development leaves 115 spaces left for the other approved 98 units which still results in more than one space per dwelling and as a result there is considered to be a beneficial parking arrangement across the whole site. Similarly the cycle parking provision stands at 248 spaces to serve the building which is not adversely affected by adding these proposed units to the overall figure. There are no disabled access spaces shown as part of the parking provision and it is considered necessary to make this provision in planning terms. The spaces can be secured by condition which will result in a reduction in overall parking spaces to allow for the larger dimensions however this is considered to be acceptable given the town centre location of the application site.

15.5 In terms of access, the Highways Team have determined that a raised table junction is required on Buckingham Gardens to improve safety and prioritise pedestrians. As a result additional information was requested and provided in respect of service vehicle movements into and out of the site to show that it can be achieved safely. The Highways Officer has requested the completion of a Road Safety Audit prior to determination for the highway works but it has not been requested as it is not considered a matter that can justifiably delay the determination of a planning application. It is considered to be necessary to ensure that the traffic works would pass the audit to ensure that the raised-table junction can be provided and therefore the recommendation is such that planning permission should not be issued until it has been confirmed that the Road Safety Audit has been successfully completed.

15.6 In terms of waste servicing arrangements on site, the bin store proposal has been amended to provide a loading bay within the curtilage of the site which would remove the need for any such activities on Windsor Road itself. The revised arrangement is acceptable in highways terms and also addresses the points made by the Landscape Officer in respect of bin storage.

- 15.7 In respect of the Slough Car Club the Highways Officer has requested a contribution of £22,500 towards the implementation of the Borough Wide Car Club in an off-site location, this is elaborated on in Section 21 of this report.
- 15.8 The raised table provision on Buckingham Gardens is an off-site requirement and would be secured via Section 278 Agreement under the Highways Act. This will be obligated into a Section 106 Agreement to tie it to the development proposed.
- 15.9 Subject to conditions, the scheme is not considered to have an adverse impact on highway safety and convenience and the scheme is therefore considered to be acceptable in light of Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

16.0 Drainage

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. No drainage information was submitted with the application.
- 16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to conditions. The LLFA has requested additional information to assess drainage impacts. Ordinarily, such information is required prior to determination for an application. However, in this instance, the circumstance of the site are such that there is an existing building with existing drainage infrastructure on the site. The site is fully developed with what appears to be no impermeable surfaces and the application scheme will increase this through the introduction of garden area. In principle the development is likely going to show improvements in drainage accommodation through increased permeable surface and possible new installations and therefore, in this instance, it is considered that the details can be required by condition. It is also noted that Thames Water raise no objections.

17.0 Energy and Sustainability

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

- 17.2 The application included an energy and sustainability statement. The statement advises that with the inclusion of a number of sustainable technologies as part of the development the scheme can achieve a CO2 reduction of 37% due to a 'fabric-first' approach and airsource heat pumps providing domestic hot water. The proposals also seeks to achieve water savings that are beyond the Building Regulations requirements and these proposals can be secured by condition.
- 17.3 This is considered to be acceptable in planning terms subject to a condition that would require development to be implemented in accordance with the proposals in the applicant's submitted statement.
- 18.0 **Air Quality**
- 18.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. The proposal should not result in unacceptable levels of air pollution. This is reflected in the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 18.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic, requiring electric charging points, and low emission boilers within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.
- 18.3 The 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.
- 18.4 No objection is raised by Environmental Quality subject to conditions for construction management and electrical vehicle charging provision which are included as part of the recommendation.
- 19.0 **Crime Prevention**
- 19.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour.
- 19.2 No comments have been received from the Crime Prevention Design Advisor at the time of writing this report. Members will be updated of any

comments made via the Amendment Sheet and, in anticipation of comments being received, a condition requiring the development to achieve a secured by design accreditation is included as part of the recommendation.

- 19.3 As a result, a condition is included in the recommendation that will require the development to achieve a secured by design accreditation and no objections are raised as a result.

20.0 **Affordable Housing and Infrastructure**

- 20.1 Core Policy 1 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.
- 20.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 20.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which concluded that the scheme would not be viable is required to provide infrastructure contributions and affordable housing in line with the Developer's Guide.
- 20.4 Without prejudice, in accordance with the Developers Guide, this scheme would, in principle, result in the following contributions being sought:

Affordable Housing

The application proposes 45 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an affordable housing requirement of 25% which equates to 12 units from this development.

Education

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

1-bed units – 22no x £903
2+-bed units – 23no x £4,828

Total = £130,190

Recreation/Open Space

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

Highways

A contribution is requested for £22,500 towards the implementation of the Council's Borough Wide Car Club.

20.5 In respect of affordable housing provision across the entire building, as already stated, the existing building has consent, through prior notifications submissions, to change the use of the existing floors from office use to residential. The prior notification process is possible under the Town and Country Planning (General Permitted Development) Order 2015 as amended and differs from a planning application in that decisions are made with limited considerations by comparison. One aspect of the notification process is that the proposals are not subject to Section 106 contribution requirements or affordable housing contributions. Therefore the existing prior notification approvals to provide 97/98 units in the existing building have no requirement to provide any affordable housing or contributions and the approval process does not give the Council the opportunity to request it.

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

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

20.7 The viability assessment has been considered by the Council's consultant. The applicant's position is that the scheme is not viable with the requirement to provide affordable housing and infrastructure contributions and none are proposed as a result. The Council's consultant has reviewed the information and as part of their assessment had identified areas of disagreement with the applicant's viability appraisal. Where differences were discovered, the consultant recalculated viability using more appropriate figures. For this proposal the assessment by the Council's consultant concluded that there would be an initial surplus of over £600,000 as opposed to a concluded deficit from the applicant of approximately £2.6million.

20.8 The initial conclusion did include caveat that there were no cost plans submitted with the appraisal and that the internal floor areas of the development were not provided which would potentially result in further reductions. Having submitted the two items mentioned, the appraisal was recalculated and concluded that there would be a deficit with the scheme of approximately £200,000 and as a result would not be able to provide affordable housing and infrastructure contributions.

20.9 Following the amendments to the application the housing mix changed and officers needed to ensure whether or not this would have a material impact on the viability position of the scheme and therefore the applicant was required to undertake an updated review so that this could be further assessed. The updated review by the Council’s appointed consultants was found to return a greater deficit £445,459 if the development were to be implemented as a fully private sale scheme. As a result the proposal is unable to provide policy complaint, or a reduced affordable housing offering.

20.10 In spite of the viability issues, the applicant has proposed a number of contributions which are listed as follows (for ease the offered amounts have been set next to the required figures)

Contribution	Amount required	Amount offered
Education (overall)	£130,910	£66,626.40
Slough Car Club (Highways)	£22,500	£22,500
Affordable Housing	12 units within the development	£125,623.60
Recreation	£33,750	£20,250

20.11 The Car Club contribution meets the requested amount however the other contributions are short of what is required and requested. The point to consider in light of the offer of contributions with this application is that the proposal is subject to viability issues as confirmed by the Council’s consultants. The contributions are offered in spite of the viability and while they do not meet the full amounts, they will make contributions in a circumstance where the Council could be looking at a proposal without any contributions. On this basis the contributions are considered to be acceptable and they are regarded as a benefit to the development that will be afforded proportionate weight as part of the planning balance.

20.12 The Affordable Housing contribution can be used towards provision of such accommodation off-site, it would not provide the benefits to development that on site provision would achieve however the contribution offer is noted.

20.13 It will be required that the applicant agrees to review mechanisms in a Section 106 Agreement that would allow two opportunities reappraise of the site in the future to determine if viability has changed and therefore obligations could be secured in the future. Such obligations have been secured in other proposals and is considered to be consistent with other decisions. It is recommended that the initial review is undertaken prior to the commencement of development with the second ‘late-stage review’ taking place at an appropriate point. If Members are looking to achieve on site Affordable Housing provision through the viability review, then it is recommended that the second review is relatively early in respect of sales,

such as 33%. If the review is seeking to secure (in this case) additional off-site contributions, then the review should be held later in the process at about 75% sales as this allows for a larger evidence base of sales data. With this application it is recommended that the latter is adopted as there is already an off-site contribution offered and the review mechanism can be undertaken with the purpose of securing additional funding for provision off-site.

21.0 Habitat Impacts

- 21.1 In accordance with the Natural Environment and Rural Communities Act 2006 Local Planning Authorities have a statutory duty to show regard for conserving biodiversity in the exercise of all public functions.
- 21.2 Paragraph 180 of the NPPF 2021 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Core Policy 9 of the Core Strategy relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.
- 21.3 Regulation 61 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), requires the local planning authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive
- 21.4 Evidence put forward within the Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019' recognises that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.
- 21.5 The site is located approximately 5.4 km (as the crow flies) from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.
- 21.6 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff based mitigation strategy for all new housing applications within 5.6km of the

SAC. However this is yet to be agreed, and therefore each application needs to be considered on its own merits.

21.7 The applicant has submitted a Habitat Regulations Assessment as part of the application. Natural England has been consulted and no objection has been raised subject to securing mitigation payments by S106 agreement. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park. The applicant has agreed to pay this fee which amounts to a total of £25,650 which will be secured through Section 106 agreement. The contribution is considered to be a benefit that can be given moderate positive weight due to the payment being a legislative requirement and the concerns of Natural England are considered to be addressed as a result.

22.0 Fire Safety

22.1 The building exceeds 18 metres in height which makes it a 'relevant building' in respect of requiring a fire safety assessment. The Health and Safety Executive (HSE) were consulted on the application and requested additional information to be submitted as the applicant's fire assessment was incomplete.

22.2 The comments from the HSE highlight areas where additional information will be required. The majority of points relate to the identification of fire related installations such as hydrants and appliances which are minor additional requirements. There is a request to show provision for firefighting shafts and rising fire mains in the building which may require design changes internally to the building.

22.3 Due to the potential for design changes to the building to accommodate the above it is not considered suitable to require such detail by condition. It is considered reasonable to require the information prior to issuing a planning permission and the recommendation reflects this position in recommending that permission be delegated subject to a number of points, including resolution of fire safety measures on the building. This would be done in consultation with the HSE however should the measures result in a material change to the scheme being considered it will be necessary for the application to return to committee for Members to review prior to being formally determined.

23.0 Neighbour Representations

23.1 No neighbour objections have been received through the course of this application. The report has specifically addressed impacts on neighbouring residents as part of considerations.

24.0 Equalities Considerations

- 24.1 The Council is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.
- 24.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 24.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.
- 24.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.
- 24.5 Throughout this report, regard has been had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 24.6 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings and none have been proposed. Access from the public footway to the building is considered appropriate and units can be safely accessed directly from the disabled parking spaces at the rear via a lift.
- 24.7 In relation to the car parking provisions, the plans do not show the provision of disabled spaces although there are a number of spaces that are closely

located to the lift entrances which can be utilised. A condition is proposed to require adjustments to the basement parking layout to provide such spaces.

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

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

25.0 Presumption in favour of sustainable development

25.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

25.3 In the application of the appropriate balance, it is considered that there are some benefits from the scheme.

- The provision of 45 residential units in a sustainable location should be given positive weight although this weight is reduced through an unfortunate housing mix proposing a heavy reliance on 1 bed units which does not accord with the Council's recommended housing mix. It is recommended that this benefit be given considerable positive weight.
- As confirmed though the viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. While this is not an adverse impact, it is not one that is considered to be positive either. An off-site

contribution is proposed which can be given moderate positive weight.

- The mitigation payment towards Upton Court Park improvements is a positive aspect that can be given moderate weight due to the payment being a legislative requirement. The impact on habitats is noted as being significant but mitigation proposals have been agreed with and therefore this is considered to be a neutral impact.
- The application includes the provision of some financial contributions towards infrastructure and these are considered to be positive benefits that should be given moderate weight.
- The parking provision is considered to be a moderate positive impact given the location of the site.

25.4 This proposal does present a balanced case. The significant benefits of housing provision and while there is a noted viability issue with the proposal, the deficit is not considered to be significant and the contributions proposed, while accepted, are unfortunate in that they do not include on site affordable housing provision. On balance the benefits are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.

26.0 PART C: RECOMMENDATION

26.1 Having considered the relevant policies set out above, comments from consultees as well as all relevant material considerations it is recommended the application be delegated to the planning manager for approval subject to the completion of a Section 106 Agreement to secure habitat and infrastructure mitigation contributions, a viability review mechanism and highway works and the following conditions listed below.

27.0 PART D: CONDITIONS

27.1 CONDITIONS:

Time limit

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.

Approved Plan

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

- (a) Site Plan Rev B, Undated, Recd On 24/08/2022
- (b) Drawing Number PL507 Rev A, Undated, Recd On 24/08/2022
- (c) Drawing Number PL501 Rev E, Dated 14/12/2021, Recd On 24/08/2022
- (d) Drawing Number PL502 Rev F, Undated, Recd On 24/08/2022
- (e) Drawing Number PL504 Rev C, Dated 10/09/2021, Recd On 24/08/2022
- (f) Drawing Number PL503 Rev C, Dated 10/09/2021, Recd On 24/08/2022
- (g) Drawing Number PL505 Rev C, Dated 10/09/2021, Recd On 24/08/2022
- (h) Drawing Number PL506 Rev C, Dated 10/09/2021, Recd On 24/08/2022

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.

Materials

3. No development shall take place until details of all facing materials, including, where relevant, render colours, glazed facades, timber louvres and metal framework framing to be used on the relevant block on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be displayed on site for inspection prior to works commencing on the relevant part of the development. No part of the development shall be used or occupied prior to the implementation of the approved details. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 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).

Secure by design

4. No part of the development hereby permitted shall be occupied until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design Gold Award' accreditation will be achieved has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of Secured by Design accreditation has been submitted to the Local Planning Authority. The approved security measures shall be retained thereafter.

REASON In order to minimise opportunities for crime and anti-social behaviour in accordance with Policy EN5 of The Adopted Local Plan for Slough 2004 and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026, and the requirements of the and the National Planning Policy Framework (2021).

Landscaping

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary/barrier treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- d. details of irrigation system for soft landscaping aftercare
- e. details of equipment storage for the care and maintenance of the roof terrace.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004

Landscape Management Plan

6. None of the uses hereby approved shall commence until a landscape management plan, which include the maintenance regime for drainage, has been 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 landscape areas shown on the approved landscape plan, and should include a time scale for the implementation and be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local Plan for Slough 2004.

Lighting

7. 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, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme and retained thereafter.

REASON In the interests of safeguarding the amenities of neighbouring properties an to provide safer access to the cycle store in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN5 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework (2021).

Balcony screens

8. None of the units hereby approved shall be occupied until details have been submitted to, and approved in writing by the Local Planning Authority of proposed balcony/terrace amenity screens to be installed as part of the development. The details shall include locations of the screens and their appearance and the works shall be carried out in accordance with the approved details and be in place prior to the first occupation of the development and retained thereafter.

REASON To minimise loss of privacy to occupiers of adjoining properties and those of the proposed development in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

Construction and Environmental Management Plan

9. No development shall begin until details of a scheme (Construction and Environmental Management Plan) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. A site set up plan displaying vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries, site office and wheel cleaning facilities during the construction period.
2. Construction vehicles and to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 08:00 – 09:00 and 17:00 – 18:00, and outside of 14:30 – 15:30 where the development is located in proximity to a school.
4. Extent of construction hoardings / fencing and details of security arrangements on site.
5. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to

minimise the impact of construction on the safe operation of the surrounding highway network.

6. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and AQMAs and local schools at collection/drop off time.

7. Details of dust control measures and wheel washing facilities to be provided on site.

8. Confirmation of whether any abnormal loads will be required for the construction or demolition. If so, the LHA must be notified of any abnormal loads at the following location: <https://www.slough.gov.uk/licences-permits/abnormal-loads/1>

9 (i) control of noise; (ii) control of dust, smell and other effluvia, (iii) control of surface water run off, (iv) site security arrangements including hoardings

The development shall be carried out in accordance with the approved scheme or otherwise, as agreed by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance set out in the National Planning Policy Framework (2021).

Noise Assessment

10.No development shall take place until a noise assessment has been submitted to and approved in writing by the Local Planning Authority to assess noise amenity levels that would be apparent for future residents of the development hereby approved from noise sources from transport and from commercial uses. The assessment shall be undertaken in accordance with the guidance and methodology set out in BS4142: 2014. Any mitigation requirements will trigger the requirement for details to be submitted pursuant to Conditions 11 and 12 of this decision notice and the works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved.

REASON: To ensure existing and future residents are not subjected to unacceptable levels of pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2021.

Mechanical Filtered Ventilation

11.In accordance with the details submitted pursuant to Conditions 10 and 23, should mitigation be required, prior to the occupation of any residential unit hereby approved, details of the proposed system of Mechanical Filtered Ventilation (including proposals for overheating mitigation) within each flat shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried in full accordance with the approved details prior first occupation and retained as such at all times in the future. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

REASON to ensure existing and future residents are not subjected to unacceptable levels of pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2021.

Mechanical Ventilation

12. In accordance with details submitted pursuant to Conditions 10 and 23, should mitigation be required, none of the residential units hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Specifications of the proposed windows and glazed door installations. The details shall demonstrate that the proposed windows/glazed doors ensure that internal noise levels in line with BS8233:2014 are not exceeded
- b) Details of the proposed mechanical ventilation including details of ventilation noise outputs along with a noise assessment in accordance with any mitigation in accordance with ProPG: Planning and Noise Guidance and BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.
- c) If the proposed system of ventilation does not include temperature control, an overheating assessment must be submitted that sets out specific mitigation measures to ensure residents will not be subject to overheating in the residential units hereby approved.

The development shall then be carried out in full accordance with the approved details prior to first occupation of the development hereby approved. Each Mechanical Ventilation unit shall then be used and maintained in accordance with the manufactures requirements for the lifetime of the development.

REASON to ensure future residents are not subjected to unacceptable temperature levels once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2021.

No additional windows

13.No windows (other than those hereby approved) shall be formed in the development hereby approved without the prior written approval of the Local Planning Authority.

REASON To protect the privacy of the neighbouring property and to ensure no overlooking to the car park site to help ensure that these would not prejudice wider redevelopment in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and H9 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2021.

Vehicular access junction

14.No part of the development shall be occupied until the amended vehicular access junction 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: 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.

Car parking

15.Prior to the development hereby approved first being brought into use, 45 no. car parking spaces shall be provided and made available for use in connection with the residential 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: In the interests of ensuring that the use benefits from satisfactory car parking provision in the interests of the amenities of the area in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

Electric vehicle charging

16.Prior to the first occupation of each unit, the residential car parking provision for the unit shall be provided, to include a 1 electric vehicle charge point per dwelling – and a total of 45 electric vehicle charging points. The residential 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.

Cycle parking

17.No part of the development shall be occupied until secure cycle parking store has been provided in accordance with the approval plans and with the standards set out in the Slough Developers Guide. Once laid out and constructed that area shall not thereafter be used for any other purpose.

REASON: To ensure that adequate and convenient cycle storage is provided to accord with the standards set out in the Slough Developers Guide.

Refuse storage

18.No part of the development shall be occupied commence until bin storage has been provided on the ground floor in accordance with the approval plans and the standards set out in the Slough Developers Guide and retained thereafter.

REASON: To ensure that adequate refuse storage is provided to serve the development

Energy and Sustainability Statement

19.The development hereby approved shall be implemented to fully include the proposals and measures set out in the Energy and Sustainability Statement produced by Future Planning and Development, dated April 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To ensure that the development provides sustainable energy benefits to the development in the interests of Policy 8 of the Core Strategy 2006 - 2066.

Thames Water

20.The development hereby approved shall not be first occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development.

Thames Water

21. No development shall be first occupied until confirmation has been provided that either:-

1. Surface water capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or
3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development.

Prior approval

22. No material operation in the works comprised in the approved development shall be carried out unless or until the schemes approved under the Local Planning Authority reference F/10913/019 (dated 13/05/2021), and either F/10913/20 (dated 01/12/2021) or F/10913/027 (dated 07/04/2022) has been implemented. No part of the approved development shall be occupied unless or until the developments approved under Local Planning Authority reference F/10913/019 (dated 13/05/2021), and either F/10913/20 (dated 01/12/2021) or F/10913/027 (dated 07/04/2022) have been first occupied.

REASON: to ensure the existing offices are not retained as part of the use of the land in the interest of residential amenity, parking, and servicing, and to comply with Core Policies 7 and 8 of the Core Strategy, Local Plan Policies EN1 and T2, and the requirements of the National Planning Policy Framework 2021.

Air Quality

23. No development shall take place until an air quality exposure assessment has been submitted to and approved in writing by the Local Planning Authority. Any mitigation requirements will trigger the requirement for details to be submitted pursuant to Conditions 11 and 12 of this decision notice and the works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved.

REASON: To ensure future residents are not subjected to unacceptable levels of air pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy

2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2021.

Drainage – Local Lead Flood Authority

24. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the proposed drainage system that will serve the development. Details shall include the following information:

- a) Calculation of existing brownfield runoff rates from the site area.
- b) As the site is currently brownfield, evidence that surface water discharge from the proposed development will not exceed existing brownfield runoff rates.
- c) Calculations demonstrating the proposed attenuation has sufficient volume to contain a number of return periods, up to and including the 1 in 100 years, for a range of storm durations, from 15 minutes up to 10080 minutes.
- d) Further details of the attenuation proposed, including depths and volumes.
- e) An operation and maintenance plan, including details of every aspect of the proposed drainage system, and details of who will be responsible for the maintenance.
- f) An exceedance plan demonstrating that flooding will not be routed towards buildings in the event of the proposed drainage system failing.

Works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved.

REASON: To ensure that the site is served by an acceptable drainage system in the interests of Policy 8 of the Core Strategy 2006-2026 (adopted 2008).

Disabled parking spaces

25. Notwithstanding the details in the approved plans, the development hereby approved shall not be occupied until revised details have been submitted to and approved in writing by the Local Planning Authority of an amended parking layout that incorporates a minimum of 5no disabled access parking spaces in suitable locations as part of the parking provision of the building. The works shall be carried out in accordance with the approved details and thereafter be retained.

REASON: To ensure that accessible parking is required in accordance with the Council's standard and in the interests of Policy T2 of the Slough Local Plan 2004.

INFORMATIVE(S):

1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

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.

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.

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

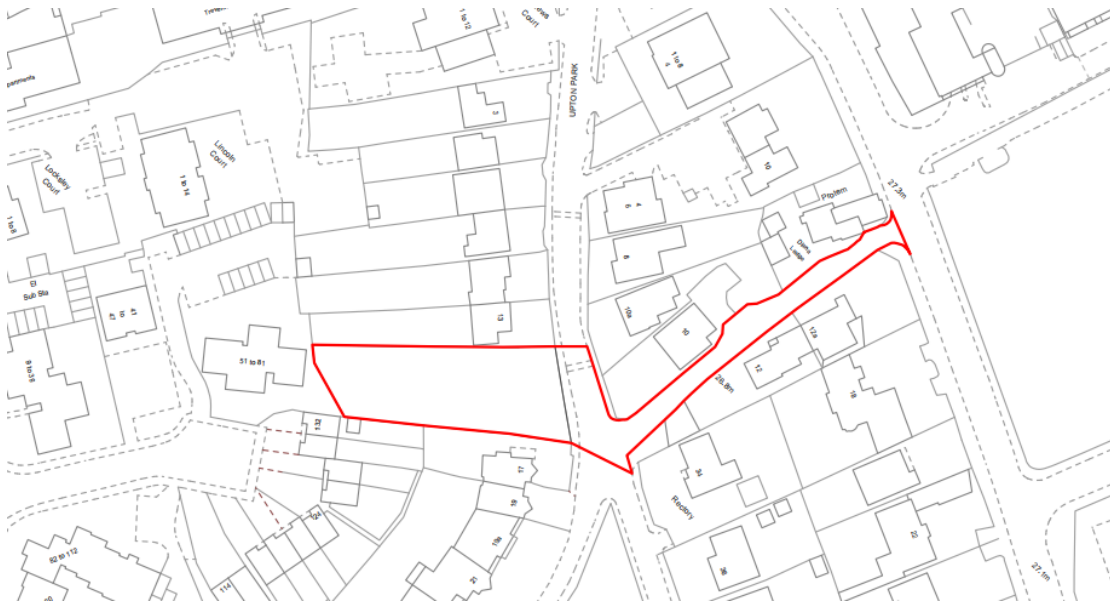
works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. 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.

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Registration Date:	15-Nov-2022	Application No:	P/09806/002
Officer:	Michael Scott	Ward:	Central
Applicant:	Mr M Kang	Application Type:	Major
		13 Week Date:	24 Feb 2023
Agent:	Baustudio Architecture Limited, 23 Kidderminster Road, Old Forge, Bewdley, West Midlands, DY12 1AQ		
Location:	15, Upton Park, Slough, SL1 2DA		
Proposal:	Construction of 10no. houses in outline with landscape reserved.		

Recommendation: Delegate to the Planning Manager for Refusal



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, the representations received from all consultees and residents; as well as all other relevant material considerations, and subject to the formal receipt of a valid Certificate of Ownership in relation to all ownership interests have been given notice, it is recommended that the application be delegated to the Planning Manager for refusal for the following reasons:-

- 1 The proposed scheme by reason of its scale, layout, appearance and massing would fail to respect or respond to the established character and appearance of the area and would constitute the overdevelopment of the site. As a result, the proposed development would significantly harm the character and appearance of the area, the setting of a conservation area and the wider street scene. The proposal is considered to be contrary to the provisions of the National Planning Policy Framework (2021); Core Policies 7, 8 and 9 of Slough Core Strategy (2006-2026) and Policies EN1 and H13 of Slough Local Plan.
- 2 The proposed development, by reason of its siting, scale, height and formation of windows on the rear of the rearmost terrace would result in loss of outlook, an increased sense of enclosure and light intrusion, that would be detrimental to the residential amenity of the occupiers of the adjacent properties located at nos. 132 and the flats in Arborfield Close. Such impacts upon the residential amenity of the neighbouring occupiers are considered to be unacceptable and harmful contrary to the aims of the National Planning Policy Framework (2021), Core Policy 8 of Slough Local Plan and Policy EN1 of Slough Local Plan.
- 3 The proposed development has failed to demonstrate, to the satisfaction of the Local Planning Authority that the development would be capable of appropriately addressing the historical significance of nearby Heritage Assets in the form of the Upton Park / Upton Village Conservation Area as required by Paragraph 194 of the National Planning Policy Framework and Core Policy 9 of Slough Core Strategy 2006-2026.
- 4 The proposed development has failed to demonstrate, to the satisfaction of the Local Planning Authority that the development would be capable of providing an appropriate and feasible Sustainable Urban Drainage solution to address the challenges of climate change as required by the National Planning Policy Framework (2021) and Core Policies 8 and 9 of Slough Core Strategy (2006-2026).

5 The proposed development has failed to provide satisfactory details to demonstrate that (a) it would not lead to unacceptable highway impacts due to its layout arrangements, including the lack of an adequate access width for the servicing of the rear block; (b) confirmation of satisfactory arrangements for emergency services; and, (c) it would adequately provide cycle storage and bin/recycling facilities, as well procedures for refuse collection. As such, the proposal is considered to be contrary to the provisions of the National Planning Policy Framework (2021) and Core Policy 7 of Slough Core Strategy (2006-2026).

6 The proposed development has failed to demonstrate, to the satisfaction of the Local Planning Authority, that the development would be capable of being implemented without detrimentally affecting the health and continued growth of trees that offer visual amenity to the setting of a conservation area as required by the National Planning Policy Framework (2021) and Core Policies 8 and 9 of Slough Core Strategy (2006-2026).

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

PART A: BACKGROUND

2.0 Proposal

2.1 This is an outline planning application. The description of development on the application form says “A development of ten new houses, five towards the street and five accessed off rear mews.”

2.2 The application was submitted on the basis that all Matters be Reserved; that is, the applicant did not intend the local planning authority (LPA) to consider “access, appearance, landscaping, layout and scale”.

2.4 Furthermore, the applicant/agent provided only Certificate A that sets out they have sole ownership rights to the land subject of the planning application.

2.3 So, the application red line did not show access from the public highway in accordance with Government advice from the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government (Published 6 March 2014 - Last updated - 24 June 2021) that

“The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed

development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”

- 2.5 The applicant/agent was informed that as the site adjoins, and therefore affects, a conservation area, they must not only provide a red line linking the site to a public highway but also serve Notice and provide a Certificate accordingly on any land owners covered by the extended red line and also provide a document setting out the impact on any heritage assets in accordance with paragraph 194 of the NPPF.
- 2.6 The agent was duly informed that the proposed scheme could not be supported due to various apparent policy considerations and as it could not be amended or revised in this form they were invited to withdraw the application.
- 2.7 Furthermore, the applicant/agent was informed that as the outline application affects a conservation area the LPA required that in this case the outline application must include details of access, appearance, layout and scale for the application to proceed following complying with the as then outstanding matters of validation. It was considered that landscaping may be reserved.
- 2.8 In response, the agent stated in an e-mail that they wished to pursue the application to determination and that irrespective of the application form stating that “all Matters were to be Reserved”, they wished to not furnish further details as “*We have included details of access, appearance, layout and scale within the application.*”
- 2.9 Having eventually met the regulations in regard of the red line and the public highway; having provided a relevant Certificate in relation to ownership rights; and, having added text to their Design & Access Statement to attempt to satisfy the NPPF, in relation to heritage assessment, the current application was registered for “Construction of 10no. houses in outline with landscape reserved.”
- 2.10 As such, the application for determination is for:
- Construction of two terraces of 5no. 4-storey townhouses – one behind the other - providing 10 self-contained residential units.
 - Formation of a new access from Upton Park to serve the rear of the two terraced blocks of housing.

3.0 **Application Site**

- 3.1 The application relates to a currently unoccupied, two-storey dwelling house built in the 1920s on the south side of Upton Park close to the junction with the access from Albert Street and to the west of the “triangle” where the road bends away towards Herschel Park.
- 3.2 Ground levels fall immediately from the access to the site across a paved parking courtyard to the front of the house. To the rear there are steps leading from a paved patio to a lower terraced garden area and then there is a further marked/steep fall towards the rear of the site bordering modern developments in Arborfield Close. The rear of the property is very open as the boundaries to west, east and south are mostly cleared of vegetation; though, there are a few significant trees within the plot, none of the trees on the site are covered by a Tree Preservation Order.
- 3.3 The application property is not Listed but lies on a plot of land adjacent to the Upton Park/Upton Village Conservation Area, which includes the highway in front of the site and land immediately on the eastern flank of the site comprising the site of nos. 17 to 25 (odd) and properties beyond to the south east.
- 3.4 Vehicular access to the site is from Albert Street through the private roads at Upton Park.
- 3.5 There is a grass verge to the front of the application property.
- 3.6 To the north lie four detached, two-storey, dwelling houses – nos. 4/6, 8, 10 and 10a Upton Park. These are varied in appearance.
- 3.7 To the south some distance to the rear lie nos. 132-126 (evens) Arborfield Close, which are a pair of co-joined semi-detached three storey town houses, and nos. 51-81 (odds) Arborfield Close, which is a four-storey block of flats.
- 3.8 To the west lie six detached dwelling houses – nos. 3 – 13 (odd) Upton Park. These are varied in appearance but they share a common character and scale. Farther to the west are two more modern blocks of flats, Eton Walk and St. Andrew’s Court. The former on the north side of Upton Park is the most modern and closest to the main roads of Albert Street and Windsor Road. The latter on the south side is of a more domestic style and scale, in keeping with its neighbours between nos. 3 and 15 (odd) Upton Park. A further recent block of eight flats occupies a plot of land between Eton Court and 8 Albert Street.
- 3.9 To the east lie a two-storey group of flatted blocks – nos. 17 to 25 (odd) Upton Park – these are distinctly different in appearance and character from the houses to the west. These have further accommodation at roof level.
- 3.10 The plot lies in Flood Zone 1 (where no Flood Risk Assessment is required).

3.11 It should be noted that the site is close to Herschel Park (Formerly Upton Park) , which is registered under the Historic Buildings and Ancient Monuments Act 1953 (Grade: II) within the Register of Historic Parks and Gardens by English Heritage for its special historic interest. However, given the distance and no visual connection, it is considered not to be affected and The Gardens Trust has not been notified.

4.0 **Relevant Site History**

4.1 Relevant site history relating to this site is as follows:

P/09806/001 Demolition of the existing dwelling and the construction of a two and a half storey block containing 11 flats with associated parking (OUTLINE) - REFUSED by Planning Committee at its meeting on 30th May 2018 – Decision Notice dated 31/05/2018 stating the following reasons:

- 1 The principle of the proposed development involves the loss of a property capable of continued use or future enhancement as a family dwelling and its replacement by flats that would not be considered to comprise family dwellings according to the Council's definition. As such, it is considered that the proposal would both involve the loss of an existing family dwelling and would not provide family dwellings as part of the redevelopment so that would be contrary to the aims of the NPPF, Core Policy 4 of Slough Local Plan and saved Policy EN1 of the Slough Local Plan.
- 2 The proposed block of flats by reason of its scale, density and massing would fail to respect or respond to the established character and appearance of the area, lead to unacceptable highway impacts, due to a lack of off-street parking, its layout arrangements and the intensification in the use of the access and would constitute the overdevelopment of the site. As a result, the proposed development would significantly harm the character and appearance of the area and the wider street scene and would be detrimental to highway safety. The proposal is considered to be contrary to the provisions of The National Planning Policy Framework (2018); Core Policies 7, 8 and 9 of Slough Core Strategy (2006-2026) and Policies EN1, EN3, T2 and T8 of Slough Local Plan.
- 3 The proposed development, by reason of its siting, scale, height and formation of numerous windows on each flank would result in loss of outlook, an increased sense of enclosure and light intrusion, and by reason of the formation of the access way and siting of the car parking to the rear would result in increased noise and disturbance that would be detrimental to the residential amenity of the occupiers of the adjacent residential properties located at Nos. 13 and 17 Upton Park, as well as no.

132 and adjacent properties in Arborfield Close. Such impacts upon the residential amenity of the neighbouring occupiers are considered to be unacceptable and harmful contrary to the aims of the NPPF, Core Policy 8 of Slough Local Plan and Policy EN1 of Slough Local Plan.

- 4 The proposed development has failed to demonstrate, to the satisfaction of the Local Planning Authority that the development would be capable of: (1) appropriately addressing the historical significance of nearby Heritage Assets in the form of the Upton Park / Upton Village Conservation Area as required by Paragraph 128 of the NPPF and Core Policy 9 of Slough Core Strategy 2006-2026; and, (2) be capable of providing with appropriate and feasible Sustainable Urban Drainage solutions to address the challenges of climate change as required by the NPPF (2018) and Core Policies 8 and 9 of Slough Core Strategy (2006-2026).

P/09806/000 Erection of two storey rear extension part two storey front and part single storey front extension - APPROVED – 22/08/1995.

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) three site notices were displayed on street furniture (i) immediately outside of the site in Upton Park; (ii) at the junction of Albert Street and Upton Park adjacent to Protem; (iii) in Arborfield Close outside no. 128; on 23/11/2022. The application was advertised as a major application in the 25/11/2022 edition of The Slough Express.
- 5.2 An OBJECTION has been received from 5 Upton Park, which can be summarised on the following grounds:
 - Appearance and character of the area – *“a small housing estate is being crammed into the space currently taken up by a single house and garden.”*
 - Traffic generation, highway safety and parking – *“would generate a lot of extra traffic and so would represent a serious risk to all*

road users"; how would wheelie bins be managed?; and, no space for visitors cars.

- Overshadowing, overlooking and loss of amenity – due to “*four-storey buildings next to and opposite two-storey houses.*”
- Noise, disturbance and loss of other amenities – due to “*heavy lorries*” during construction.
- Layout density of buildings – “*it’s a gross overdevelopment of the site*” and the sewage system does not cope; so, will not cope.

An OBJECTION has been received from Upton Park Roads Ltd. (the managing agent for the private roads of Upton Park), which can be summarised on the following grounds:

- *Scale and appearance is out of character with the predominately 1920s family dwellings*
- *Adverse effect on the adjacent conservation area*
- *Higher and deeper than the existing no. 15; too close to nos. 13 and 17 either side*
- *Inadequate provision for bin and cycle stores*
- *Limited parking and no provision for visitors – there are 24/7 restrictions on on-street parking*
- *Development will exacerbate highway safety issues*
- *Overdevelopment of the site and increase demand on already overstretched shared services such as drains ad sewers*

NOTE: these comments and observations are covered by the Officers’ assessment below.

6.0 **Consultations**

6.1 Local Highway Authority (LHA):

Introduction

This document provides Slough Borough Council’s consultation response regarding Highways and Transport issues for planning application P/09806/002 at 15 Upton Park, Slough, SL1 2DA. The planning application is for the development of 10x 3-bedroom properties.

Vehicle Access

SBC require the following amendments in relation to vehicle access:

- The access to be widened to 3.2 metres wide. This is the SBC minimum requirement for shared vehicular and pedestrian access.
- The submission of a drawing which displays the visibility available from the proposed access junction in accordance with the Manual for Streets visibility standards for the speed limit in force.
- Vehicle tracking which demonstrates that a 7.5 Tonne Luton Box Van and Long wheelbase Van (e.g. Mercedes Sprinter) have enough

turning space within the proposed site plan to turn to allow them to enter and exit the site within a forward gear.

- Provision of a gate set back a minimum of 9 metres from the back edge of the footway to prevent unauthorised access to the rear parking area and ensure delivery vehicles could wait clear of the footway.
- Confirmation of emergency access arrangements and that Royal Berkshire Fire Service have no concerns regarding access to the dwellings at the rear of the site.

Without the above amendments, SBC cannot consider the proposals compliant with Paragraphs 110 and 112 of the National Planning Policy Framework which requires the provision of: *'safe and suitable access to the site can be achieved for all users'* and that developments *'c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles'*.

Access by Sustainable Travel Modes

The site benefits from opportunities to travel sustainably. It is 850 metres (10 minutes' walk) from Slough High Street, 950 metres from Slough Bus Station (10 minutes' walk) and 1000 metres from Slough Railway Station (13 minutes' walk). The nearest bus stop is 250 metres from the site (Albert Street stop on Windsor Road).

A walking distance of 400 metres (and 200m within town centres) is deemed a reasonable walking distance by the Chartered Institute of Highways and Transport (CIHT) within their document: *'Planning for Walking and Cycling, 2015'*. The Chartered Institute of Highways and Transportation also advises that: *'Walking neighbourhoods typically characterised as having a range of facilities within 10 minutes' walking distance (Around 800 metres)'* and that people will walk up to 800 metres to access a railway station, reflecting it's greater perceived quality and the importance of rail services.

Car Parking

SBC Highways and Transport have no objection to the proposed development due to the proposed number of car parking spaces.

The Slough Borough Council Parking Standards require 20 car parking spaces. Therefore, the proposed 20 parking spaces are in accordance with the adopted SBC Standards and SBC Highways and Transport would have no objection due to the number of car parking spaces proposed.

Electric Vehicle Parking

SBC Highways and Transport request provision of Electric Vehicle Charging Points for each of the proposed dwellings to ensure compliance with the requirements of the Slough Low Emissions Strategy (2006 – 2026) and the National Planning Policy Framework.

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking. The National Planning Policy Framework Paragraph 112 requires applications for

development to: *'Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations'*.

Cycle Parking

SBC request amendment of the proposed site plan to display 10 secure and covered cycle parking spaces will be provided for residents within the site.

No cycle parking is displayed. The Slough Parking Standards require the provision of 10 secure and covered cycle parking spaces. The Slough Developers' Guide – Part 3: Highways and Transport (2008) requires the provision of 1 secure and covered cycle parking space per dwelling to encourage the uptake of cycling within the borough.

The National Planning Policy Framework requires in Paragraph 112 that: *'Applications for development should: 'a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'*.

Deliveries, Servicing and Refuse Collection

SBC Highways and Transport request swept paths which demonstrate that a 7.5 tonne Luton Box Van and a Long wheelbase Van (e.g. Mercedes Sprinter) have enough turning space within the proposed site plan to turn to allow them to enter and exit the site within a forward gear.

SBC request confirmation of the refuse collection arrangements given SBC refuse vehicles will not enter private roads.

SBC Highways and Transport request the amendment of the site plan to display bin storage.

Summary and Conclusions

Subject to the applicant providing the requested information to allay my concerns, I can confirm that I have no objection to the proposed development on highways and transport grounds. Alternatively, if the planning application were to be determined in its current form, I would recommend refusal.

[Officer's NOTE – Given the form of the proposals – that two sets of terraced town houses were considered not to be capable of being supported – the LHA's comments have not been progressed or amendments sought, as that would have been unproductive/abortive.]

- 6.2 Thames Water:
No comments received. Any comments received will be reported into the Amendment Sheet.
- 6.3 Lead Local Flood Authority
Having reviewed the applicant's submitted details located within:
1. P/09806/002(002) DRAWINGS/PLANS
2. P/09806/002(004) DESIGN AND ACCESS STATEMENT

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

Our information requirements in support of an Outline application are outlined in our document Local Standards and Guidance for Surface Water Drainage in document:

<https://www.slough.gov.uk/planning/planning-permission-approval-needed/2>

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. Further details of the proposed drainage system must be included.

This includes, but is not limited to, the following:

- a. Calculation of existing greenfield runoff rates from the site area.
- b. As the site is currently greenfield, evidence that surface water discharge from the proposed development will not exceed existing greenfield runoff rates.
- c. Calculations demonstrating the proposed attenuation has sufficient volume to contain a number of return periods, up to and including the 1 in 100 year, for a range of storm durations, from 15 minutes up to 10080 minutes.
- d. Further details of the attenuation proposed, including depths and volumes.
- e. An operation and maintenance plan, including details of every aspect of the proposed drainage system, and details of who will be responsible for the maintenance.
- f. An exceedance plan demonstrating that flooding will not be routed towards buildings in the event of the proposed drainage system failing.

Overcoming our concerns

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 **National Planning Policy Framework and National Planning Policy Guidance:**

Section 2: Achieving sustainable development

Section 3: Plan making

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

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

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 7 - Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural, built and historic environment

Core Policy 10 – Infrastructure

Core Policy 11 - Social cohesiveness

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Polices)

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H13 – Backland/Infill Development

H14 – Amenity Space

OSC15 - New facilities in Residential Developments

T2 – Parking Restraint

T8 – Cycle Network and Facilities

Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Technical housing standards – nationally described space standard (2015).
- Upton Conservation Area Character Survey.

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 latest version of the National Planning Policy Framework (NPPF) was published on 20th July 2021.

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable

development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

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

7.2 Emerging Preferred Spatial Strategy for the Local Plan for Slough

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

- 7.3 The starting point of the assessment of any planning proposals is to ensure there is accordance with the Development Plan unless material considerations indicate otherwise. The engagement of the NPPF tilted balance and the provision of housing is an important material consideration.

The planning considerations for this proposal are:

- Principle of development (section 8.0)
- Impact on the character and appearance of the area including impact on Heritage Assets (section 9.0)
- Impact on amenity of neighbouring occupiers (section 10.0)
- Living conditions for future occupiers of the development (section 11.0)
- Highways, sustainable transport and parking (section 12.0)
- Flood risk & surface water drainage (section 13.0)

- Trees & Landscaping (section 14.0)
- Land contamination (section 15.0)
- S.106 Contributions (section 16.0)
- Presumption in favour of sustainable development (section 17.0)
- Equalities (section 18.0)

8.0 **Principle of development inc. Housing Mix**

- 8.1 The National Planning Policy Framework 2021 encourages the effective and efficient use of land. These proposals involve the demolition of a single-family dwelling house and the construction of two terraces comprising ten townhouses. As such, in this respect the proposals comply with the overall thrust of the NPPF.
- 8.2 Core Policies 1 and 4 which seek high-density, non-family type housing to be located in the Town Centre. Whilst, in the urban areas outside of the town centre, new residential development is expected to be predominantly family housing.
- 8.3 The proposals comprise 10no. 3-bedroom town houses. So, as a site outside of the Town Centre, these proposals are in this respect wholly consistent with policy in that they comprise a family accommodation.
- 8.4 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes, which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location, as it benefits from access to public transport, education, retail, leisure, employment and community facilities
- 8.5 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.6 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 8.7 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.8 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street

scene and local distinctiveness of the area, which entails, the setting of the heritage assets.

- 8.9 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes and as such may harm the setting of a conservation area. In these matters, Policy H13 is of paramount importance.
- 8.10 As a scheme that entails an infilling of the street scene, attention must be paid to the following limbs of Policy H13:-
- (a) the type, design, scale and density of the [proposals] are in keeping with the existing residential area;
 - (b) appropriate access, amenity space and landscaping are provided
 - (c) appropriate car parking provision
 - (d) the scheme is designed ... so that [retained dwellings] do not suffer overlooking or loss of privacy, no substantial loss of amenity due to the creation of new access or parking areas

In summary, the issues turn on the scale of any infilling development. The impact of the current proposals is considered in section 9.0 below.

- 8.11 Therefore, having regard to the National Planning Policy Framework 2021 and the Local Development Plan, whilst there is no objection *per se* to the principle of family residential development on this site, this must be subject to an assessment in regard of Policy H13.

9.0 **Impact on the character and appearance of the area inc. Heritage assets**

- 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 Policies EN1 and EN2.

- 9.2 As described above, the application relates to demolition of a single dwelling that does not lie in the Town Centre. The site falls within a location that is characterised by large dwelling houses set in a low-density locality adjacent to a conservation area. The neighbouring properties to the west and north together with the application property and its plot have a clear and distinctive set of characteristics including large wide plots, in conjunction with the scale and general appearance of the individual properties. These characteristics set this part of Upton Park apart from the immediately adjacent street scene that has its own characteristics based on the appearance of the flatted blocks that bend from the application site boundary around and down the slope comprising nos. 17 – 43 (odd) Upton Park. Both character areas share a common characteristic in that there are deep rear gardens.

In terms of siting and layout:

- 9.3 The submission includes a Design & Access Statement (D&AS) that simply states:

“The proposed layout has been chosen, is because it works and fit with its surroundings, maintaining trees, bushes and features at boundaries/edges. It creates an attractive mews setting for the properties at the rear.”

- 9.4 It is considered that the layout entailing two terraced rows of town houses - one to the front and one to the rear - has no precedent and bears no relationship with the characteristics of the area.

- 9.5 As more fully addressed below at 14.0, it is not clear how the existing trees could be integrated into the scheme. The proposed layout does not identify that trees are to be retained – the proposed site plans are annotated with only ‘token’ tree symbols that do not match the position of existing trees. Furthermore, the siting of each terrace would preclude any satisfactory spacing to enable the existing trees to flourish in such close proximity to the proposed structures.

- 9.6 The proposed siting of two terraces, one behind the other, would appear tight, giving a cramped overall form. As is noted below at 11.8, the level of private amenity space provided to each of the ten houses would fail to address the Council’s overall space standards. This is considered to represent an indicator of a constrained and cramped layout, resulting in overdevelopment of the site.

- 9.7 Therefore, it is considered that the proposed layout fails to reflect the more open characteristics of the local area, where there are buildings on the road frontage and no significant backland buildings.

In terms of scale and massing:

- 9.8 The submitted D&AS simply states:

“The scale of the buildings relate to the four storey buildings in the surrounding area.”

- 9.9 The proposals entail three-storey properties with bulky dormers at front and back with a roof above, giving a substantial massing that would appear as four-storeys, as described by the applicant’s agent.

- 9.10 It is considered that the scale of the proposed buildings entailing four-storey terraced rows of town houses does not reflect the characteristic scale of the area.

- 9.11 The application premises and those to its west and opposite are two-storey; whilst the flatted terraced blocks to the east have eaves giving a two-storey height with further accommodation within the roof slope but

this does not appear overly dominant and, as such, these do not appear as three-storeys.

In terms of appearance and design:

9.12 The submitted D&AS states:

“What a place will look like is often mistakenly understood to mean its design. This in turn is often wrongly read to mean architectural style. The appearance of the development incorporates all the decisions that went into the design.

So, layout, scale and landscaping will all play their part in what space and place will look like.

Overall it is a contemporary interpretation of a traditional terrace row and rear mews.”

9.13 It is considered that a traditional terrace row and rear mews does not reflect a characteristic of the area.

9.14 Furthermore, the layout, scale and paucity of space for meaningful landscaping would result in a design that would not enhance the street scene, the wider area and the setting of the adjacent conservation area.

9.15 The proposed elevations show ground, first and second floor levels to be solid form with an orderly and simple arrangement of fenestration. At third floor level there would be front and rear dormers. These are considered bulky and contribute to an overall image of a heavy and over-bearing scale and jars with neighbouring sites. The roof form above would add further to the overall scale and height of each terrace.

9.16 No indication of a palette of materials has been submitted.

In terms of impact on heritage assets:

9.17 It must be noted that the original submission contained a D&AS that did not refer to the adjacent conservation area. Therefore, it did not comply with paragraph 194 of the NPPF, which requires the assessment of the impact on any heritage assets.

9.18 The agent submitted a revised D&AS to comply with the NPPF, in order to support the validation of the current application.

9.19 The submitted D&AS simply states:

“The only aspect to be considered relative to the heritage asset is use of the road to gain access to the property, the planning application do not propose any changes to this access route.

Therefore the proposal will therefore have no impact on the conservation area or any listed buildings in the near vicinity of the property.”

9.20 The Upton Conservation Area boundary includes the entire width of the roadway across the entire frontage of the plot of 15 Upton Park and then extends alongside the eastern boundary of this plot where it adjoins no. 17 Upton Park.

9.21 The Upton Conservation Area plan in the Upton Conservation Area Character Survey document shows a ‘Significant View’ from a point at the junction of the roads on the eastern corner of the plot of the application property down that part of Upton Park and across the entire frontage of those buildings immediately adjacent to the application premises. Accordingly, it is considered that any development of this application premises will affect the setting of the Conservation Area.

9.22 The proposals are for a form of development that is not considered to be in keeping with the character of the area, in terms of its scale, design, layout and appearance, and would have minimal opportunity for a future scheme of landscaping that could enhance and preserve the setting of the Conservation Area.

9.23 As such, it is considered that the current proposals would harm the setting of the Upton Conservation Area.

In conclusion:

9.24 Based on the above, the proposals would have an unacceptable impact on the character and visual amenity of the area and harm the setting of a conservation area. Therefore, these proposals would not comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), Core Policies 8 and 9 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2021.

10.0 **Impact on amenity of neighbouring occupiers**

10.1 The National Planning Policy Framework 2021 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.

In respect of daylighting and sunlight

- 10.2 No Daylight and Sunlight Assessment has been produced for these proposals. Given the proposals were not considered to be acceptable from the outset, none has been requested.
- 10.3 Given the proposed layout of the two terraces of town houses, certain conclusions can be made. Firstly, the road frontage terrace would lie between the flank of nos. 13 and 17 Upton Park to the west and east respectively and some distance from the properties opposite at nos. 4/6 - 10. As such, there would be no significant impact on the reception of light at these properties. Secondly, the rear terrace would lie to the north and at some distance of the neighbouring properties in Arborfield Close; so, the orientation of the respective dwellings would mitigate any potential impact in terms of the reception of light.

In respect of potential loss of privacy

- 10.4 The submitted drawings do not show any flank wall openings on the two terraces. There would be rear and front facing window openings.
- 10.5 The front road side terrace would lie at least 35 metres from the nearest point on the dwellings opposite. As such, it is considered there would be no meaningful loss of privacy.
- 10.6 However, the rear of the terrace to the rear of the plot would lie only some 8 to 9 metres from the rear facing windows of no. 132 Arborfield Close, which is considered to represent a serious potential loss of privacy in this case; whilst the distance to the windows at no. 130 Arborfield Close increase somewhat to some 10 metres, but moreover, it is considered that the orientation and angles of view would prevent any loss of privacy to the occupiers of that property.
- 10.7 The flatted block of 51-81 (odd) Arborfield Close has no openings on the immediately nearest rear flank wall but does have some on the return 'wing' on its western side and these would be some 17 metres from the closest windows on the proposed terrace.
- 10.8 As such, it is considered that there would be potentially a loss of privacy and therefore adverse harm on the amenities of that existing residential accommodation nearby.

In respect of a sense of enclosure or over-bearing form

- 10.9 As noted above the ground levels within the rear garden of no. 15 Upton Park are higher than to the south in Arborfield Close. The proposed rear terrace would be four-storey high.
- 10.10 The overall impact of the rearmost terrace would be prominent in the outlook, in particular, of the occupiers of no. 132 and 130, but also for

those flats at nos. 51-81 Arborfield Close that are closest to and have any outlook towards the rear of no. 15 Upton Park. Given the sheer massing, height and bulk in combination of the siting/footprint of the proposed development, completely encloses the neighbouring garden to an unacceptable level and there would be no relief due to the two blocks of terraces back to back. This would detrimentally impact the enjoyment of the neighbouring occupiers gardens, namely No's. 13, 17 Upton Park and 132 Arborfield Close in particular.

- 10.11 The close proximity the rearmost proposed terrace in an area where there are no existing properties would result in a level of intrusion though light from that proposed terrace. Furthermore, given the siting and relationship of both terrace rows, there will be an intensification of the site from a single-family dwelling to 10 dwellings, this results in a number of coming's and going, resulting in noise and disturbance to the neighbouring occupiers. In addition, the vehicle access into the site with car parking spaces close to the shared boundary with adjoining neighbours this results in activity which will impact the pleasant and quite environment of the amenity area for neighbours and is deemed to be unacceptable in nature.

In conclusion:

- 10.12 It is considered that there would significant concerns raised in terms of the impacts on neighbouring properties and the proposal is considered to be inconsistent with Core Policy 8 of the Local Development Framework Core Strategy, Policies EN1 and EN13 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.

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

- 11.1 The National Planning Policy Framework 2021 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.

- 11.2 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."

Internal layout

- 11.3 In terms of the proportions and dimensions of the proposed accommodation, all of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards – Nationally Described Space Standard 2015.

- 11.4 Each dwellinghouse would have its principal habitable room windows either facing north or south. It is considered that in terms of the aspect and outlook, as well as the potential for the reception of good natural light, these factors which provide satisfactory levels of amenity for future occupiers have all been incorporated in the design

Private amenity space.

- 11.5 Policy H14 of the Adopted Local Plan states that development will only be allowed with the provision of the appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities
- 11.6 The Council's Residential Extensions Guidelines Supplementary Planning Document (RESPD) sets out guidelines for retained private amenity space of: 2/3 bedroom properties – minimum depth of 9 metres/50sq.m.; and for 4-or-more bedroom properties – minimum depth 15 metres/100sq.m. (EX48).
- 11.7 It is noted that of the proposed ten dwellings, none fully meet those guidelines, as whilst the depth provides some 9 metres, given the varying width, each would only be some 35 to 40 metres overall. So, there would be a shortfall.
- 11.8 In this respect, it has been noted that an Inspector in an appeal (APP/J0350/D/12/2179398) set out that "*the remaining garden area would be regularly shaped and level and offer private and usable amenity space to meet the everyday needs of the residents.*" On such a "test", and in consideration of the close proximity of Herschel (Upton) Park, it is considered that the current proposals would not warrant refusal on this ground. However, it is considered to be representative of the wider fundamental objection to these proposals based on overdevelopment of the plot, which would have unacceptable and harmful impacts on the character of the area.

In conclusion:

- 11.11 Based on the above, on balance, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy EN1 of the Adopted Local Plan.

12.0 **Transport, Highways and Parking**

- 12.1 The National Planning Policy Framework states that planning should seek to promote development that is located where the need to travel will be minimised and the use of sustainable transport modes can be

maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians and where appropriate local parking standards should be applied to secure appropriate levels of parking.

- 12.2 This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 12.3 A total of 20 car parking spaces would be provided, which is acceptable in terms of overall provision by the Highway Authority (HA). However, no charging facilities for electric cars have been identified. Therefore, the HA objects to the proposals.
- 12.4 Furthermore, there is no provision for visitors' car parking needs. The Management Company responsible for the private roads serving the site has drawn attention to the existing parking restrictions on these roads.
- 12.5 No cycle storage facilities have been identified. Therefore, the HA objects to the proposals.
- 12.6 No bin/recycling storage facilities have been identified. Therefore, the HA objects to the proposals. Furthermore, no information on collection practices have been provided.
- 12.7 The rear terrace necessitates a new access from Upton Park. This is shown as to be provided alongside the common boundary with no. 13. The HA has set out that it would not satisfy their requirements for a shared surface for both vehicles and pedestrians, as it would be under width. The submitted site layout plan seems to show no latitude for increasing its width due to the constraints of the footprint of the road frontage terrace.
- 12.8 Furthermore, the HA requires swept path diagrams to demonstrate the suitability of the proposals to accommodate delivery vehicles and enable them to access and egress in a forward gear.
- 12.9 Based on the above, the proposals are considered to not be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF. Whilst it is noted that in some respects the applicant/agent could provide further information and/or certain matters could have been conditioned for a further submission, it has been considered that as the proposals were not capable of being supported on grounds of fundamental importance then these outstanding issues have not been sought in this set of circumstances. As such, these matters will be Reasons for Refusal.

13.0 **Flooding and Drainage**

- 13.1 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.
- 13.2 As set out above, according to the EA flood maps and the Council's data base, the site lies in Flood Zone 1, where no Flood Risk Assessment is required.
- 13.3 Changes in government legislation from April 2015, require major developments to provide measures that will form a Sustainable Drainage System (SuDS). These SuDS are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way. The National Planning Policy Framework states that the surface run-off from site cannot lead to an increase from that existing. Slough's Strategic Flood Risk Assessment states that surface water should be attenuated to greenfield run-off rates. In the scenario where infiltration techniques are not possible, attenuation will be required in order to reduce surface water run-off.
- 13.4 The application does not include a drainage strategy; so, the Lead Local Flood Authority has not been able to comment on the relationship between the proposals and the adequacy of the system to cope with the scale of the scheme. This lack of information to clarify the impact of the proposals in this respect warrants a reason for refusal.

14.0 **Trees and Landscape**

- 14.1 There are some mature/semi-mature trees in the rear garden of the application premises and that at no. 17, which lies in the conservation area.
- 14.2 No arboricultural report has been lodged with the submission. Given the proposals were not considered capable of being supported from the outset, none has been requested.
- 14.3 The proposed plans do not identify the siting of these particular trees and it is implied from the site layout that it is not intended to retain those within the application plot.
- 14.4 At the time of the determination of the previous proposals under P/09806/001, it was noted that the Council's Tree Management Officer had concluded that "*there are no tree issues with this site, one small tree is to be removed, the rest despite being 'not the best' trees, can be*

protected from any significant harm by the application of the measures proposed in the tree report by GHA trees”.

- 14.5 As such, it is considered that having identified the existing trees as ‘not the best’, the removal of these specimens would not warrant a reason for refusal.
- 14.6 Although the application has been lodged in outline with landscaping reserved for future submission; so, formal consideration is not to be made at this time, it should merely be noted that there would be a concern about the potential to provide an appropriate level and quality of landscape given the proposed layout of the development, in particular the given the extensive nature of the hardstandings for car-parking and pedestrian paths, which together with the formation of an access road to the rear, leave negligible space for meaningful landscaping.
- 14.7 In conclusion, this matter is considered to be in part contributory to the overall assessment that the proposals would be harmful to the character and appearance of the area and the setting of the adjacent conservation area and a failure to assess the situation is a ground for refusal.

15.0 **Contamination**

- 15.1 The plot of the application premises and the surrounding area has not been identified as being potentially contaminated.
- 15.2 At the time of the determination of the previous proposals under P/09806/001, it was noted that the Councils’ Senior Scientific Officer had “*No objections*”.

16.0 **Heads of terms for Section 106 requirements**

- 16.1 As the proposals entail only net nine additional new residential dwellings there would have been no requirements under any heads in the Council’s Developer’s Guide towards financial contributions or affordable housing and the Burnham Beeches issue would not be invoked.

17.0 **Presumption in favour of sustainable development**

- 17.1 The application has been evaluated against the Development Plan and the National Planning Policy Framework 2021 (NPPF) and the Local Planning Authority (LPA) has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

- 17.2 The LPA cannot demonstrate a Five Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law should be applied.
- 17.3 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are is conflict with the NPPF and the Local Development Plan.
- 17.4 It has been noted that an Inspector in the case of APP/J0350/W/19/3253821 (following refusal under SBC ref. P/08499/006 in relation to land at 39-43 Baylis Road), concluded *“In the context of the significant shortfall in housing supply, the proposed development would provide a modest contribution of a maximum of eight dwellings, making efficient use of underused and derelict land. ... It would create some employment at the construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals.”*
- 17.5 So, in coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing a net gain of nine new dwellinghouses towards the defined housing need at a time where there is not a Five Year Land Supply within the Borough, as well as, some economic benefits.
- 17.6 However, the LPA considers that there would potentially be adverse impact arising from the development. Namely, upon the character and appearance of the area that includes harm to a heritage asset and detrimental impact upon neighbouring properties. As such, substantial negative weight should be applied to the planning balance.
- 17.7 Therefore, it is considered that the current scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the NPPF taken as a whole.
- 17.8 As such, on balance, the application is recommended for refusal, as it is considered that the benefits from the formation of an additional nine residential units in a sustainable location would not outweigh the potential harm – as set out above - as the environmental role of sustainable development would not be achieved in this case; so, it is suggested that planning permission should be refused in this case.
- 17.9 So, in conclusion, the benefits of supplying nine extra units in a tilted assessment has not been shown to significantly and demonstrably outweigh the potential adverse impacts and therefore it conflicts with specific policies in the NPPF

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 noted that the proposals would have provided new residential accommodation at that would all be compliant with the Nationally Described Space Standards. However, it is noted that none of the 20 parking spaces would be sized for wheelchair accessibility. Furthermore, the internal layout and access would need to comply with Building Regulations in respect of wheelchair accessibility. Were the scheme acceptable in regard to the fundamental need to satisfy the environmental role of sustainable development these matters could have been addressed.

18.3 It is considered that there would have been 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 would have potentially been 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 could have been incorporated into a construction management plan to mitigate the impact and minimise the extent of the effects. This would have been secured by condition.

18.4 In relation to the car parking provisions, there are potential adverse impacts on individuals within the pregnancy/maternity, disability and age protected characteristics, if the occupier/individual does not have access to a car parking space in the development. A justification for the

level of car parking is provided in the transport section of this report to demonstrate compliance with the NPPF and transport planning policies in the Local Plan/Core Strategy.

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

19.0 **PART C: RECOMMENDATION**

- 19.1 Having considered the relevant policies set out above, the representations received from all consultees and residents; as well as all other relevant material considerations, and subject to the formal receipt of a valid Certificate of Ownership in relation to all ownership interests have been given notice, it is recommended that the application be delegated to the Planning Manager for refusal for the reasons set out in full at 1.1 above.

20.0 **PART D: INFORMATIVES**

- 1 It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.
- 2 The development hereby refused was submitted with the following plans and drawings:
- (a) Drawing No. 002 Rev. B, Dated 26/08/2022, Recd On 18/08/2022
 - (b) Drawing No. 100 Rev. B, Dated 26/08/2022, Recd On 18/08/2022
 - (c) Drawing No. 101 Rev. B, Dated 26/08/2022, Recd On 18/08/2022
 - (d) Drawing No. 102 Rev. A, Dated 26/08/2022, Recd On 18/08/2022
 - (e) Drawing No. 103 Rev. A, Dated 26/08/2022, Recd On 18/08/2022
 - (f) Drawing No. 104 Rev. A, Dated 26/08/2022, Recd On 18/08/2022
 - (g) Drawing No. C06, Dated 04/08/2022, Recd On 18/08/2022
 - (h) Drawing No. C700 Rev B, Dated 26/08/2022, Recd On 18/08/2022
 - (i) Drawing No. P08 Rev. B, Dated 13/10/2022, Recd On 15/11/2022
 - (j) Drawing No. P09 Rev. A, Dated 26/08/2022, Recd On 18/08/2022
 - (k) Unnumbered/Undated Design & Access Statement including Heritage Impact Assessment by Baustudio Architecture Limited, Recd On 15/11/2022

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SLOUGH BOROUGH COUNCIL**REPORT TO: PLANNING COMMITTEE****DATE: January 2023****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**

Ref	Appeal	Decision
P/19177/000	12, Shaggy Calf Lane, Slough, SL2 5HJ Construction of 1no 3 bedroom dwelling to the rear of 12 Shaggy Calf Lane (amended description)	Appeal Dismissed 20 th December 2022

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MEMBERS' ATTENDANCE RECORD 2022/23
PLANNING COMMITTEE

COUNCILLOR	25/05	29/06 Cancelled	26/07	29/09	25/10	30/11	21/12	24/01	21/02	29/03	25/04
Carter	P		P	P	P	P	P				
J Davis	Ab		Ap	P*	P	Ap	Ab				
Akbar	P		Ap	P	P	P	P				
Dar	P		P	P	P	P	P				
Gahir	P		P	P	P	P	P				
Mann	P		P	P	P	P	P				
Mohammad	P		P	P	P	P	Ap				
Muvvala	P		Ap	P	P	P	P				
S Parmar	P		P	P	P	Ap	P				

P = Present for whole meeting
 Ap = Apologies given

P* = Present for part of meeting
 Ab = Absent, no apologies given

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