

Date of issue: Tuesday, 23 January 2024

MEETING	PLANNING COMMITTEE (Councillors Iftakhar (Chair), Stedmond (Vice-Chair), Carter, Gahir, Khawar, Mann, Naveed and Satti)
DATE AND TIME:	WEDNESDAY, 31ST JANUARY, 2024 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 07749 709868

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

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

CONSTITUTIONAL MATTERS

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

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



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PLANNING APPLICATIONS			
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6.	P/20307/000 - 127 Bath Road, Slough, SL1 3UW <i>Officer's recommendation: Delegate to the Planning Manager for Approval</i>	99 - 110	Cippenham Manor
7.	P/00595/004 - 39-41 Elmshott Lane, Slough, SL1 5QU <i>Officer's recommendation: Delegate to the Planning Manager for Approval</i>	111 - 162	Cippenham Green
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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, 29th November, 2023.

Present:- Councillors Iftakhar (Chair), Stedmond (Vice-Chair), Carter, Gahir, Khawar, Mann, Naveed and Satti

Also present under Rule 30:- Councillors Dar, Hulme, Muvvala and Tomar

PART I

46. Declarations of Interest

No declarations were made.

47. Guidance on Predetermination/Predisposition - To Note

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

48. Minutes of the Last Meeting held on 27th September 2023

Resolved – That the minutes of the meeting held on 27th September 2023 be approved, subject to an amendment to minute 44 that the committee had noted the Members' attendance record for 2023/24, not 2022/23 as had been stated.

49. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

50. 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 by the Committee as follows:-

Application P/10697/015 - Waste Facility, Poyle New Cottages, Bath Road, Poyle, Colnbrook, SL3 0NT – The agent addressed the Committee.

Application P/00072/128 - Akzonobel Decorative Paints, Wexham Road, Slough, SL2 5DB – Councillor Dar, ward member for Upton Lea, addressed the committee.

Application P/00740/008 - ICI Dulux Decorator Centre, Petersfield Avenue, Slough, Berkshire, SL2 5EA – Councillor Tomar, ward member for Slough Central, addressed the committee.

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

51. P/10697/015 - Waste Facility, Poyle New Cottages, Bath Road, Poyle, Colnbrook, SL3 0NT

Application
Redevelop the site to deliver a leading industrial and logistics unit of approximately 34,000 sqft (Mixed Use Class E(g)(iii)/B2/B8) with 6,000 sqft of ancillary office floorspace (Use Class E(g)(i)), parking, associated service yards and landscaping.
Decision
<p>Delegated to the Planning Manager for approval subject to:</p> <ul style="list-style-type: none">(i) The satisfactory completion of a Section 106 Agreement to secure a Heavy Goods Vehicle routing and management plan, a travel plan monitoring and a financial contribution towards improvements to Colne Valley Park which are required to mitigate the impacts of development;(ii) No substantive objection being raised by Colnbrook with Poyle Parish Council;(iii) Referral to the Secretary of State to consider if the application should be called in;(iv) Finalising conditions and any other minor changes. <p>Or for refusal of the application if the completion of the Section 106 Agreement was not finalised by 1 May 2024 unless a longer period was agreed by the Planning Manager, in consultation with the Chair of the Planning Committee.</p>

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52. P/00072/128 - Akzonobel Decorative Paints, Wexham Road, Slough, SL2 5DB

Application
Planning application for the decontamination of the site, demolish the remaining buildings, undertake ancillary engineering work to stabilise the ground conditions and the delivery of ancillary retaining walls (amended description and details submitted).
Decision
Delegated to the Planning Manager for approval subject to finalising conditions, informatives, and any minor changes.

53. P/00740/008 - ICI Dulux Decorator Centre, Petersfield Avenue, Slough, Berkshire, SL2 5EA

Application
Construction of a five storey building with basement level to provide 22 no. residential apartments with associated access, parking, landscaping and all associated works.
Decision
Delegated to the Planning Manager for approval, subject to: (i) The satisfactory completion of a Section 106 Agreement to secure affordable housing, education and Burnham Beeches contributions, funding towards a zebra crossing (via a Section 278 agreement) that is required to mitigate the impact of the development. (ii) Finalising conditions and any other minor changes. Or for refusal of the application if the completion of the Section 106 Agreement was not finalised by 31 May 2024 unless a longer period was agreed by the Planning Manager, in consultation with the Chair of the Planning Committee.

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54. Slough Local Plan Annual Monitoring Report 2022/2023

The Committee received a report that informed Members about the results of the annual planning policy monitoring for 2022/23, covering the period 1st April 2022 to 31st March 2023, which included information on housing, employment, retail and the environment. Local planning authorities had a statutory duty to produce and publish such a report and the main purpose was to monitor Local Plan policies and record key statistics on issues such as new development in the town.

Members noted the additional information in the Amendment Sheet that had been requested by the Chair, however, Members were asked to set aside the figures stated for Section 106 planning obligations and the confirmed figures would be circulated in due course to committee members and included in the final version to be published on the Council website.

Officers summarised the key headline figures for 2022/23 including that 322 net additional dwellings had been completed during the year of which 183 were 'affordable' housing, mainly due to those provided in the Horlicks development. The annualised Local Housing Need figure was 825, therefore the level of completions was significantly below that assessed need. A further 1,121 dwellings were under construction and 1,659 consented but not started. This figure did not include the AkzoNobel site. 100% of the completions this year were on brownfield sites and 94% were flats. The housing trajectory to 2040 currently showed a shortfall in future years.

In relation to employment land there had been a small net rise in floorspace last year but the past trend was a reduction in floorspace. Office floorspace take up was low and there was a significant amount of supply in the town. Data centres dominated completions and consented schemes in the pipeline. A new Simplified Planning Zone (SPZ) for the trading estate was being prepared. The retail centres vacancy survey carried out in February 2023 showed an overall vacancy rate of 22% in Slough town centre, but much lower levels in district centres such as Farnham Road (2%) and Langley (2%). Members asked a number of questions about the current position regarding the proposed redevelopment of the Queensmere shopping centre. The Chief Planning Officer summarised the wider factors driving retail vacancy rates in town centres and updated on the planning position regarding Queensmere application. It was noted that the Council was ready from a planning perspective to work with the developer to bring the scheme forward. The deadline to complete the Section 106 Agreement had been extended once and was due to expire again. In response to a request from the Chair that Members receive an update on the S106 timing, the Chief Planning Officer stated that it would be included in quarterly updates on S106 to the committee.

The Committee discussed several other aspects of the report including the importance of retaining employment land to support jobs and prosperity in Slough; the Local Plan process; and timeline for the SPZ for the trading estate. The process and indicative timeline for the Local Plan was

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summarised and it was noted that it would be a lengthy and costly process starting with the evidence base. Members would be updated and engaged at key points in the process. In relation to the SPZ, this was an executive decision for Cabinet and a paper had been received by Cabinet in March 2023. Work was ongoing with SEGRO and Members of the committee would be briefed in due course.

At the conclusion of the discussion the committee agreed the recommendations.

Resolved –

- (a) That the results of the Annual Monitoring Report 2022/23 be noted.
- (b) That the Annual Monitoring Report 2022/23 be published on the Council's website, subject to the inclusion of the information in the Amendment Sheet and confirmation of the financial figures relating to Section 106 contributions.

55. Planning Appeal Decisions

Members received and noted details of planning appeal decisions determined in October.

Resolved – That details on planning appeals be noted.

56. Members' Attendance Record 2023-24

Resolved – That the record of Members' attendance for the 2023/24 municipal year be noted.

57. Date of Next Meeting - 20th December 2023

The date of the next meeting was confirmed as 20th December 2023.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.41 pm)

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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:	07-Aug-2023	Application No:	P/03079/022
Officer:	Alex Harrison	Ward:	Herschel Park
Applicant:	Slough Property 2 Limited	Application Type:	Major
		13 Week Date:	6 November 2023
			[EoT 14 February 2024 TBC]
Agent:	Mr. Dean Slidel, Jaspar Management Ltd 15-19 Church Road, Stanmore, HA7 4AR		
Location:	190-192 High Street, Slough, SL1 1JS		
Proposal:	Variation of condition 2 (Approved plans) of planning permission P/03079/018 dated 22/06/2023 (Minor internal layout changes)		

Recommendation: Delegate to the Planning Manager to approve subject to conditions



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 to approve subject to: finalising conditions and any other minor changes.
- 1.2 The proposal comprises a variation to an approved major planning application, submitted under Section 73 (S73) of the Planning Act; therefore the development is required to be determined by Slough Borough Council Planning Committee.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 as amended. Section 73 allows for applications to be made for permission to develop without complying with a condition or conditions previously imposed on a planning permission. The Council can grant such a permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original conditions should remain.
- 2.2 In this instance the applicant has sought to apply for permission under section 73 to vary a previously approved scheme at the site which was granted by Members under reference: P/03079/018 following a resolution to approve at the Committee meeting of 25 October 2022 with the decision notice issued on 22 June 2023. The original consent was for the construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.
- 2.3 The variations sought through this application are amendments to the internal layout of the building due to recommendations from a structural engineer and alterations to window locations. The plans have been amended since their original submission following concerns that the internal amendments materially altered the housing mix to one that was materially different to the original approval. The amended plans addressed the concerns and the housing mix that would be proposed as a result of the changes is:
- 1 bed flat – 28
 - 2 bed flat – 14
 - 3 bed flat – 4

This is the same housing mix that was originally approved.

- 2.4 For clarity, the original development (Ref: P/03079/018) approved a scheme to vertically extend the existing building and redevelop the existing floorspace to provide a mixed-use development comprising of remodelled retail units at ground floor level and the provision of 46 flats above. The approved design provides accommodation over a consistent 5 storey height with the top floor set back from the High Street frontage to achieve a subservient visual appearance. There would be no changes in the overall height of the development.
- 2.5 Access to the residential units and the servicing area of the retail units is at the southern part of the site and utilizes the existing access from Park Street. The approved scheme provided 5no parking spaces for the development and 50no residential cycle parking spaces and 2no commercial cycle parking spaces.

3.0 Application Site

- 3.1 The application site consists of a single building that occupies the curtilage of the site. It is a 3 storey building that fronts the High Street. The ground floor provides 2 retail units are currently vacated and the building is enclosed with scaffolding and covers as the previous consent has begun implementation.
- 3.2 The existing building is a flat roof structure which is largely brick-faced aside from the High Street elevation which consists of shopfronts at ground floor and a combination of windows and composite cladding.
- 3.3 The area to the north of the site is the shopping area of the town, the High Street, which accommodates a mix of uses commonly found in town centres. To the west the adjacent building (186-188 High Street) has recently been the subject of development to provide new flats above the existing retail units at a height of 5 storeys. To the east are retail units with office space above (194-194 High Street) that are in traditional buildings that are locally listed. Another locally listed building is 200-202 High Street within close proximity to the site. To the south the building backs directly onto the car park and service yard area that is associated with the units that front onto Park Street to the southwest.
- 3.4 The site is located within the designated town centre and is not located within a Conservation Area. The site is located in Flood Zone 1.

4.0 Site History

- 4.1 The following application is the most relevant to the proposal as it is the original application that is proposed to be varied:

P/03079/018

Construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street facade

Approved 22/06/2023

The committee report, amendment sheet, minutes and decision notice for this application is appended to this Committee report.

- 4.2 The following applications are also relevant to the planning history of the site:

P/03079/021

Submission of details pursuant to condition 9 (Construction Environmental Management Plan) & 19 (Construction Traffic Management Plan) of planning permission P/03079/018 dated 22/06/2023

Approved 12/10/2023

P/03079/020

Submission of details pursuant to condition 9 (construction and environmental management plan) & 19 (construction traffic management plan) of planning permission P/03079/017 dated 18/08/2022

Withdrawn

P/03079/019

Submission of details pursuant to condition 8 (Piling Method Statement) of planning permission P/03079/017 dated 18/08/2022

Withdrawn

P/03079/017

Redevelopment of the site to provide a part six, part eight storey building to form 63 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E); associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street facade.

Approved 18/08/2022

P/03079/012

The erection of Brise-Soleil at parapet level of front elevation and associated internal and external refurbishment works to existing building.

Approved 29/07/2010

P/03079/003

Demolition of 3 storey storage building alterations to shop to provide 3 no shop units with ancillary storage areas provision of enlarged servicing area & car parking.

Approved 07/09/1984.

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 22/08/2023. The application was advertised in the 08/12/2023 edition of The Slough Express.

5.2 No representations have been received.

6.0 Consultations

6.1 Highways and Transport

We would not wish to raise an objection to application no. P/03079/022 regarding highways and transport issues. Whilst the layout is amended the number of dwellings, no. of car parking spaces, no. of cycle parking spaces, bin storage and servicing entrance are unchanged which means our assessment would be unchanged from the previous planning consent.

6.2 Given the variation proposed, which only relates to the internal layout of the building and window positions, it is not considered that consultation is required with any other external or internal consultees.

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 in December 2023. Significant weight should be attached to the policies and guidance contained within the NPPF

particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant paragraphs of the NPPF are outlined below. However, before doing so officers first identify the relevant policies in the Development Plan which is the starting point of an assessment of the application consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

7.2 National Planning Policy Framework 2023:

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

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

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

Local Plan for Slough March 2004 policies:

- EN1 (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 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.

7.4 The Proposed Spatial Strategy (Nov 2020)

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

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

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

7.5 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 below in this report.

7.6 Written Ministerial Statement (2021) – First Homes

The Written Ministerial Statement (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. In this instance First Homes is not engaged as the site has an extant consent.

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

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

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

UK; it represents the largest, coordinated network of protected areas in the world.

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

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

7.8 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

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

7.9 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
- Impact on Neighbouring Residential Amenity and Amenity of Occupiers
- Highways and parking
- Equalities considerations
- Presumption in favour of sustainable development

9.0 Principle of Development

- 9.1 The applicant has submitted an application under Section 73 of the Town & Country Planning Act 1990 seeking variation of Condition 2 of planning permission P/03079/018 for construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade (granted 22 June 2023). The applicant can apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended). Section 73 of the Act can be used, amongst other things, to approve amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.
- 9.2 This minor material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing minor material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.
- 9.3 The guidance is now contained in the Department for Levelling Up, Housing and Communities' National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved. Relevant and recent case law on this matter indicates that the section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development. It should also be noted that the proposals do not seek to amend the description of development, which cannot be secured by way of an application under section 73.
- 9.4 The submission of the section 73 application does not give an opportunity to reassess the previously determined proposal.
- 9.5 In this instance the proposed variations are to the internal layout and window positions, the number of units proposed is the same and the housing mix proposed is also the same. Therefore, in principle, the development is considered to be of the same nature as originally approved and the principle of making the application is acceptable as provision is made for it within the section 73 1990 Act.

9.6 In accordance with the section 73 procedure, the variation of condition 2 pursuant to the extant planning permission would necessitate the need to issue a new planning permission with the time limit remaining the date of the original planning permission (dated 22 June 2023). The new planning permission would take the same form as the extant scheme, although it would have a new reference number and with regards to the conditions refer to the section decision notice (19.0) of this report.

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 As reported in the Council's 2022/23 Annual Monitoring Report the objectively assessed Local Housing Need figure, as calculated at April 2023, is equivalent to 825 homes per annum. The new Local Plan will set a target housing requirement. For the Council's current proposed new local plan period (2020-2041) 17,500 new homes will need to be delivered to meet the current Local Housing Need figure.

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 46 residential units were previously determined to make a contribution to the supply of housing, it is evident that the units will be brought forward quickly as the works have commenced on the previous approval. There is no change in this position with this current application.

10.4 The housing mix for the scheme is the same as previously approved, namely:

- 1 bed flat – 28
- 2 bed flat – 14
- 3 bed flat – 4

There are no objections in this respect as a result. The internal alterations can be achieved without compromising the previously agreed level of housing mix and as a result there are no objections to the proposed internal arrangements.

11.0 Design and impact on the character and appearance 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 changes to the approved scheme proposed with this application are limited to the positioning of windows on the rear and side elevations along with amendments to balcony and terrace locations which are brought about as a result of the internal layout changes considered above.
- 11.3 The High Street (front) elevation of the development remains as previously approved.
- 11.4 The rear and side elevations generally have window openings in the same areas as the approved plans, but sizes and exact locations are altered. The impact on design is negligible and the scheme is considered to be acceptable, and it enables natural light to all units. As a result, the changes are not considered to have an adverse impact on the character of the area when compared to the previous approval.
- 11.5 The amendments to the balcony and terrace locations are resultant from internal alterations. They are minor and result in a small impact on the external appearance of the proposal, for example, the rear elevation shows larger terrace openings than previously approved however there is not considered to be any adverse impact from this. The projecting balconies are altered without adverse impact as well and it ensures the scheme continues to provide private amenity space for all units.
- 11.6 Door openings are proposed on the ground floor of the rear elevation which have been proposed to create improved access points for services and the retail unit. The doors open onto the adjacent yard, and the applicant advises that there is an agreement in place with the owner to be able to access the area, this matter sits outside of the planning remit. The agent has confirmed that the previous retail units benefitted from title rights for servicing from the rear car park since the 1970s. The proposals will continue this arrangement.
- 11.7 The proposed external alterations are considered to be minor in terms of their impact on the character of the area. They do not result in a materially different proposal and are considered to be acceptable in planning terms and in light of Core Policy 8 of the Core strategy and saved policy EN2 of the Local Plan.

12.0 Impact on neighbouring amenity and amenity of occupiers

- 12.1 The National Planning Policy Framework encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.
- 12.2 The revised window and balcony/terrace positions do not result in an increase of overlooking to any neighbouring residential site and there is not considered to be any adverse change in the impact that would have resulted from the development of the originally approved scheme. The submitted Planning Statement states that minor updates to the fenestration of the building are proposed but these changes are considered to have a positive impact on the aesthetic of the building, by ensuring that the fenestrations have a regular pattern and clean design.
- 12.3 The original application included a daylight/sunlight assessment which concluded there would be no adverse impact on the light to neighbouring residents. As there is no change in height or bulk with these amendments this impact is considered to be the same and there is no harm.
- 12.4 In terms of the impact on the amenity of occupiers of the development, the amended layout shows that all units would meet the national space standards in terms of floor area and the revised windows and amenity spaces means that each unit is served by natural light and has private amenity space and no objection is raised as a result.
- 12.5 As a result of the above assessment, there is no demonstrable adverse impact on neighbouring amenity and 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 2004.

13.0 Heritage

- 13.1 The buildings to the immediate east are locally listed as identified in Appendix 5 of the Local Plan. Individually these sites are regarded as 194-198 High Street and 200-202 High Street and the proposed development will affect their setting.
- 13.2 As there are no external changes to the front elevation and no changes to the scale and bulk of the proposal, the impact on the setting of these buildings is considered to be unchanged from previous considerations and no objections are raised as a result. It is considered that the changes to the side and rear elevation will not impact the setting of the locally listed building.

14.0 Habitats Impacts

- 14.1

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.

14.2

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.

14.3

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.

14.4

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.

14.5

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.

14.6

The applicant submitted a Habitat Regulations Assessment as part of the original application. Natural England considered the assessment but returned the view of an objection on the basis that the Council does not have an adopted mitigation strategy in place. 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 had agreed to pay this fee which amounts to a total of £26,220 which was secured through Section 106 agreement. The contribution was 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 raised during the previous consultation for the original application was considered to be addressed as a result.

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 highway 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 proposed parking arrangements show a slight variation from the approved scheme with the relocation of cycle parking and bin stores as well as an adjustment of parking layout. The number of car and cycle parking spaces remains as originally approved.
- 15.3 The proposal has been reviewed by the Highways Officer and no objection has been raised. Importantly, the access arrangements are unchanged and the ability to access the spaces remains as well.
- 15.4 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 National Planning Policy Framework.

16.0 Section 106 considerations

- 16.1 The originally approved scheme (P/03079/018) was granted subject to completing a section 106 agreement (dated 20/06/2023) to secure contributions towards off-site affordable housing of £25,000, contribution towards Upton Court Park and reappraisal of viability at the site.
- 16.2 The agreements also include a clause that ensures that if an application is approved under section 73 for a variation to the scheme, the legal agreement obligations would still apply to any new consent and therefore there is no loss of Section 106 contributions or relief from any obligations previously secured.
- 16.3 There would be no action required in respect of Section 106 agreements as the planning obligations as set out in the section 106 Agreement will continue to apply and a further Deed of Variation is not necessary at the current time as there are no changes to the section 106 Agreement.

17.0 Equalities

- 17.1 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.

- 17.2 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.
- 17.3 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.
- 17.4 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.
- 17.5 Throughout this report, regard has been given 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.
- 17.6 The proposal would provide new residential units and retail units which are accessible by lift or benefit from a level threshold.
- 17.7 In relation to the car parking provisions, the plans show the provision of 2no accessible spaces which are closely located to access points to the building. Internal corridors are considered to be able to accommodate the needs of staff and residents with disabilities.
- 17.8 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.

17.9 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 Equality Act 2010.

18.0 Planning Balance and the presumption in favour of sustainable development

18.1 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.

18.2 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.

18.3 In considering the original application, reference P/03079/018, the application of the appropriate balance found that there were significant benefits and impacts from (text below extracted from the original committee report):

- The provision of 46 residential units in a sustainable location should be given positive weight although this weight is reduced through an unfortunate housing mix proposing a heavier 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 through viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. An offer of £25,000 towards offsite provision is accepted and can be afforded limited positive weight.
- No other infrastructure contributions are secured from the development. While this is not an adverse impact, it is not one that is considered to be positive either.
- 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 shortfall of parking provision is considered to be a neutral impact. The provision of disabled parking at the site should be afforded moderate positive weight.
- 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 impact on the setting of non-designated heritage assets is considered to be a neutral impact.

18.4 In re-applying the planning balance, the significant benefits of housing provision are still considered to outweigh any identified impacts and the proposal should continue to be regarded as sustainable development.

19.0 Decision Notice

19.1 As stated within section 9 of this report, the provision to submit a planning application under section 73 of the 1990 Act gives the scope to propose variations and amendments to approved applications without having to apply for the development in full again. The considerations with a section 73 application that seeks to propose amendments is whether or not the resultant scheme is largely the same proposal as was previously approved, i.e. the amendments should be of a scale that does not result in the development being materially different to that which was originally consented. As the proposed changes only relate to an amended internal layout and window positions, the approach to consider this under a section 73 is acceptable.

19.2 If Members resolve to approve the application, it will result in the issuing of a new decision notice which would include all relevant conditions that were previously included on the first decision with the relevant conditions varied that allow for the implementation of this application.

19.3 In this instance the applicant has proposed the variation of Condition 2 to substitute the proposed plans for the previously approved plans where relevant. The Council has proposed an amendment to conditions to update the NPPF reference from 2021 to the current 2023 version and additional wording is proposed to Condition 11 of the recommendation to secure the drainage proposal that was consented originally (to ensure that the development is built out in accordance with the approved drainage scheme). Note that conditions 9 and 19 have previously been discharged (ref: P/03079/021), these two conditions have also been amended as the information previously provided was sufficient to discharge the condition. Otherwise, as per the submission from the applicant, all other previous conditions will be included as part of the recommendation below.

20.0 PART C: RECOMMENDATION

20.1 Having considered the relevant policies set out above, comments from consultees as well as all relevant material considerations it is recommended that the application be approved subject to the conditions set out below:

21.0 PART D: CONDITIONS

21.1 CONDITIONS:

1. Time Limit

The development hereby permitted shall be commenced within three years from 22 June 2023.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

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

(a) Drawing Number JM063_PL_0001, Dated 03/09/2020, Recd On 07/08/2023

(b) Drawing Number JM063_PL_1100 Rev A, Dated 11/07/2022, Recd On 05/12/2023

(c) Drawing Number JM-070-CN-101 Rev B, Dated 26/10/2023, Recd On 15/11/2023

(d) Drawing Number JM-070-CN-102 Rev B, Dated 26/10/2023, Recd On 15/11/2023

(e) Drawing Number JM-070-CN-103 Rev B, Dated 26/10/2023, Recd On 15/11/2023

(f) Drawing Number JM-070-CN-104 Rev B, Dated 26/10/2023, Recd On 15/11/2023

(g) Drawing Number JM-070-CN-105 Rev B, Dated 26/10/2023, Recd On 15/11/2023

(h) Drawing Number JM063_PL_1104 Rev B, Dated 22/06/2022, Recd On 05/12/2023

(i) Drawing Number JM063_PL_1200 Rev A, Dated 27/06/2022, Recd On 07/08/2023

(j) Drawing Number JM063_PL_1201 Rev A, Dated 27/06/2022, Recd On 07/08/2023

(k) Drawing Number JM063_PL_1300 Rev A, Dated 27/06/2023, Recd On 07/08/2023

(l) Drawing Number JM063_PL_1050 Rev 1, Dated 23/06/2023, Recd On 07/08/2023

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

3. Materials

Prior to the commencement of any above ground works, details of all facing materials, including 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 2023.

4. Secure by design

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 National Planning Policy Framework 2023.

5. Landscaping

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.

6. Landscape Management Plan

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 wiring 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.

7. Lighting

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.

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 2023.

8. Thames Water – Piling

If the proposed construction works include piling, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

9. Construction and Environmental Management Plan

The development hereby approved shall be carried out in accordance with the Construction and Environmental Management Plan from Jaspar Management Ltd, dated 29/06/2023, received 29/06/2023 approved under ref: P/03079/021 on 12/10/2023.

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 (2023).

10. Mechanical Filtered Ventilation

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, 2023.

11. Drainage

The surface water control measures shall be carried out in accordance with the Indicative Surface Water Drainage Assessment from RSK ref: 1680512-R1(0)-ISWDS dated April 2022 and the following drawings:

- Drainage Layout 680512-RSK-ZZ-XX-DR-C-01
- Green Roof Layout 680512-RSK-ZZ-XX-DR-C-04
- Drainage Construction Details 680512-RSK-ZZ-XX-DR-C-03

The details were determined under P/03079/018 and shall be carried over to this consent.

The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 - 2026, and the requirements of the National Planning Policy Framework 2023.

12. Bin Storage

No part of the development shall be occupied until bin storage has been provided on the ground floor and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

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

13. Windows

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 National Planning Policy Framework 2023.

14. Shop front

The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework 2023.

15. Sustainability and Energy Statement

The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy

Statement produced by Ensphere, reference 20-E110-004 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 Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

16. Means of access

No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved 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, Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

17. Parking

The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. Car Park Permit

No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.

REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

19. Construction Traffic Management Plan

The development hereby approved shall be carried out in accordance with the Construction and Environmental Management Plan from Jaspar Management Ltd, dated 29/06/2023, received 29/06/2023 approved under ref: P/03079/021 on 12/10/2023.

The Plan shall thereafter be implemented as approved before the development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework 2023.

20. Car Park Management Scheme

No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include provisions to :

- a) Ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.
- b) Ensure spaces are not permanently linked to dwellings.
- c) State how electric vehicle charging point spaces will be made available to residents with plug in vehicles.
- d) How use of charging point spaces by non plug-in vehicles will be restricted.
- e) Allocation of any visitor spaces. No dwelling shall be occupied until the car park management scheme has been implemented as approved.

Thereafter the allocation and use of car and electric vehicle parking spaces shall be in accordance with the approved scheme.

REASON to provide mitigation towards the impacts on the adjacent Air Quality Management Area and to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework 2023.

21. Cycle Parking

No part of the development shall be occupied until secure cycle parking store has been provided in accordance 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.

22. Noise

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, 2023.

23. Servicing and Delivery Management Plan

No part of the development hereby permitted shall be occupied until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery management plan shall demonstrate how service and delivery vehicles will access the site without comprising parking provision and security and without causing an obstruction on the highway.

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

REASON: to ensure the delivery vehicles serving the proposed development do not cause an obstruction on the adjoin or surround highway in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document,

December 2008 and the requirements of the National Planning Policy Framework 2023.

24. Electric Vehicle Charging

Notwithstanding the details in the approved plans, each parking space created on the development hereby approved shall be fitted with an Electric Vehicle Charging point, details of which shall be submitted to and approved in writing prior to first occupation. The electric vehicle charging points must have a 'Type 2' socket and be rated to at least 7.4kW 32amp 22kW 32amp single or 3 phase. Works shall be carried out in accordance with the approved details and be in place prior to first occupation of the residential units hereby approved and thereafter be retained.

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 Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2023.

25. Use Classes Order

Notwithstanding the provisions within the Use Classes Order (2021) as amended changes of Use under Class MA, Part 3, Schedule 2, (General Permitted Development) (England) Order 2021 from Class E (all subclasses) to Class C3 (residential) will not be permitted, without express planning permission from the Local Planning Authority.

Reason: To restrict and limit the loss of retail, shopping, food and drink and other commercial and office uses within the Town Centre in order to protect and safeguard the Town Centre Primary Shopping Area and Secondary Shopping Areas, to promote employment uses within the Town Centre, and to ensure the additional impact on socio-economic infrastructure (education, healthcare, leisure, community uses and facilities) is minimised (in accordance with the Environmental Statement) in accordance with policies EMP2 and OSC15 of The Adopted Local Plan for Slough 2004, Core Policies 1, 5 and 6 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2023).

INFORMATIVE(S):

1. 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.

2. 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

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 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.

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

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.

Registration Date:	12-May-2022	Application No:	P/03079/018
Officer:	Alex Harrison	Ward:	Central
Applicant:	Slough Property 2 Limited	Application Type:	Major
		13 Week Date:	11 August 2022
Agent:	L Hirst, Jaspar Management Ltd c/o Jaspar Management Ltd, 15-19 Church Road, Stanmore, HA7 4AR		
Location:	190-192 High Street, Slough, SL1 1JS		
Proposal:	Construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street facade		

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 a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;
- (ii) no further issues arising from comments from Natural England
- (iii) finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 April 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 and redevelop the existing floorspace to provide a mixed use development comprising of remodelled retail units at ground floor level and the provision of 46 flats above.

2.2 The application is a resubmitted scheme proposing an alternative development to that approved under P/03079/017 which was resolved to approve by the Planning Committee at the meeting of 26 May 2021. The previous scheme approved full demolition of the site and redevelopment to provide retail units and 63 flats.

2.3 The proposed design seeks to provide the accommodation over a consistent 5 storey height. The top floor is set back from the High Street frontage to achieve a subservient visual appearance.

2.4 Access to the residential units and the servicing area of the retail units is proposed at the southern part of the site and utilizes the existing access from Park Street. A further residential access is proposed directly from the High Street. The scheme provides 5 no parking spaces for the

development and 50 no residential cycle parking spaces and 2 no commercial cycle parking spaces.

- 2.5 All of the residential units are given private amenity space through the provision of balconies and terraces and the scheme also proposes a roof top garden area that would be accessible to all residents.
- 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. In spite of viability the applicant as offered an off-site affordable housing contribution of £25,000
- 2.7 The application was originally submitted with the following technical content:
- Daylight/Sunlight Report
 - Planning Statement
 - Noise Assessment
 - Design and Access Statement
 - Heritage Statement
 - Sustainability and Energy Statement
 - Transport Statement
 - Indicative Surface Water Drainage Strategy
 - Habitat Regulations Assessment

3.0 Application Site

- 3.1 The application site consists of a single building that occupies the curtilage of the site. It is a 3 storey building that fronts the High Street. The ground floor provides 2 retail units which are currently occupied by Poundland and JD Sports. The first and partial second floor of the building is used as ancillary space for the retail units below.
- 3.2 The building is a flat roof structure which is largely brick-faced aside from the High Street elevation which consists of shopfronts at ground floor and a combination of windows and composite cladding.
- 3.3 The area to the north of the site is the principal shopping area of the town, the High Street, which accommodates a mix of uses commonly found in town centres. To the west the adjacent building (186-188 High Street) has recently been the subject of development to provide new flats above the existing retail units at a height of 5 storeys. To the east are retail units with office space above (194-194 High Street) that are in traditional buildings that are locally listed. To the south the building backs directly onto the car park and service yard area that is associated with the units that front onto Park Street to the southwest.

- 3.4 The site is located within the designated town centre and is not located within a Conservation Area.

4.0 Site History

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

P/03079/003

Demolition of 3 storey storage building alterations to shop to provide 3 no shop units with ancillary storage areas provision of enlarged servicing area & car parking.

Approved 07 September 1984.

P/03079/012

The erection of Brise-Soleil at parapet level of front elevation and associated internal and external refurbishment works to existing building.

Approved 29 July 2010.

P/03079/017

Redevelopment of the site to provide a part six, part eight storey building to form 63 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E); associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.

Approved 18/08/2022

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

Vehicular Access

SBC Highways and Transport have no objection to the planning application based on the proposed vehicle access arrangement, which remains unchanged from the consented scheme P/03079/017.

However, SBC Highways and Transport do request the amendment of the gate set back to 7m from the edge of the public highway to ensure that there is space for a long wheelbase van to wait clear of the public highway whilst waiting for the gates to open.

Vehicle access is proposed from Park Street via a common rear access / service way with 186 – 188 High Street. Some amendments to the access way were recently approved as part of planning application P/01914/034 for 186-188 High Street.

Access by Sustainable Travel Modes

The site is considered to be situated in a highly sustainable location due to the close proximity of facilities on the High Street, The Curve Library (400m), Tesco Extra (500m), Slough Bus Station (650m) and Slough Railway Station (650m). The Public Transport Accessibility (PTAL) rating for the site is 5 which is considered high. PTAL ratings in Slough range from 1a to 5.

Trip Generation

SBC Highways and Transport have no objection to the proposed development due to the impact of vehicle trips on the road network. The number of vehicle trips generated is expected to be minimal given there are only 5 parking spaces proposed.

However, the applicant's forecast of trip generation is not accepted. The Transport Statement suggests that sites with similarly low car parking ratios are not available in TRICS but does not provide the parking ratios of the TRICS sites used. It is understood a range of site's within TRICS with low parking ratios are available.

However, regardless of flaws with the trip generation calculation, the development is not expected to have a severe impact on highway capacity.

The Transport Statement includes a forecast of the site's trip generation which is based on trip survey data obtained from the TRICS database. The TRICS database is the national trip generation database.

Car Parking

SBC Highways and Transport have no objection to the proposed development due to the low level of car parking provision proposed on site. The adopted Slough Borough Council Parking Standards (2008) allow for nil car parking provision in the Town Centre Area. The proposed development offers 5 car parking spaces, consisting of 3 general parking spaces and 2 disabled parking spaces.

The site is well located in relation to a range of facilities and Slough Railway Station and therefore the potential exists for residents to live without owning a car.

SBC previously consented P/03079/017 which provided only 5 parking spaces for 61 dwellings. This proposed scheme for 46 dwellings and 5 parking spaces provides an improved level of parking compared to the consented scheme.

SBC Highways and Transport do not accept the use of 2011 Census data. The Transport Assessment includes 2011 Census data to provide an estimate of typical car ownership levels within the surrounding area. It should be noted that SBC do not accept the use of 2011 Census data to justify low parking levels due to 2011 Census data being outdated and unlikely to reflect the current car ownership levels and travel patterns within Slough Borough. However, SBC do not object to the low level of car parking provision as stated above.

Car Club Contribution

SBC Highways and Transport request a Section 106 Contribution is made towards the operation of Slough Borough Council's Car Club. A contribution of £23,000 is requested.

SBC request car club contributions where low parking ratios are proposed in order to support low levels of car ownership in accessible areas by providing residents with flexible access to a car at sites where car parking provision is limited.

On-Street Parking

There is no on-street parking available on the surrounding streets and it will not be possible for residents to own a car by parking it on the surrounding streets.

Park Street is subject to a double yellow line parking restriction which prevents parking or loading at any time and only restricted loading bays are available at the northern end of Park Street.

All of the surrounding streets are also subject to on-street parking restrictions, meaning that residents will not be able to park a vehicle on the surrounding roads in the event that they wish to park a vehicle nearby on the surrounding roads.

Chapel Street is subject to a single yellow line parking restriction which restricts parking between 8am – 7pm. Herschel Street, Alpha Street North and Church Street are subject to double yellow line parking restrictions which do not allow on-street parking at all. Victoria Street and Hencroft Steet North also have parking restrictions and permit only parking bays.

Electric Vehicle Parking

SBC Highways and Transport request that all 5 parking spaces are fitted with Electric Vehicle Charging Points.

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking. In addition, updated UK Building Regulations came into effect on 15th June 2022 which require the provision of an Electric Vehicle Charging Point for each new dwelling.

Cycle Parking

The proposed site plans display three secure, covered cycle stores, accessed through the building. One cycle store contains 5 Sheffield Stands, providing parking for 10 bicycles, one provides 12 Sheffield Stands with parking for 24 bicycles and a third provides 8 Sheffield stands providing parking for 16 cycles.

SBC Highways and Transport have no objection to the proposed cycle parking which is in accordance with the requirements of the Slough Developers' Guide – Part 3: Highways and Transport (2008).

Deliveries, Servicing and Refuse Collection

SBC Highways and Transport have no objection to the proposed development due to the proposed delivery and servicing arrangements, which are unchanged from the consented scheme.

Swept path analysis has been provided which demonstrates that a goods vehicle upto 3.5 tonnes in size which will be able to ingress in a forward gear, unload/load and then egress in a forward gear. Vehicles larger than 3.5 Tonnes would need to use the loading bay opposite the site access.

SBC Highways and Transport require the gate for the proposed development to be set back at least 7.0m from the public highway to allow a long wheelbase delivery van to wait clear of

SBC Highways and Transport require a Delivery Servicing Plan to be secured by planning condition.

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.

6.2 Thames Water

Waste Comments

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

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

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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

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

Water Comments

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.

6.3 Landscape/Tree Officer

No comments received.

6.4 Environmental Quality

Air quality:

The development is not expected to contribute to a worsening of air quality and due to the developments location, exposure will not be an issue. In line with the LES, Type 1 mitigation is applicable to this development (EV charging provision, submission of a CEMP by condition and low NOx heating systems). Each parking space should have access to an EV charger.

Noise:

The noise report is based off a survey period from 13th Oct 2020 to 14th Oct 2020 (24 hrs from 11:30), with measurement positions representative of Park Street (nearby road – P1) and rear car park (P2). The highest noise levels during the day were 59dB at position 1 (road) but at night highest at the car park (47dB). Noise levels are likely to be acceptable after mitigation is applied, however:

- The survey was not attended so it is not clear what the noise levels are caused by – it is assumed to be road traffic as that was audible when setting up. It is not clear whether there was any audible plant or commercial operations during the survey, and the survey coincided with the pandemic. As such, I recommend a verification survey is completed to check that the measured results from the survey are accurate and that commercial noise, if present, is included (to be conditioned).
- It is not clear if there is any plant proposed with the scheme, however a noise limit can be set by condition based on the background noise levels from the survey, should any plant scheme come forward. Plant limits are: 47dB day, 39dB night.

Internal noise levels are exceeded with windows open, therefore a ventilation scheme is required. Full details of the glazing and ventilation scheme (with details of acoustic attenuation) is required by condition.

6.5 Lead Local Flood Authority

Comments awaited and will be reported on the Amendment Sheet.

6.6 Crime Prevention Design Advisor

The National Planning Policy Framework 2021 demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. (Ref. paragraphs 92b, 112c and 130 f). With this in mind it is important to consider all appropriate crime prevention measures when viewing the proposals to safeguard the community, its occupant and prevent the development negatively impacting police resources.

Whilst it is good to see the applicant has included a section in the DAS relating to 'Secured By Design', there are some aspects of the design which would make it difficult to achieve the standard. I highlight the following points and ask that these are addressed either through additional documentation and/or amendments prior to planning permission being granted.

Furthermore I ask that the following or similarly worded condition is placed on the applicant;

No development shall commence until the applicant has demonstrated how the principles of 'Secured By Design' will be incorporated within the development including the submission of an 'Access and Security Strategy'. Details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Comments to note:

It is unclear who the parking bays are proposed for and whether any commercial vehicle access for the purpose of loading and unloading or indeed staff parking is being proposed in the under-croft. This undercroft is particularly vulnerable to crime and anti-social behaviour due to the location of the development. Looking to mitigate some of this risk it would be appropriate to provide access only to residents.

There appears to be access into the under-croft from the commercial corridor. It may be that this is only proposed to be accessed by residents but I cannot see how this can be prevented. Similarly there should be no need for residents to access the commercial corridor. The access and

egress door from the commercial corridor into the under-croft should be removed. It may be that the applicant is proposing to access control the door highlighted, however without an access and security strategy detailing the proposed positioning of entry systems this cannot be confirmed. Jo Haley Crime Prevention Design Advisor for Wycombe, Aylesbury, South Bucks & Chiltern Districts 25 August 2022 Regardless, the current door position would impede the vehicle access creating safety concerns.

Whilst the DAS (as above) shows a vehicle gate, the floor plans do not. A vehicle gate must be present to prevent unauthorised access into this area.

The residents on Level 1 are being potentially provided with a reduced level of physical security to residents located on other floors. Level 1 incorporates a merged core which can support criminal activity. All residents will require access to this floor to enable get to and from the cycle stores therefore the dwellings located on this floor are likely to be adversely affected by the increased noise and activity. Formal surveillance could help to mitigate some of the risk associated with this layout.

Electronic fob access controls must be present. These access controls should be programmed to allow residents permissive access only to areas of the development they have a need to access. For example the resident of flat 37 should have access into residential stair core 1 but should only be able to exit on level 1 (to facilitate accessing stair core 2) or level 3 where there dwelling is located or level 5 where the roof garden is located. As the lift sits outside the stair core on the residential stair core 1, the lift itself would need to access controlled. For residential stair core 2 the lift sits within the core providing the option to access control the door out of the stair core onto the floor plate.

Ref Section 27.29 (Security compartmentation of developments incorporating 25 or more flats, apartments, bedsits or bedrooms), Homes 2019 – Secured By Design

Access controls should be present at both pedestrian entrances. To aid the applicant access controls and visitor entry systems must include the following attributes to address both the location and size of this mixed use development.

- Access to the building via the use of a security encrypted
- Vandal resistant external door entry panel with a linked camera
- Ability to release the primary entrance door set from the dwelling o Live audio/visual communication between the occupant and visitor
- Ability to recover from a power failure instantaneously
- Unrestricted egress from the building the event of an emergency or power failure
- Capture and store images for at least 30 days, with information available for the police within 3 days of a request
- All visitor and resident activity on the visitor door entry system to be recorded and stored for at least 30 days, with information available for the police within 3 days of a request
- Systems must comply with GDPR

Ref Section 27 (Access control and additional security requirements for buildings containing multiple dwellings or bedrooms), Homes 2019 – Secured By Design.

6.7 Natural England

Original comments requested a Habitat Regulations Assessment

following submission of the assessment -

This application is supported by a HRA (dated September 2022). Although Natural England are broadly supportive of the direction of the HRA, we are not in a position to agree with the conclusions as yet.

The Strategic Access Management and Monitoring Scheme (SAMMS) is the adopted mitigation strategy for development coming forward within Buckinghamshire Council (formally Chiltern and South Bucks Councils).

However, Upton Court Park could function as the mitigation for this development with contributions Page 2 of 6 made towards its improvement. This is dependent on whether there is sufficient capacity for the development within the Phase 1 mitigation for Upton Court Park. Natural England are yet to formally agree and sign off the use of Phase 2 of this SANG.

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

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

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

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

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;

- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

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

In March 2020 Buckinghamshire Council (formally Chiltern and South Bucks Councils) produced the now adopted Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) for Burnham Beeches. The SPD requires net dwellings within 5.6km of Burnham Beeches to make financial contributions towards the Strategic Access Management and Monitoring strategy (SAMM). Development in accordance with the Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

As we have discussed above, a mitigation strategy or equivalent will be required for Slough Borough Council to avoid adverse impacts at the SAC.

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

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

6.8 Conservation Consultant

The application site comprises a three-storey mid 20th century building with retail at ground floor and ancillary retail use above. The site is located on the south side of Slough's High Street with The Observatory and Queensmere Shopping Centre opposite the site.

To the east of the site are 3 buildings all included on the 'Local List' for their architectural merit, referred to on the Local List (Appendix 5 of the Local Plan) as 194 - 198 High Street Slough and 200 - 202 High Street Slough. These 19th century properties are of merit and a reminder of the mix of earlier buildings along the High Street, before large parts of it were redeveloped in the 20th century. Under the NPPF these are 'non-designated heritage assets'. There are no statutory listed buildings or other designated heritage assets in the vicinity of the site which could be impacted via the proposed scheme.

A previous application for redevelopment of the site was approved. This latest scheme is for extension to the existing building, not its complete redevelopment - the scale of extensions has been reduced.

In accordance with the NPPF, para. 194 a Heritage Statement has been submitted in support of the application.

The existing mid 20th century property on the site is of no special architectural merit and its proposed extension / increase in height is considered proportionate in relation to the adjacent properties and new / proposed development locally, the upper floor will be set back reducing any impact within the street scene. The proposed street elevation, if well-detailed and using high quality materials represents an opportunity to enhance the High Street.

NPPF paragraph 203 advises:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The increase in scale of the proposal to the frontage could be considered to detract slightly from the setting of the non-designated heritage assets

immediately adjacent to the site. However, the development will result in a better-quality street facing elevation upon the High Street. It is acknowledged that the locally listed buildings will not be directly impacted via the adjacent development and, as such, the proposal is considered to preserve their significance. No objection.

7.0 Policy Background

7.1 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The 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 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. In this instance First Homes is not engaged as the site has an extant consent.

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 Reg 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 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
- Heritage Impact
- Impacts on neighbouring residential amenity
- Impacts on amenity of future occupiers of the development
- Transport, Highways and parking
- Drainage
- Contamination
- Landscape
- Energy and Sustainability
- Air Quality
- Affordable Housing and Infrastructure
- Habitat Impacts
- Crime Prevention
- 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 existing site is currently used for retail purposes at ground floor (A1 Use Class) in two separate units with the first floor as ancillary space to the retail. There would be a minor loss in retail space at ground floor level to accommodate the access, parking, servicing and stairwell to the proposed flats. A further loss would also occur at first floor level as the storage space will be removed. As these would be relatively small areas compared to the existing floor areas, and the remaining floor space at each unit would still be large enough for the shops to continue their use, no objections are raised regarding the loss of retail space in this instance.
- 9.5 The previous planning permission is a material consideration which allowed for a higher density development than is being proposed in this scheme. The site benefits from an extant permission for 63 flats in a taller building and the report will demonstrate how this amended scheme has less of an impact than it the last proposal.
- 9.6 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 20 year plan period between 2016 and 2036. The Council's Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan.

10.3 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 43 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:

- 6no – Studio units
- 22no – 1 bed flats
- 14no – 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 1-bed or studio units which is an unfortunate housing mix proposal. While the housing mix would be more preferable to include an increased number of larger units, the town centre location is suited for smaller properties and no objection is raised. The housing mix as proposed will act to reduce the extent of positive weight that

the supply of housing is provided on this scheme as part of the planning balance.

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 In terms of scale the principal block that fronts the High Street will extend to 5 storeys with the topmost floor set back from the front wall, effectively adding a further storey to the existing building. The height is an increase over the existing building and will sit taller than both buildings either side (the difference to the building to 186-188 High Street would be negligible from street level) however it would be comparable to the height of the approved development at the former BHS site. It would also be comparable to the height of the building opposite to the north that forms part of the Queensmere building.
- 11.3 The scale of the building would run consistently across the site. The southern part of the site would extend to 5 storeys, continuing the brick façade of the existing building with new openings created to the existing and proposed façade to serve the units. The scale of development is comparable to the area and would be lower than other consented development such as the BHS scheme to the east and is considered to be acceptable as a result.
- 11.4 In terms of detailing the proposed High Street elevation is considered to result in an enhancement to the site. The new façade would be more contemporary in appearance and moves away from the functional appearance of the existing building. The inclusion of a residential entrance to the front elevation reduces the extent of retail frontage at the site but it is not considered to do so to the extent that it would adversely affect the character of the High Street or the retail hierarchy. The development overall includes variety on the faces through window openings, terraces and balconies and with a high-quality palette of external materials, the detailing of the design can be considered to not harm the character and appearance of the area.
- 11.5 The scheme includes the provision of a rooftop garden area on which would be accessible for all residents. This is considered to be a positive aspect of the development as flat proposals in central locations often do not have communal amenity space due to site constraints but this scheme provides additional space for the benefit of residents.

- 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 Consideration on future development of surrounding land**
- 12.1 In considering the previous application, P/03079/017, concerns were raised over the nature of development and its impact on surrounding land in respect of future development.
- 12.2 The applicant undertook a massing assessment to demonstrate a possible development scenario for the land to the south and it showed that suitable distance can be achieved with a development that would front Park Street and Herschel Street. The details submitted were sufficient to placate the concerns raised and it is considered that a comprehensive redevelopment of the and to the south can be achieved if this development is permitted.
- 12.3 No such details have been provided with this current application but the considerations remain. The proposed development is lesser in scale than the extant scheme. It sits on the same footprint as the previous and has the same relationship with adjacent sites, albeit on a notably lesser scale. The reduced scale of this current application is considered to result in a reduced impact on the potential for redevelopment of neighbouring sites and no objections are raised as a result.
- 12.4 There are rear service areas to the east of the site, the rears of 194-198 High Street and 200-202 High Street. These areas are not considered to carry much potential for redevelopment of larger scale due to the locally listed nature of the buildings and there are no concerns with this relationship as a result.
- 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 Policies EN1 and EN2.
- 13.2 The existing building immediately west of the site provides new residential accommodation and would be impacted on by the proposal. It is in a 'c' shape as it allows for a small atrium style area which allows light to inwardly facing windows that serve bedrooms or non-habitable rooms of the adjacent units.
- 13.3 The applicant has submitted a daylight/sunlight assessment that considers the impact on these neighbouring windows. The report demonstrates that the development would still enable suitable light levels to be reached by the

central windows, all of which serve either non-habitable rooms or bedrooms.

- 13.4 There is a residential occupation to the west at what appears to be the rear of 202 High Street. The development would be visible from this property but given its scale and distance, it is not considered to have a significant adverse effect on amenity.
- 13.5 The development is not considered to be overbearing to any other neighbouring residents and the nature of the approved BHS redevelopment scheme is such that the scheme would not have any perceived adverse impact on those approved units either.
- 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 It is noted that all the units meet and exceed the requirements of the national space standards for residential units which creates a good level of space for residents. All units are provided with their own terrace or balcony and the scheme also includes a rooftop garden which is accessible to all residents. This would provide soft and hard landscaping and provides private outdoor space for all residents.
- 14.4 Considerations were had to the outlooks that the proposed units would have. The southern facing units would have an outlook over the carpark and service yard associated with the units on Park Street although many are at a height that would view over this land. This is not an ideal outlook for potential residents however it is acknowledged that this is a relatively common scenario for town centre developments due to the wider range of uses in a closer relationship than sites outside of centres. While it is not ideal, the outlook from the proposed units is not considered to result in substandard living conditions for residents.
- 14.5 There are no concerns regarding daylight/sunlight provision to the proposed units with all properties considered to achieve suitable levels subject to the inclusion of a condition requiring a noise verification report to determine that levels have been achieved.

14.6 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 considered the proposal and raised no objections. The proposal sees the rear undercroft area proposed as a shared spaces between residential and retail with parking provided alongside space for servicing vehicles associated with both uses. The undercroft area also houses the cycle parking stores and bin stores.

15.3 The proposal provides 5no parking spaces, 2 of which will be accessible. The number of parking spaces at the site is considered to be acceptable given the highly sustainable location of the site. The parking number is the same as the previously approved scheme but due to the reduced number of units proposed the parking ratio has improved as a result. The town centre location of the site allows for a low provision of parking. The Highways Officer has requested that all of the parking spaces are fitted with EV charging points and this is considered an acceptable request and can be secured by condition. The applicant has agreed to the provision. The scheme provides an acceptable number of cycle parking spaces.

15.4 One matter raised by the Highways Officer was a requirement to set proposed gates back into the site to allow pace for a delivery lorry to pull clear of the highway while it is being opened. The concern refers to a primary set of gates adjacent to the highway which would allow entry to the access up to a second set of automated gates at the undercroft. The applicant submitted an amended layout to show the relocated gates and no objection is raised.

15.5 There are no objections to the servicing and waste arrangements of the scheme and they reflect the previously approved proposal.

15.6 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. The application is accompanied with a drainage strategy and we are awaiting comments from the Local Lead Flood Authority.

16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to informatives.

17.0 Landscape

17.1 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.

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

17.3 The Landscape Officer has not provided comments on this application but previously raised no objections. The similarity in concepts is given due consideration and no objections are raised subject to conditions.

18.0 Energy and Sustainability

18.1 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.

18.2 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 carbon saving of 15% relative to Part L of the Building Regulations and of that, a maximum of 9% will be achieved via PV panels.

18.3 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.

19.0 Air Quality

19.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. Proposal should not result in unacceptable levels of air pollution. This is reflected in 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.

19.2 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.

19.3 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.

19.4 No objection is raised by Environmental Quality subject to conditions for construction management and EV charger provision which are included as part of the recommendation.

20.0 Crime Prevention

20.1 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

20.2 The Crime Prevention Design Advisor has provided detailed comments relating to the proposal and raised a number of areas that need attention. It is important to note their concluding recommendation is for a condition which would enable the points raised to be addressed.

20.3 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.

21.0 Heritage

- 21.1 The existing building is not considered to be of any merit that would make it worthy of retention. However the buildings to the immediate east are locally listed as identified in Appendix 5 of the Local Plan. Individually these sites are regarded as 194-198 High Street and 200-202 High Street and the proposed development will affect their setting.
- 21.2 The application was accompanied with a Heritage Assessment which has been reviewed by the Council's consultant.
- 21.3 No objections are raised to this revised proposal which shows a relationship on the High Street that is reduced in scale when compared to the previously approved application and given that the taller proposal was found to be acceptable it is anticipated that the impact on the setting of the locally listed buildings will not be detrimental.
- 21.4 Historic England were previously consulted to consider the scheme in light of any impact on the setting of Windsor Castle and no objections were raised. This is a lower scaled scheme to the previous consultation and it is considered that there are no objections in this respect again.
- 21.5 No objections are raised from a heritage perspective.

22.0 Affordable Housing and Infrastructure

- 22.1 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.
- 22.2 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.
- 22.3 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.
- 22.4 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 46 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 – 28no x £903	= £25,284
2+-bed units – 14no x £4,828	= £67,592

Total = £92,876

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 £23,000 towards the implementation of the Council's Borough Wide Car Club.

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

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

22.6 The viability assessment has been considered by the Council's consultant. The applicant's position is that the scheme is not viable with the requirement to provide affordable housing and infrastructure contributions and none are proposed as a result.

22.7 The consultant has considered the appraisal and confirmed that the development would result in a deficit if implemented with the fully commitment of required contributions and affordable housing provision.

22.8 In spite of the viability issues, the applicant has proposed a contribution of £25,000 towards off site affordable housing provision within the borough. This contribution is accepted and will be secured via S106. However it will not negate the need to include a viability review mechanism in as part of the S106 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. The review mechanism was secured on the previous consent on this site.

22.9 Viability issues with development proposals cannot be considered to amount to an adverse impact. The Council would not be able to get full contributions for infrastructure categories set out in para 22.4 and it is not reasonable to consider this circumstance to be an adverse impact in planning terms. It is reasonable to acknowledge that the scheme is unable to demonstrate benefits of the scheme through the provision of infrastructure contributions.

23.0 Habitats Impacts

23.1 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.

23.2 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.

23.3 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

23.4 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.

23.5 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.

23.6 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.

- 23.7 The applicant has submitted a Habitat Regulations Assessment as part of the application. Natural England has considered the assessment but returned the view of an objection on the basis that the Council does not have an adopted mitigation strategy in place. 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 £26,220 and it can 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.

24.0 Neighbour Representations

- 24.1 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.

25.0 Equalities Considerations

- 25.1 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.
- 25.2 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.
- 25.3 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.

- 25.4 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.
- 25.5 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.
- 25.6 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 access directly from the disabled parking spaces at the rear via a lift.
- 25.7 In relation to the car parking provisions, 2no spaces proposed as disabled spaces and should be allocated for those requiring an accessible space which is considered appropriate.
- 25.8 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.
- 25.9 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.
- 26.0 Presumption in favour of sustainable development**
- 26.1 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.

26.2 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.

26.3 In the application of the appropriate balance, it is considered that there are significant benefits and impacts from

- The provision of 46 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 through viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. An offer of £25,000 towards off site provision is accepted and can be afforded limited positive weight.
- No other infrastructure contributions are secured from the development. While this is not an adverse impact, it is not one that is considered to be positive either.
- 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 shortfall of parking provision is considered to be a neutral impact. The provision of disabled parking at the site should be afforded moderate positive weight.
- 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 impact on the setting of non-designated heritage assets is considered to be a neutral impact.

26.4 In applying the planning balance, the significant benefits of housing provision are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.

27.0 PART C: RECOMMENDATION

27.1 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 S106 agreement to secure habitat mitigation contributions and a viability review mechanism and the following conditions:

28.0 PART D: CONDITIONS**28.1 CONDITIONS**

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

(a) Drawing Number JM063_PL_0001, Dated 03/09/2020, Recd on 12/05/2022

(b) Drawing Number JM063_PL_1100 Rev 1, Dated 11/07/202, Recd On 11/07/2022

(c) Drawing Number JM063_PL_1100_5, Dated 23/03/2022, Recd On 12/05/2022

(d) Drawing Number JM063_PL_1101, Dated 23/03/2022, Recd On 12/05/2022

(e) Drawing Number JM063_PL_1102, Dated 23/03/2022, Recd On 12/05/2022

(f) Drawing Number JM063_PL_1103, Dated 23/03/2022, Recd On 12/05/2022

(g) Drawing Number JM063_PL_1104 (Proposed Fourth Floor Plan), Dated 23/03/2022, Recd On 12/05/2022

(h) Drawing Number JM063_PL_1104 (Roof Plan), Dated 23/03/2021, Recd On 12/05/2022

(i) Drawing Number JM063_PL_1200 Rev A, Dated 27/06/2022, Recd On 29/06/2022

(j) Drawing Number JM063_PL_1201 Rev A, Dated 27/06/2022, Recd On 29/06/2022

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.

3. Prior to the commencement of any above ground works, details of all facing materials, including 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).

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 NPPF 2021.

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.

6. None of the uses hereby approved shall commence until a landscape management plan, which includes 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.

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.

REASON In the interests of safeguarding the amenities of neighbouring properties and 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 NPPF 2021.

8. If the proposed construction works include piling, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

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:

- (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
- (v) proposed method of piling for foundations

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).

10. 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.

11. The surface water control measures shall be carried out in accordance with the Indicative Surface Water Drainage Assessment from RSK ref: 13397-R1(0)-ISWDS dated October 2020 and the following drawings:

- Drainage Layout 133974-RSK-ZZ-XX-DR-C-01- Feb 2021
- Green Roof Layout 133974-RSK-ZZ-XX-DR-C-02
- Drainage Construction Details 133974-RSK-ZZ-XX-DR-C-03

The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in

accordance with Policy 8 of the adopted Core Strategy 2006 - 2026, and the requirements of the NPPF 2021.

12. No part of the development shall be occupied until refuse storage has been provided on the ground floor and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

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

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.

14. The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2021.

15. The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy Statement produced by Ensphere, reference 20-E110-004 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 - 2026.

16. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved 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.

17. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.

REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough LDF 2006-2026.

19. No construction or development shall commence on site until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority. The CTMP shall include a site set up plan and details of:

- hours of construction, duration of construction,
- hours of deliveries,
- traffic management measures,
- construction traffic routing, wheel washing facilities,
- storage of materials,
- provision to be made to accommodate all site operatives,
- visitors and construction vehicles loading (to a minimum Euro 6/VI Standard),
- off-loading, parking and turning within the site and machinery to comply with the emission standards in Table 10 in the Low Emissions Strategy Guidance.

The Plan shall thereafter be implemented as approved before the development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

20. No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include provisions to :

- a) Ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.
- b) Ensure spaces are not permanently linked to dwellings.
- c) State how electric vehicle charging point spaces will be made available to residents with plug in vehicles.
- d) How use of charging point spaces by non plug-in vehicles will be restricted.
- e) Allocation of any visitor spaces. No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter the allocation and use of car and electric vehicle parking spaces shall be in accordance with the approved scheme.

REASON to provide mitigation towards the impacts on the adjacent Air Quality Management Area and to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2021.

21. No part of the development shall be occupied until secure cycle parking store has been provided in accordance 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.

22. 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.

23. No part of the development hereby permitted shall be occupied until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery management plan shall demonstrate how service and delivery vehicles will access the site without comprising parking provision and security and without causing an obstruction on the highway.

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

REASON: to ensure the delivery vehicles serving the proposed development do not cause an obstruction on the adjoin or surround highway in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2021.

24. Notwithstanding the details in the approved plans, each parking space created on the development hereby approved shall be fitted with an Electric Vehicle Charging point, details of which shall be submitted to and approved in writing prior to first occupation. The electric vehicle charging points must have a 'Type 2' socket and be rated to at least 7.4kW 32amp 22kW 32amp single or 3 phase. Works shall be carried out in accordance with the approved details and be in place prior to first occupation of the residential units hereby approved and thereafter be retained.

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.

25. Permitted Development Restricted

Notwithstanding the provisions within the Use Classes Order (2021) as amended changes of Use under Class MA, Part 3, Schedule 2, (General Permitted Development) (England) Order 2021 from Class E (all sub-classes) to Class C3 (residential) will not be permitted, without express planning permission from the Local Planning Authority.

Reason: To restrict and limit the loss of retail, shopping, food and drink and other commercial and office uses within the Town Centre in order to protect and safeguard the Town Centre Primary Shopping Area and Secondary Shopping Areas, to promote employment uses within the Town Centre, and to ensure the additional impact on socio-economic infrastructure (education, healthcare, leisure, community uses and facilities) is minimised (in accordance with the Environmental Statement) in accordance with policies EMP2 and OSC15 of The Adopted Local Plan for Slough 2004, Core Policies 1, 5 and 6 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).

INFORMATIVE(S):

1. 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.
2. 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

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 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.

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

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.

PLANNING COMMITTEE

THE FOLLOWING ALTERATIONS AND AMENDMENTS HAVE BEEN RECEIVED SINCE THE PLANNING OFFICER'S REPORT WAS PRESENTED TO MEMBERS

Amendment Sheet.

Item 5 – P/030790/018 – 190-192, High Street, Slough, SL1 1JS

1.0 Additional consultation:

1.1 LLFA:

No comments to make.

1.2 Natural England

This application is supported by a HRA (dated September 2022). Although Natural England are broadly supportive of the direction of the HRA, we are not in a position to agree with the conclusions as yet.

The Strategic Access Management and Monitoring Scheme (SAMMS) is the adopted mitigation strategy for development coming forward within Buckinghamshire Council (formally Chiltern and South Bucks Councils).

However, Upton Court Park could function as the mitigation for this development with contributions made towards its improvement. This is dependent on whether there is sufficient capacity for the development within the Phase 1 mitigation for Upton Court Park. Natural England are yet to formally agree and sign off the use of Phase 2 of this SANG.

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

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

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

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

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

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

In March 2020 Buckinghamshire Council (formally Chiltern and South Bucks Councils) produced the now adopted Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) for Burnham Beeches. The SPD requires net dwellings within 5.6km of Burnham Beeches to make financial contributions towards the Strategic Access Management and Monitoring strategy (SAMM). Development in accordance with the Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

As we have discussed above, a mitigation strategy or equivalent will be required for Slough Borough Council to avoid adverse impacts at the SAC.

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

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

2.0 Amended Recommendation:

Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for:

A. Approval subject to:

- (i) the satisfactory completion of a Section 106 Agreement to secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;
- ~~(ii) no further issues arising from comments from Natural England~~
- (iii) finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 April 2023 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

Planning Committee – Meeting held on Tuesday, 25th October, 2022.

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

Also present under Rule 30:- Councillors

Apologies for Absence:- Councillor

PART I

33. Declarations of Interest

None.

34. Guidance on Predetermination/Predisposition - To Note

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

35. Minutes of the Last Meeting held on 29th September 2022

Resolved – That the minutes of the meeting held on 29th September 2022 be approved as a correct record.

36. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

37. 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/03079/018 – 190-192 High Street, 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 the Amendment Sheet circulated to Members prior to the meeting and subject to any further amendments and conditions agreed by the Committee.

Planning Committee - 25.10.22**38. P/03079/018 190-192 High St, Slough**

Application	Decision
<p>Construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.</p>	<p>Delegate to the Planning Manager for:</p> <p>A. Approval subject to:</p> <p>i) the satisfactory completion of a section 106 Agreement to secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;</p> <p>ii) finalising conditions and any other minor changes; OR</p> <p>B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 April 2023 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.</p>

39. Members Attendance Record

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

40. Date of Next Meeting - 30th November 2022

The date of the next meeting was confirmed as 30th November 2022.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.40 pm)

L Hirst,
 Jaspar Management Ltd
 c/o Jaspar Management Ltd
 15-19 Church Road
 Stanmore
 HA7 4AR

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(DMPO) (as amended)

IN pursuance of their powers under the above-mentioned Acts and Orders, the Council of the Borough of Slough as the Local Planning Authority, **HEREBY GRANTS PLANNING PERMISSION**, in accordance with your application, **P/03079/018**, dated 10 May 2022 and the accompanying plans and particulars, for:

Proposal:	Construction of a three storey roof extension and conversion of the first and second floor to provide 46 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E) at ground floor; associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street facade
Location:	190-192, HIGH STREET, SLOUGH, SL1 1JS

Dated this 22 June 2023

SUBJECT TO THE FOLLOWING CONDITION(S):

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:
 - (a) Drawing Number JM063_PL_0001, Dated 03/09/2020, Recd On 12/05/2022
 - (b) Drawing Number JM063_PL_0002, Dated 03/09/2020, Recd On 12/05/2022
 - (c) Drawing Number JM063_PL_1100 Rev 1, Dated 11/07/2022, Recd On 11/07/2022
 - (d) Drawing Number JM063_PL_1100_5, Dated 23/03/2022, Recd On 12/05/2022
 - (e) Drawing Number JM063_PL_1101, Dated 23/03/2022, Recd On 12/05/2022
 - (f) Drawing Number JM063_PL_1102, Dated 23/03/2022, Recd On 12/05/2022

- (g) Drawing Number JM063_PL_1103, Dated 23/03/2022, Recd On 12/05/2022
- (h) Drawing Number JM063_PL_1104 (Proposed Fourth Floor), Dated 23/03/2022, Recd On 12/05/2022
- (i) Drawing Number JM063_PL_1104 (Proposed Roof Plan), Dated 23/03/2022, Recd On 12/05/2022
- (j) Drawing Number JM063_PL_1200 Rev A, Dated 27/06/2022, Recd On 27/06/2022
- (k) Drawing Number JM063_PL_1201 Rev A, Dated 27/06/2022, Recd On 27/06/2022
- (l) Drawing Number JM063_PL_1300, Dated 23/03/2022, Recd On 12/05/2022
- (m) Drawing Number JM063_PL_1051, Dated 23/03/2022, Recd On 12/05/2022

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.

3. Prior to the commencement of any above ground works, details of all facing materials, including 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).

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 NPPF 2021.

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

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.

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.

REASON In the interests of safeguarding the amenities of neighbouring properties and 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 NPPF 2021.

8. If the proposed construction works include piling, no piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

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:

- (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
- (v) proposed method of piling for foundations

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).

10. 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.

11. The surface water control measures shall be carried out in accordance with the Indicative Surface Water Drainage Assessment from RSK ref: 1680512-R1(0)-ISWDS dated April 2022 and the following drawings:

- Drainage Layout 680512-RSK-ZZ-XX-DR-C-01
- Green Roof Layout 680512-RSK-ZZ-XX-DR-C-04
- Drainage Construction Details 680512-RSK-ZZ-XX-DR-C-03

The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 - 2026, and the requirements of the NPPF 2021.

12. No part of the development shall be occupied until bin storage has been provided on the ground floor and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

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

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.

14. The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2021.

15. The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy Statement produced by Ensphere, reference 20-E110-004 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.

16. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved 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.

17. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.

REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough LDF 2006-2026.

19. No construction or development shall commence on site until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority. The CTMP shall include a site set up plan and details of:

- hours of construction, duration of construction,
- hours of deliveries,
- traffic management measures,
- construction traffic routing, wheel washing facilities,
- storage of materials,
- provision to be made to accommodate all site operatives,
- visitors and construction vehicles loading (to a minimum Euro 6/VI Standard),
- off-loading, parking and turning within the site and machinery to comply with the emission standards in Table 10 in the Low Emissions Strategy Guidance.

The Plan shall thereafter be implemented as approved before the development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2021.

20. No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include provisions to :
- a) Ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.
 - b) Ensure spaces are not permanently linked to dwellings.
 - c) State how electric vehicle charging point spaces will be made available to residents with plug in vehicles.
 - d) How use of charging point spaces by non plug-in vehicles will be restricted.
 - e) Allocation of any visitor spaces. No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter the allocation and use of car and electric vehicle parking spaces shall be in accordance with the approved scheme.

REASON to provide mitigation towards the impacts on the adjacent Air Quality Management Area and to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2021.

21. No part of the development shall be occupied until secure cycle parking store has been provided in accordance 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.

22. 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.

23. No part of the development hereby permitted shall be occupied until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The delivery management plan shall demonstrate how service and delivery vehicles will access the site without comprising parking provision and security and without causing an obstruction on the highway.

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

REASON: to ensure the delivery vehicles serving the proposed development do not cause an obstruction on the adjoin or surround highway in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2021

24. Notwithstanding the details in the approved plans, each parking space created on the development hereby approved shall be fitted with an Electric Vehicle Charging point, details of which shall be submitted to and approved in writing prior to first occupation. The electric vehicle charging points must have a 'Type 2' socket and be rated to at least 7.4kW 32amp 22kW 32amp single or 3 phase. Works shall be carried out in accordance with the approved details and be in place prior to first occupation of the residential units hereby approved and thereafter be retained.

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.

25. Notwithstanding the provisions within the Use Classes Order (2021) as amended changes of Use under Class MA, Part 3, Schedule 2, (General Permitted Development)

(England) Order 2021 from Class E (all subclasses) to Class C3 (residential) will not be permitted, without express planning permission from the Local Planning Authority.

Reason: To restrict and limit the loss of retail, shopping, food and drink and other commercial and office uses within the Town Centre in order to protect and safeguard the Town Centre Primary Shopping Area and Secondary Shopping Areas, to promote employment uses within the Town Centre, and to ensure the additional impact on socio-economic infrastructure (education, healthcare, leisure, community uses and facilities) is minimised (in accordance with the Environmental Statement) in accordance with policies EMP2 and OSC15 of The Adopted Local Plan for Slough 2004, Core Policies 1, 5 and 6 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).

INFORMATIVE(S):

1. 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.
2. 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

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 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.

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

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.

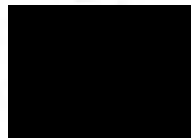
Informatives

The applicant is hereby informed that commencing development without first having complied with any pre-commencement conditions as set out in this decision notice may mean that the decision notice will expire and render the development to be unlawful.

This notice DOES NOT convey any consent that you may require for Building Regulations. If you are unsure whether you need Building Regulations approval and before you start any work please contact Building Control Services independently on (01753) 875810 to check whether they require an application.

Your attention is drawn to the attached notes.

This approval does not convey any approval or consent under the Building Regulations or any enactment other than the Town and Country Planning Act 1990.



Daniel Ray
On behalf of

Group Manager for Planning & Building Control

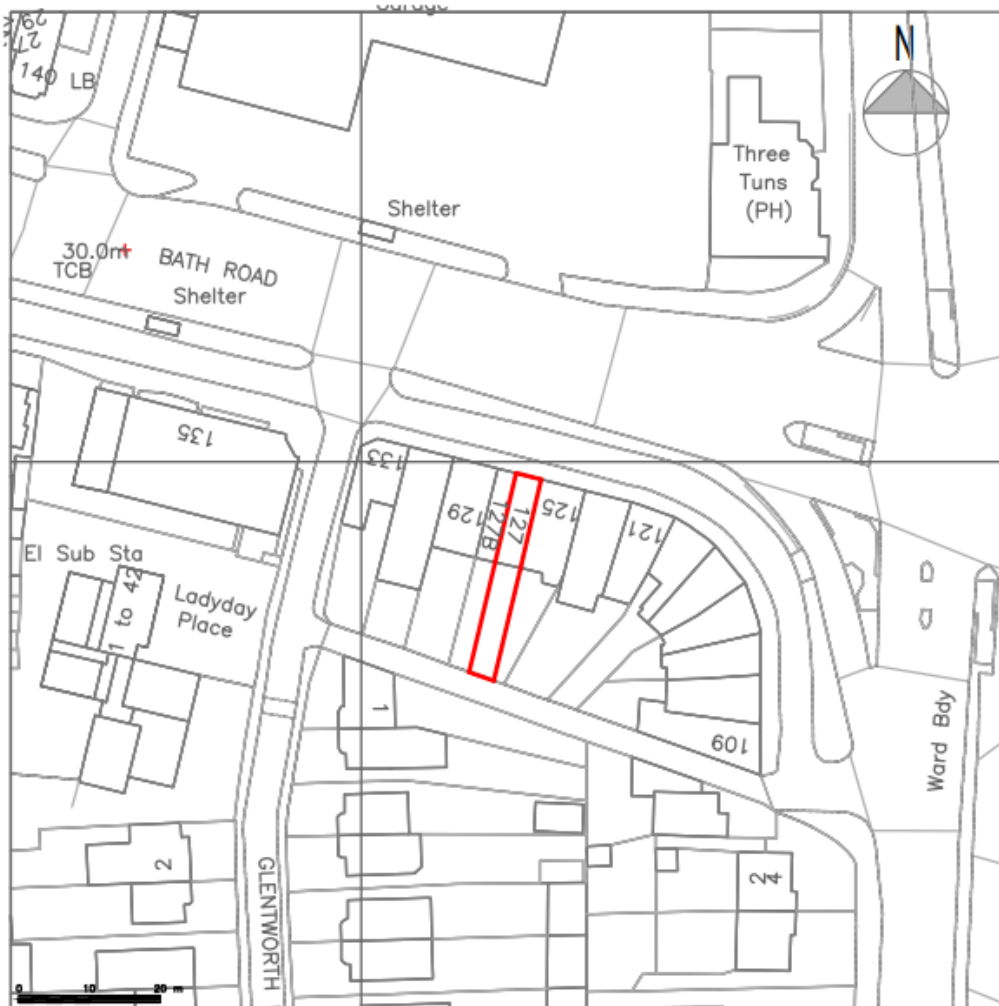
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Rights of Applicants Aggrieved by Decision of Local Planning Authority

1. If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pes). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council of the Borough in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him/her. The circumstances in which such compensation is payable are set out in Section 157 of the Town and Country Planning Act 1990.

Registration Date:	06-September-2023	Application No:	P/20307/000
Officer:	Michael Scott	Ward:	Cippenham Manor
Applicant:	Shakeel Zamurad Esq.	Application Type:	Minor
		8 Week Date:	01 November 2023 [EoT 09 Feb 2024]
Agent:	SA ASSOCIATES, 9, Mackenzie Street, Slough, SL1 1XQ		
Location:	127 Bath Road, Slough, SL1 3UW		
Proposal:	Planning application for a proposed extraction for odours at cafe/restaurant (Class E).		

Recommendation: Delegate to the Planning Manager to approve subject to conditions



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, and representations that have been received from consultees and the community, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager to approve subject to: finalising conditions and any other minor changes.

1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application with “five or more objections”.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for:

- Inlet and extract duct covers for a ventilation system.

3.0 **Application Site**

3.1 The application relates to a ground floor unit in a mixed-use block fronting the Bath Road that extends around the corner into Tuns Lane.

3.2 The ground floors are commercial/non-residential; whilst the upper floor of the block is residential with independent access to each flat from the rear.

3.3 The entire length of the block benefits from a service access road at the front, as well as, a series of service yards at the rear, which are accessed from a lane running between Glentworth Place and Tuns Lane.

3.4 For completeness, it should be noted: the site is located outside of the Town Centre; the parade is not a Primary or Secondary frontage; the site does not lie in a conservation area; there are no heritage assets nearby; the premises are in Flood Zone 1 (where no Flood Risk Assessment is required; and there are no protected trees in the vicinity.

4.0 **Site History**

4.1 There is no planning history for the site.

5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, two site notices were displayed in the immediately vicinity (i) outside the frontage on Bath Road; and, (ii) at the rear in the service access road - on 04/10/2023.

5.2 Objections were received from Nos. 6 Tuns Lane, 52 Telford Gardens, 121 Bath Road (Peri Chick 'n' Grill), 84 Canterbury Avenue, 121a Bath Road, 111 Bath Road, and 87 Monksfield Way.

5.3 The issues raised are:

- **Overconcentration:** The Three Tuns parade already hosts a significant number of food establishments. Any further increase would lead to overconcentration and imbalance, adversely affecting the livability and diversity of the neighbourhood. We need a balanced mix of amenities and services to cater to the varied needs and desires of our community. There are already too many takeaways – there are 5 takeaways and cafés – we don't need another one.

Officer response: The application submitted is not for the use of premises for food establishments, it is solely for the installation of inlet and extract duct covers for a ventilation system. It should be noted the use is permitted under the Use Classes Order in England 2021 under the of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended) whereby the Local Planning Authority has no control over the use of the site as it can be undertaken without requiring planning permission.

- **Traffic congestion:** Additional restaurants or takeaways would likely cause increased traffic, congestion in an already busy area. This would not only inconvenience residents and visitors but also pose a risk to pedestrian safety and hinder emergency services.

Officer response: The use of the property as a restaurant or takeaway is not being applied for, therefore, the Local Planning Authority is unable to control the land use as this is permitted under the Use Class Order (planning permission is not required) and as the application is for installation of inlet and extract duct covers for a ventilation system which would be installed on the building, there would be no highways or transport implications as a result of the proposal.

- **Noise and pollution:** The opening of new food establishments would contribute to increased noise levels, especially during peak hours.

This could disrupt the peace and tranquility of the community, negatively impacting residents' quality of life. Moreover, additional eateries may lead to excess waste generation and pollution if not managed efficiently. These uses are not environmentally friendly – i.e. pollution – gas/oil/CO2 and noise, save our environment.

Officer response: The Local Planning Authority is only able to consider the noise impact resulting from the installation of inlet and extract duct covers for a ventilation system. No objection on noise or pollution grounds have been raised by the Council's Resilience & Enforcement Team who have assessed the application, note that there is a condition which restricts the time of the ventilation system to ensure that there is minimal impact to neighbouring residential properties.

- Impact on local businesses: The arrival of new food restaurants or takeaways could pose a direct threat to the survival of existing local businesses. Small independent establishments may struggle to compete against large chains or franchises, potentially leading to unemployment and a decline in the local economy. Protect the unique character and well-being of our community by preventing any further food restaurants or takeaways from being opened on the Three Tuns parade. Sustainable urban development should prioritise the collective good over short-term individual gains.

Officer response: Business competition is not a material planning consideration, notwithstanding this, the use is not being applied for within this application and therefore any comments relating to the use cannot be taken into account.

- There are residential flats above.

Officer response: It is acknowledged that there are residential flats above the ground floor commercial unit, a condition has been attached to ensure that the operating time of the ventilation system should be no later than 11pm as the ambient noise in the area drops which will make the extraction system the prevailing source of noise later at night.

6.0 **Consultations**

6.1 **SBC Resilience & Enforcement Team:**

“Based on the specification there would not be grounds to refuse as it is in line with industry standards, however a large part of this is on the basis the system is being installed on anti-vibration mounts as to stop the transmission of sounds through the fabric of the building into the residential properties. With the compact side of the systems the odour controls would work with a regular maintenance program in place for the cleaning and renewal of filters.”

The operating time of the system should be no later than 11pm as the ambient noise in the area drops which will make the extraction system the prevailing source of noise later at night.”

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National Planning Policy Framework (December 2023) and National Planning Policy Guidance:

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy communities

Section 12: Achieving well-designed places

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

Core Policy 1 – Spatial Strategy

Core Policy 5 – Employment

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 12 – Community Safety

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

EN1 – Standard of Design

EN5 – Design and Crime Prevention

EMP2 - Criteria for Business Development

7.4 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. As a result, it is relevant for the consideration of this application

(but only very limited weight can be afforded to the specific and strategic guidance therein).

7.5 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published in December 2023.

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

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

7.6 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 below in this report.

7.7 The planning considerations for this proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Planning Balance
- Equalities Considerations

8.0 **Principle of development**

- 8.1 The use of the premises is not for determination, as the last previous lawful use was as a hairdressers' shop and the intended operation would be a café/restaurant. Therefore, there would be no change of use under the Use Classes Order in force at this time – i.e. the previous and the intended uses each fall under Class E under permitted development and therefore planning permission is not required for the use.
- 8.2 The proposals are only for the duct (inlet/outlet) covers. This entails the insertion of an inflow and an extract duct facing cover on the external rear facing ground floor elevation.
- 8.3 As such, the concerns expressed by neighbours in relation to the numerous similar food outlets is not a material matter for this assessment.
- 8.4 However, all new commercial development proposals, including works as proposed or extensions, have to comply with the design and other relevant policies contained in the Local Plan. Policy EMP2 will be applied to all employment generating development proposal to determine their suitability.
- 8.5 Policy EMP2 sets out the overriding criteria for business development, of which a), b), g) and h) are appropriate in this case, these are noted below:
- a) high quality design and appropriate use and scale
 - b) no physical or visual harm – no significant loss of amenities as a result of noise or level of activity
 - g) does not reduce the variety and range of business premises
 - h) no net loss of residential accommodation
- 8.6 It is considered that the proposed duct covers would not affect the variety and range of business premises in the local area or the wider area beyond. As such, it is considered that the development proposals comply with EMP2 (g).
- 8.7 It is considered that the proposed duct covers would not result in a loss of residential accommodation. As such, it is considered that the development proposals comply with EMP2 (h).
- 8.8 The other two criteria (a & b) are dealt with in detail below, but the overall conclusion is that subject to those matters, there is no objection to the principle of the ventilation system for the building.
- 8.9 Furthermore, it is noted that paragraph 85 of the NPPF 2023 sets out that planning decisions should help create the condition in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking

into account both local business needs and wider opportunities for development. The proposal accords with the aim of the NPPF and being a response to a current need should be supported.

- 8.10 So, having regard to the National Planning Policy Framework 2023 and the Local Development Plan, there are no objections to the principle of a vents at the application premises.

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

- 9.1 The National Planning Policy Framework 2023 (paragraphs 131 and 135) encourages new development to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policies 8 and 9 of the Core Strategy, and Local Plan Policy EN1.

- 9.2 The scheme involves two louvre covers – one 650mm by 650mm over the intake and the other 550mm by 550mm over the extract – each are related to an internal system to serve the intended use of the premises as a restaurant/hot-food take-away.

- 9.3 It is noted that at the rear of the parade, extensive ducts, as well as, air conditioning units with fans, have been installed on several of the premises, including that adjacent at 125 Bath Road. These are prominent in the scene of the locality.

- 9.4 The proposed covers would be on the rear elevation at ground floor level. In comparison the proposed vent covers would be relatively inconspicuous. The positioning of the covers would not harm the visual amenities of the area.

- 9.5 Based on the above, it is considered that the development proposals comply with EMP2 (a) and (b – in so far as it relates to visual amenities).

- 9.6 Therefore, it is considered that these current proposals would comply with the requirements of the National Planning Policy Framework 2023, Policy EN1 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 (2008).

10.0 **Impact on amenity of neighbouring occupiers**

- 10.1 The National Planning Policy Framework 2023 encourages new work to provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.

- 10.2 As stated above, the entire parade has residential accommodation on the upper floors, including the upper floor of the application premises,

which is accessed from the rear by an open exterior set of metal stairs that serves two flats. The proposed inlet and extract covers would be installed at ground floor level flush with the face of the building.

- 10.3 The Council's Resilience & Enforcement Team has reviewed the submitted documentation relating to the noise and odour controls of the system to be installed at the application premises. They have advised that based on the specification there would not be grounds to refuse, as it is in line with industry standards. Their satisfaction is subject to the mounting arrangements and the cessation of the use of the ventilation system by 23:00 hours. Appropriate conditions are set out in the recommendation below.
- 10.4 The concerns expressed by objectors in relation to the environmental impact of the use have to be focussed on the matter for determination; namely, the installation of the duct inlet and extract covers. The observations of the Resilience & Enforcement Team address this matter. The ventilation system is deemed appropriate for the purpose of ensure noise and odours are satisfactorily dealt with in this case.
- 10.5 Based on the above, it is considered that the development proposals comply with EMP2 (b) - in relation to impacts on general amenities.
- 10.6 In conclusion, it is considered that there would not be harm for neighbouring properties and therefore the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2023.

11.0 Planning Balance

- 11.1 On balance, it is considered that the proposals are acceptable subject to the controls required by the terms of the conditions of this planning permission.

12.0 Equalities Considerations

- 12.1 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).

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

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

13.0 **PART C: RECOMMENDATION**

13.1 Having considered the relevant policies of the Development Plan set out below, and representations that have been received from consultees and the community, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager to approve subject to: Finalising conditions and any other minor changes

14.0 **PART D: LIST of CONDITIONS and INFORMATIVES**

1. Time Limit

The development hereby permitted shall be commenced within three years from the date of this permission.

REASON: To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

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

- (a) Drawing No. 2353/PL/01, Dated 10.07.2023, Recd On 06/09/2023
- (b) Drawing No. 2353/PL/02, Dated 10.07.2023, Recd On 06/09/2023
- (c) Drawing No. 2353/PL/03, Dated 10.07.2023, Recd On 06/09/2023
- (d) Drawing No. 2353/PL/04, Dated 10.07.2023, Recd On 06/09/2023
- (e) Specification on Extraction System by Powered Ventilation Limited, Dated 05/08/23, Recd On 06/09/2023
- (f) Email dated 19th December 2023 from agent regarding hours of operation.

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 in accordance with the requirements of the National Planning Policy Framework 2023 and to comply with the Policies in the Development Plan.

3. New finishes to external works

All new external work of making good shall be carried out in materials as set out in the application form and the drawings hereby approved.

REASON: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with the requirements of the National Planning Policy Framework 2023 and Policy EN1 of The Adopted Local Plan for Slough 2004.

4. Hours of Operation

The use of the vents hereby approved shall be restricted outside the hours of 23:00 hours to 08:00 hours on Mondays - Sundays inclusive.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 8 of the Core Strategy for Slough Borough Council.

5. Maintenance

All ventilation plant shall be maintained in accordance with the manufacturer's specification to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the nearest residential accommodation at all times.

REASON: To protect the amenity of residents within the vicinity of the site in accordance with the requirements of the National Planning Policy

Framework 2023 and Policy 8 of the Core Strategy for Slough Borough Council.

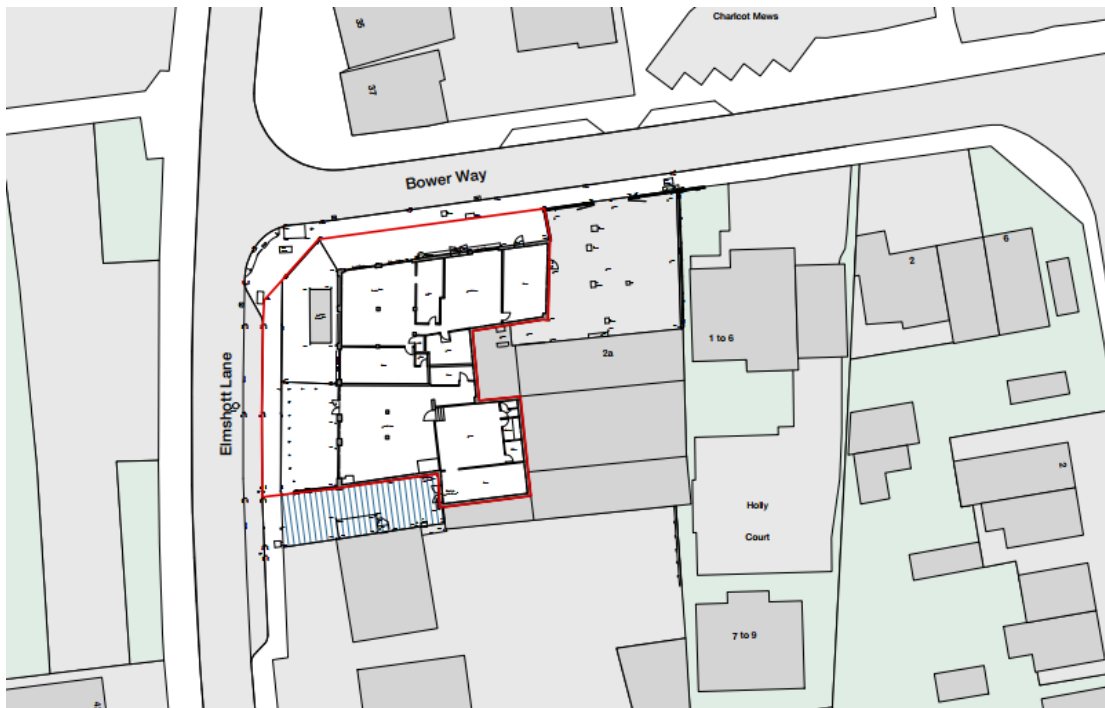
INFORMATIVE

1 - It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice; so it is in accordance with the National Planning Policy Framework.

2 – It is noted that the applicant intends to operate between the hours of 0500 hours and 2300 hours. It would not be lawful under the terms of the conditions of this planning approval to use their extract system after 2300 hours. The operator of the premises is to note that they may be face the liability to formal enforcement action under other legislation and/or regulations if they were to operate the premises without an acceptable extract system.

Registration Date:	12-Dec-2022	Application No:	P/00595/004
Officer:	Michael Scott	Ward:	Cippenham Green
Applicant:	Throgmorton Developments Limited	Application Type:	Major
		13 Week Date:	13 March 2023 [EoT 09 Feb 2024]
Agent:	Rolfe Judd Planning, Old Church Court, Claylands Road, Oval, London, SW8 1NZ		
Location:	39-41 Elmshott Lane, Slough, SL1 5QU		
Proposal:	Demolition of the existing ground floor commercial buildings and construction of a part 3, part 4 storey building to provide commercial floorspace (Class E) on the ground floor and residential units to the rear ground floor and above (comprising a mix of 1-bedroom, 2-bedroom and 3-bedroom units) with ancillary cycle storage, refuse storage and landscaping.		

Recommendation: Delegate to the Planning Manager



P/00595/004

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, and representations that have been received from consultees and the community, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager:

A) Approval subject to:

- (i) Subject to no substantive objection from Natural England and the satisfactory completion of a Section 106 Agreement to secure mitigation for potential impacts on Burnham Beeches, and infrastructure contributions/highway works, entailing a funding towards a local Car Club and a Traffic Regulation Order on adjacent highways,
- (ii) Finalising conditions and any other minor changes;

or

B) Refuse the application if the completion of the Section 106 Agreement is not finalised by 31 July 2024 unless a longer period is agreed by the Planning Manager, in consultation with the Chair of the Planning Committee.

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

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for:

- Demolition of the existing commercial and retail units.
- Construction of a part four/part three-storey building.
- Provision of 13 self-contained residential units comprising 4no. duplex units and 9no. flats.
- A “commercial” (Class E) unit of 155 sqm with an ancillary “back of house” space of 26 sqm thus totalling 181 sqm.
- The provision of a secure communal cycle store for future residents and visitors.
- Secure bin and recycling storage facilities.
- A communal first floor rear roof level amenity space of approx. 130 sqm.

3.0 **Application Site**

- 3.1 The application site comprises approx. 852sqm and lies on the south-eastern corner of Elmshott Lane and Bower Way. The site currently includes an automotive garage and tyre fitting operation in a single storey building facing Bower Way and a convenience retail supermarket operation ('One Stop') in a single storey building facing Elmshott Lane.
- 3.2 There are no particular changes in ground levels across the overall application site or between it and the adjacent sites.
- 3.3 To the south, on Elmshott Lane, is a single storey car sales unit with forecourt sales area. Immediately adjacent to the south of this is a bungalow with accommodation in the roof and two-storey housing beyond.
- 3.4 Opposite to the west across Elmshott Lane, lies the extensive site and premises of Cippenham Primary School.
- 3.5 On the eastern boundary lies the Thames Valley Garage premises (2A Bower Way), which is set back with forecourt parking fronting Bower Way. Beyond this lies Holly Court, a two-storey block of flats with a prominent gable including accommodation at roof level.
- 3.6 Opposite to the north lies a two-storey corner property with a take-away at ground floor level and flatted accommodation above. To the east of that lies Charlcot Mews – a large-footprint, three storey block of flats with some roof accommodation.
- 3.7 There is a public lay-by on the Elmshott Lane frontage, which enables deliveries to the retail unit. The tyre centre has space within for vehicles under-going works.
- 3.8 A significant portion of the site that fronts Elmshott Lane, to a depth of some 20 metres, lies in a Designated Shopping Area in the Local Plan.
- 3.9 For completeness, it should be noted: The site is located outside of the Town Centre; the site does not lie in a Designated Business Area; the site does not lie in a conservation area; there are no heritage assets nearby; it lies in Flood Zone 1 where no Flood Risk Assessment is required; and, there are no protected trees in the vicinity.

4.0 **Site History**

4.1 The planning history for the site is presented below:

P/00595/003 Installation of a further workbay and formation of new roller shutter door and conversion of workshop to office and existing office to reception area for tyre service premises [at no. 39] – Approved 12/10/1994.

4.2 A pre-application enquiry – ref. 1189 – was received for a scheme encompassing both this application site and the site at 2A Bower Way adjoining. This was described by the agent in their form as “*Redevelop the site, remaining commercial use at ground floor with residential units above.*”

This involved the re-development of the entire site i.e. including 2A Bower Way, with the re-inclusion of space at the ground floor level for commercial with new residential units above. The proposed development was to be four storeys in height with 26 residential units on the top three floors over the commercial ground floor space. The mix of units was proposed to be 7 x 1 bed, 12 x 2 bed, 5 x 3 bed and 2 x 2 bed duplex. The ground floor commercial area was proposed to have an internal floor area of 145sqm.

4.3 The officers’ concluding remarks in a letter dated 20th November 2019 regarding Pre-App/1189 were, as follows:

“The development as currently proposed is not acceptable and the following matters need to be addressed:

- *The height and massing of the proposed development should be reduced in order to better reflect the character of the surrounding area.*
- *The proposed openings, balconies and communal garden area need to be reconsidered in order to ensure that there is no overlooking either into neighbouring gardens or windows.*
- *The relationship with the land to the south needs to be reconsidered to ensure that future residential development to the south is not prejudiced.*
- *The development needs to be reconsidered in relation to the outlook of the internally facing units.*
- *The scheme should comply with the requirements of the Technical Housing Standards in all respects.”*

4.4 Of relevance to the assessment of the current application is the recent history of the site adjoining at 2A Bower Way. This was for an application for “Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 11 car parking spaces/15

cycle storage spaces and amenity space at the rear.” (SBC ref. P/01125/009) This was refused by Planning Committee at its meeting on 15th September 2021 for the following reasons:

1 - The proposed development would, by virtue of its bulk and detailed design, result in an overly bulky and prominent addition to the streetscene that would not help to achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy P8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.

2 - The proposed development, by virtue of the scale, bulk and siting, would result in an unacceptable loss of amenity to neighbouring residents at Holly Court by way of an overbearing character, loss of light and loss of outlook. The applicant has failed to demonstrate that there would be no significant adverse harm and the proposal is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.

3 - It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.

4 - On the basis of the information submitted with this application, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on highway safety and convenience which could lead to inadequate parking, access and servicing arrangements for the development proposed. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.

The developer appealed against that refusal and this was dismissed 25 October 2022 (PINS ref. J/0350/W/22/3296540).

5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 four site notices were displayed relating to the original submission – each on lampposts in the immediate vicinity of the site’s location on Elmshott Lane and Bower Way respectively on 11/01/2023. The application was advertised as a major application in the 13/01/2023 edition of The Slough Express.

5.2 Forty-one [41] objections were received which have been summarised below:

- Loss of one-stop shop and loss of jobs – tyre-centre and shop.

Officers' response: There will be the re-provision of the employment use under Class E for retail, albeit with a smaller footprint, refer to section 8.0 for the assessment.

- Traffic generation/parking pressures on local streets/pollution/highway safety issues. Lack of parking in scheme / no provision of car parking for residents and visitors – where will they park? One of the major issues for Cippenham is car parking. This is a busy road junction, with shops and a school opposite.

Transport by private car, whether petrol or electric, is still the preferred means of travel for most residents and will remain so for the foreseeable future. The bus service through this part of Cippenham has been withdrawn due to lack of use. Adding to the use of private cars.

Roads are already clogged up, right opposite a school – very, very bad at school times; dangerous for children especially. Road is far too small and narrow. They will have cars and will have visitors – making a load more traffic which we can't deal with and will be dangerous.

No facility for deliveries.

Officers' response: A detailed response has been received from the Local Highway Authority, this can be found in section 6.1 and 14.0 of this report which raises no highway safety concerns and where appropriate mitigation has been sought. It should be noted that the withdrawal of the bus service is not within the control of the applicant and sits outside the remit of this planning application.

- Impact of further flats on services including schools/GPs/dentists which are at capacity and have no room.

Officers' response: Given the number of units proposed, the development would not require a contribution towards local services.

- Drains unable to cope and sewage works; therefore flooding.

Officers' response: The site falls in Flood Zone 1, no objection has been raised by the Local Lead Flood Authority and a number of conditions have been recommended which ensure that there is

not unacceptable risk of flooding – see paragraph 6.5 and section 15.0 of this report.

- Local density will lead to anti-social behavior. Density of occupation – will single rooms be occupied by just one person? Unsuitable plan will not provide for families – the biggest problem.

Officers' response: A secure by design condition has been recommended and the rooms will be provided for a mix of people, including families, refer to section 11 of this report which shows the housing mix.

- Overlooking the school

Officers' response: There is an acceptable separation distance from the application site to Cippenham Primary School, refer to section 10.0 of this report.

- Should be rejected automatically if not meeting certain clean renewable energy sources where possible.

Officers' response: The application is accompanied by an Energy & Sustainability Statement, refer to 18.0 of this report.

- Four-storeys is too big, too high, expansive to surrounding buildings and out of character. Presents a major change and not in keeping with the landscape of Elmshott Lane. Elmshott Lane is primarily a residential road with bungalows and one storey buildings. This site is currently occupied by single storey buildings. Whilst the A4 Bath Road through Slough appears to have been given free-reign to develop tall buildings, a restriction on heights along residential side roads should be applied in planning considerations. Construction of a building this size sets a precedent for future development along Elmshott Lane.

Officers' response: An assessment with regards to design, scale, height and impact on the local character has been undertaken within section 9.0 of this report.

5.3 Additionally, during that period a petition of 105 signatories was received setting out each of these points in objection.

5.4 The applicant then made changes to the form of the proposed development, which lead to a reduction in the number of units from 14 to 13.

5.5 Consequently, a second set of site notices were displayed on 18/05/2023 in the same points around the site as before and a further notice was published in the Slough Express on 19/05/2023.

5.6 A single further fresh objection was received. The original 45 objections are held to remain relevant and the instigator of the original petition indicated that they wanted the original points they raised to be held as valid towards the revised scheme too.

5.7 Most recently, fifty-two (52) letters of support have been received stating:

Either

“No objection”

Or

“I am writing to support the application [citing one or more of] the following reasons:

- Local residents in need of new homes
- Need more accommodation around this area
- People need more homes desperately
- Housing is important to everyone
- It is important to provide affordable new homes for young people

I hope the Borough will act in the interests of the local people by approving this application.”

6.0 **Consultations**

6.1 **Local Highway Authority**

This document provides Slough Borough Council’s final comments regarding Highways and Transport for application P/00595/004 at 39-41 Elmshott Lane. A Transport Statement produced by TTP Consulting has been submitted in support of the planning application.

Access by Sustainable Travel Modes

The site is located within various facilities including 60 metres from Madini Butchers, 80 metres from Cippenham Primary School, 100 metres from Vivasayi Supermarket, 750 metres (10 minutes’ walk) from Burnham Railway Station, 900 metres (10 minutes’ walk) from Bath Road Shopping Park and 1100 metres from Marks and Spencers Food.

The Chartered Institute of Highways and Transportation 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.

The nearest bus stop is Browns Court which is 230 metres from the site. Further bus stops are available on the A4 (Everitts Corner) which are 350m and 400m from the site.

For Bus Stops, a walking distance of 400 metres is deemed a reasonable walking distance by the Chartered Institute of Highways and Transport (CIHT) within their document: *'Planning for Walking and Cycling, 2015'*.

Car Parking

SBC Highways and Transport would have no objection to the proposed development due to car parking provision. Slough's adopted car parking standards allow nil car parking provision for houses and shops proposed within defined Shopping Areas of Slough. The development partially falls within the defined Shopping Area on Elmshott Lane and therefore SBC are prepared to accept nil car parking provision. Zero car parking spaces are proposed for the 13 proposed dwellings and the Class E commercial unit.

Slough's planning policy defines this location as appropriate for Nil Car Parking Provision and the applicant has completed a car parking survey which demonstrates there are spare car parking spaces available on the surrounding roads during the middle of the night.

Slough Local Plan Policy T2 states that: *'Additional on-site car parking provision will only be required where this is needed to overcome road safety problems, protect the amenities and operational requirements of adjoining users, and ensure that access can be obtained for deliveries and emergency vehicles'*.

Slough Core Policy 7 states that: *'The level of parking within residential development will be appropriate to both its location and the scale of development and taking account of local parking conditions'*.

On-Street Car Parking Survey

Survey Scope

As requested by SBC, the applicant completed a survey of car parking capacity of the surrounding roads to establish existing car parking levels on 25th and 26th January 2023. The surveys were completed between 00:30 and 05:30 when parking is at its greatest. A Saturday survey was completed in March 2023.

The survey was completed for streets within 200m walk of the proposed development including: Elmshott Lane, Bower Way, Erica Close, Patricia Close, Dennis Way Berners Close and Abbey Close.

Survey Results

The survey identified 47 available spaces on 25th January and 48 available spaces on 26th January 2023 during the overnight surveys. The car parking surveys identified a capacity of up to 124 on-street parking spaces within 200m walk of the site. During the Saturday survey, the lowest number of parking opportunities available was 46 at 0700 and 43 opportunities at 1700.

The car parking survey was completed using the Lambeth Methodology which is widely used across the transport planning industry.

Car Parking Impact

SBC Highways and Transport do not expect the proposed development to have a significant impact on parking on the surrounding roads given the parking survey demonstrates 43 – 48 car parking spaces available on the surrounding streets. The 13 proposed dwellings may result in some on-street car parking, however, the survey indicates residents could find spaces to park on the surrounding road network.

The NPPF states within Paragraph 115 that: *'The development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe'*.

Car Club

SBC Highways and Transport require a contribution of £3,939 (£303 per dwelling) towards the implementation and/or management of a Slough Car Club vehicle and car parking space in the area surrounding the proposed development. This contribution will be pooled with contributions from other developments nearby. The contribution is consistent with the amount agreed at HSS Toolhire, 375 Bath Road (Reference: P/03444/003).

Trip Generation

SBC Highways and Transport do not accept the trip generation forecast presented in Table 4.1 of the Transport Statement. The forecast is based on trip survey data from the TRICS database.

The survey sites are incomparable with the proposed development given the sites surveyed have car parking and therefore include journeys by car. The survey data therefore inherently under forecasts

journeys by sustainable modes at the 'Car Free' site given some of the residents surveyed have access to car parking spaces.

An accurate forecast of journeys by sustainable travel modes is required to assess the impact on Slough's Sustainable Travel Infrastructure such as footways, buses, and pedestrian crossings.

Cycle Parking

SBC Highways and Transport are satisfied with the proposed cycle store shown on the amended site plan (Drawing No. 1041-GA00-P2, titled '*Proposed General Arrangement Ground Floor Plan*', dated Oct 2022'). The cycle store provides 14 bike storage spaces in accordance with the Slough Developer's Guide – Part 3: Highways and Transport which 1 secure and covered cycle parking space per dwelling proposed on site.

Visitor cycling for 6 bicycles (3 Sheffield stands) is provided to the front of the proposed development for visitors to the residential dwellings and the replacement commercial unit. This complies with the requirement for visitor cycle parking at developments with 10 flats or more.

Deliveries, Servicing and Refuse Collection

SBC Highways and Transport request a Section 106 contribution of £6,000 for a Traffic Regulation Order for the creation of a loading bay using the existing on-street car parking bays outside the site. This would allow delivery vehicles to stop and unload without blocking the freeflow of traffic on Elmshott Lane.

A new loading bay would also be of benefit for delivery vehicles serving existing dwellings and shops along Elmshott Lane.

Summary and Conclusions

I would have no objection to the proposed development, and I would recommend inclusion of the conditions/informatives [as set out in the Recommendation at 23.0] below should planning permission be granted.

6.2 **SBC Urban Design Advisor**

Overall, this is a real opportunity to create a development which would make a meaningful improvement to both the public realm and the character of the local area. The scheme as presented, is based upon

some well-founded principles and the comments below are intended to assist in clarifying/refining the detail of scheme further.

Ground floor – From a design perspective, supportive of the approach to upgrade public realm and introduce street trees. It's critical that these improvements are complete and taken from the kerb line through to the building frontages. Details of tree pits and species would be helpful at this stage or could be secured through conditions.

The commercial unit at ground floor includes both a primary entrance, back-of-house (BOH) entrance and five glazed portals. It would be helpful to clarify the condition of each of these elements, particularly the detailing of the BOH entrance and the extent of transparent glazing which will provide activity/surveillance to the street during operation. If some of the windows aren't going to be fully transparent, (to allow for efficiency in the internal layout of the commercial operation), then it may be helpful to agree a strategy of either translucent glazing/artwork etc. to provide a meaningful frontage, (rather than these elements featuring elements such as vinyl coverings in future).

Elevations and appearance - In terms of the elevations of the scheme, just a couple of comments on these. The main corner block of the scheme, although robust in detailing, would benefit from some additional refinement to anchor the ground floor commercial frontage and provide more complete detailing to the upper floor mansard.

Commercial Base - Suggested to increase the height of this element, (and the overall height of the scheme) by 3-4 brick courses, alongside enlargement of the fenestration 'portals' at ground floor to provide a better hierarchy to the building and give a stronger base to the development.

Roof-top mansard – Earlier revisions to the scheme to provide a clear set-back to the upper floor of the building are helpful to allow the main building parapet to read more legibly.

The main concern with this element is the scale of the dormer windows relative to the roofscape. These features appear slightly over-scaled when appreciated against the general appearance of the roof. It is suggested that the applicant explore reviewing the roof detail to and pitch, to deliver a true mansard roofscape. Introduction of a pitch of up to 70 degrees would assist in giving the building a stronger and more convincing top. This would also reduce the dominance of the dormer windows.

Further detail of the material treatment of the roof should also be requested from the applicant. High quality materials will be critical to the success of this scheme. Currently the only reference to materiality

of the roof is 'standing seam' detail. Can we clarify the type of materials to be used?

Further details of the enclosures to the roof top plant areas should also be provided, both in terms of elevations and material treatment/tones.

General details – Whilst included on CGI renders of the scheme, it would be helpful if typical bay features of each element of the scheme are provided to ensure that appropriate reveals/framing brick features are delivered on-site. Typical 1:20 details should be provided, if these can be provided at this stage, this would assist any presentation of the scheme to the planning committee.

[OFFICER NOTE: The latest set of drawings has incorporated the developer's response to address these comments.]

6.3 **SBC Scientific Officer**

- The preliminary risk assessment carried out identified the need for further investigation and assessment to be carried out.
- The overall risk of moderate to low associated with the site shall be considered as part of a tier 2 generic quantitative risk assessment, required to be carried out next.

Based on the above, I recommend the conditions [as set out in the Recommendation at 23.0 below].

6.4 **Thames Water**

Waste Comments

The proposed development is located within 15 metres of a strategic sewer, a condition relating to piling method statement and informatives.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection, an informative has been included.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Thames Water would advise that with regard to waste water network and sewage treatment WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

Water Comments

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.

6.5 **Lead Local Flood Authority**

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

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

6.6 **Natural England**

No response received for this application. [Any comments received will be reported into the Amendment Sheet]

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 **National Planning Policy Framework (December 2023) and National Planning Policy Guidance:**

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

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

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

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

EN1 – Standard of Design
EN3 – Landscaping Requirements
EN5 – Design and Crime Prevention
EMP3 – Loss of Employment Land
H9 – Comprehensive Planning
H14 – Amenity Space
S1 – Retail Hierarchy
T2 – Parking Restraint
T8 – Cycle Network and Facilities
T9 – Bus Network and Facilities
OSC15 – Provision of Facilities in new Residential Developments

7.4 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. As a result, it is relevant for the consideration of this application (but only very limited weight can be afforded to the specific and strategic guidance therein).

7.5 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 Reg. 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).

7.6 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

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

7.7 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published in December 2023.

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

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2023, the Local Planning Authority 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 2023 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 2023 which has been used together with other material planning considerations to assess this planning application.

7.8 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 below in this report.

7.9 The planning considerations for this proposal are:

- Principle of development
- Design, impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Housing mix
- Living conditions for future occupiers of the development
- Crime prevention
- Highways and parking
- Flooding and drainage
- Trees and landscaping

- Habitats
- Energy and sustainability
- Air quality
- Heritage issues
- Land contamination
- Infrastructure and Section 106 Contributions
- Presumption in favour of sustainable development
- Equalities Considerations

8.0 **Principle of development**

- 8.1 The site currently comprises commercial/employment generating floor space occupied by National Tyres and retail floor space occupied by One Stop. This proposal entails the reduction in employment generating floor space and a reduction in retail Class E floorspace. The existing gross floorspace occupied by these two operators comprises 453 sqm; the replacement non-residential floorspace would reduce to a total of 181 sqm all of which would fall under Class E and represent employment generating floorspace. In consequence this involves a net loss of 272 sqm of floorspace.
- 8.2 Paragraph 123 of the NPPF (2023) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 8.3 Paragraph 127 of the NPPF (2023) states local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.
- 8.4 Paragraph 193 of the NPPF (2023) sets out that new development should be integrated effectively with local businesses and community facilities (such as places of worship, pubs, music venues and sport clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The introduction of further residential accommodation in a mixed-use area where there are existing businesses shall be considered below.

- 8.5 Policy 4 of the Core Strategy states that in the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.
- 8.6 Given the nature of the existing commercial use of the site by National Tyres, the starting point in considering a scheme for the redevelopment of the site involving the loss of employment floorspace in terms of the Local Development Plan is Core Policy 5. This sets out that "*Outside of an existing Business Area the change of use or redevelopment of offices to residential will be encouraged where this is considered appropriate*". However, as the employment at the application site is not occupied as offices there is no direction. As such, the loss of employment where the site is needed for residential use, in order to meet the housing need, is considered acceptable within the thrust of the NPPF.
- 8.7 Given the nature of the existing retail use of the site by One Stop and its location in a Designated Shopping Area (Neighbourhood Centre), the starting point in considering a scheme for the redevelopment of the site involving the reduction in shopping floorspace is Policy S1, which sets out that proposals that adversely affect the designated centres will not be permitted. Given the re-provision of a 181 sqm unit capable of serving as a retail outlet in a corner location adjacent to and continuous with the remainder of the Neighbourhood Centre, it is considered that the proposals would not adversely affect the Centre and thus there is no conflict with Policy S1.
- 8.8 In terms of the overarching requirement to effectively and efficiently use land, these proposals involve the redevelopment of the existing commercial and retail floorspace by a more substantial building. So, whilst this would lead to a reduction in level of retail floorspace, together with a loss of employment floorspace, there would be a provision of thirteen new residential dwellings. As such, it is considered that the proposals comply with the overall thrust of the NPPF.
- 8.9 The Council has a shortfall against its Housing Delivery target. The proposed addition of further residential accommodation in the Borough has to be met, subject to consideration of all other planning policies, in particular an assessment of the character and appearance, which relates to the density of the area. Furthermore, the need for the range of other services and functions (medical, educational, employment, leisure, recreational, etc.) to support further residential development is dependent on other programmes and providers and cannot be a reason for refusal.
- 8.10 Core Policies 1 and 4 which seek high-density, non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is expected to be predominantly family housing and be at a density related to the character of the

surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.

- 8.11 Whilst the site is located outside of the Town Centre, the site is an existing commercial site within a parade of commercial units on Elmshott Lane where there are also flatted properties nearby. Therefore, the principle of flatted development at this specific location is considered to be acceptable. In addition, the proposals do include four duplex houses which contributes towards meeting the need for larger units of accommodation within the borough. As such it considered the proposals for flatted development with 4 duplex houses are in this case not inappropriate in the context of the site. The scheme provides a mix of housing and for further detail please refer to section 11 of this report.
- 8.12 Both the National Planning Policy Framework 2023 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, including a reasonable walk time to Burnham railway station, education, retail, leisure, employment and community facilities.
- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.17 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes. The impact of the current proposals is considered in section 9.0 below.
- 8.18 Having regard to the National Planning Policy Framework 2023 and the Local Development Plan, there are no objections to the principle of a residential scheme involving both duplex and flatted residential units on

this site together with the re-instatement of the proposed quantum of commercial (Class E) space.

9.0 **Design, impact on the character and appearance of the area**

9.1 The National Planning Policy Framework 2023 (paragraphs 131 and 135) encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policy EN1.

9.2 The site is in a prominent location on Elmshott Lane/Bower Way and is highly visible from the street/public realm. The proposal would also be highly visible from the residential properties located to the east of the site and from the flats to the north, as well as, Cippenham Primary School and the commercial units to the south.

9.3 Whilst the properties immediately adjoining the junction and the site are generally two-storeys, it is notable that there is further residential accommodation within and at the roof level at neighbouring sites. Almost opposite, the newer development at Chalcott Mews comprises three storeys, with roof accommodation.

9.4 It should be noted that the officers' advice in the pre-app in 2019 stated:

"It is considered that the maximum height of the proposed development should be 3 storeys, with the possibility of accommodation in the roof space. On the boundaries of the development, the height of the building should relate to the adjoining buildings."

9.5 Following revisions to set the roof level accommodation back from the facades and refinements following the input of the Council's Urban Design Advisor, there has been an appreciable improvement in the overall form and massing of the proposals. So, it is concluded that there is a general level of accord with the thrust of that earlier advice. These proposals are now for a clearly three-storey block with roof level accommodation. As such, it is considered that the scheme would be not out-of-keeping with the general massing and scale of the area. The scale, mass and height would therefore be in character with the local area and the scale of change as a result of this proposal, would be acceptable in planning terms.

9.6 Subsequent to the revisions to the overall massing of the proposed scheme, and further to discussions with the Council's Urban Design Advisor, the applicant has provided refinements to address the points raised and to bring that level of attention to detail to a higher standard.

9.7 The principle elevations are characterised by an orderly and well-mannered pattern of fenestration with strongly emphasised bays,

window articulation and recessed balconies. It is considered that the composition is well structured and detailed drawings at a scale of 1:20 have been provided to demonstrate the level of articulation and varied interest.

- 9.8 There would be a sharp and uniform height to the elevations to produce a distinctly three-storey image. The ground floor commercial unit has been increased in height to provide the appropriate scale at the corner that then signifies the “presence” of the non-residential element of the scheme.
- 9.9 The roof accommodation would be set back from the façade with the mansard faces and dormers in a contrasting material to ensure a sense of subservience and the avoidance of any feeling of an overbearing height. The detailing of the dormers and the angle of the mansard has been altered to enhance the overall appearance.
- 9.10 The proposed building is sited with a “natural” gap between itself and the adjacent plot on the Elmshott Lane frontage, which provides a right of way for the land to the rear and thus does not afford scope for inclusion within a built form. As such, these proposals have a sheer two-storey face on the boundary at the lower level and a further two floors above that would be set back from the boundary to respect the need to avoid an overbearing relationship with the adjacent plot.
- 9.11 On the Bower Way frontage, the proposals would be three-storey at the boundary and the upper floor set back some 8000mm. to achieve a satisfactory relationship on the street side with the plot of 2A Bower Way. This is considered appropriate to ensure the future form of any redevelopment of that site could be brought forward and thus accord with the provisions of Policy H9 in respect of enabling rather than prejudicing independent schemes for that potential site.
- 9.12 In conclusion, it must be noted that as a corner plot, it is recognised that the overall impression of the scheme would not lead to harm to the general feel and visual amenities of the locality but would rather represent an enhancement on the existing urban form in this location. Furthermore, conditions relating to material, shop front detailing, landscaping and boundary treatment has been recommended to ensure that the design quality of the scheme is of a high quality, these conditions are consider to be necessary and appropriate to enhance the public realm and protect the visual amenity of the area.
- 9.13 Based on the above, it is considered that these current proposals would comply with Policy EN1 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 2023.

9.14 In NPPF terms, the design of the proposals is afforded moderate positive weight in the planning balance given the development results in an improvement to the current low-grade environmental appearance of the streetscene and due to the efficient and effective use of land.

10.0 **Impact on amenity of neighbouring occupiers and uses**

10.1 The National Planning Policy Framework 2023 encourages new developments to be of a high-quality design that should provide a satisfactory level of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.

10.2 As is set out above at 8.4, the NPPF in paragraph 193 stresses the requirement on the Local Planning Authority to ensure new development should be integrated effectively with local businesses and community facilities and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

10.3 It is considered that these proposals, in terms of the scale and form of the scheme would create a satisfactory relationship with the adjacent plots and their existing and potential users.

10.4 A Daylight and Sunlight Study was submitted with the application, which demonstrates that there would be no significant impacts on the amenities at the following surrounding residential properties:

37B Elmshott Lane; Charlcot Mews; 1-6 Bower Way; 2-4 Erica Court; 7-9 Holly Court; and 42 Elmshott Lane.

With the exception of 37B Elmshott Lane, the report concludes that the proposed development would not cause a noticeable loss of daylight or sunlight to the occupants of each of these properties; whilst in the case of that single property – where there are south facing bedrooms - it notes that the impact would be minimal and still within BRE Guidance.

10.5 There would be a single high-level window with obscured glazing on the southern flank boundary façade adjacent to the right of way adjacent to the site. Otherwise, there would be no windows on the flanks of the proposed building in order to ensure no overlooking and enable the future development at some time of both the plot at 2A Bower Way and the car sales plot on Elmshott Lane.

10.6 In terms of overlooking and potential for overbearing there are no concerns to the west of the site which faces Cippenham Primary School, as there is a significant distance between the site and the school buildings with the school parking area and playing fields across Elmshott

Lane. To the north, the proposed flats face commercial units on the corner and residential flats within the Chalcott Mews development. The habitable rooms and balconies within the proposed development facing north would be a minimum of some 22 metres away and given the orientation between the two developments, it is considered the proposed scheme would not result in overlooking or creating an overbearing impact for occupiers at Chalcott Mews.

- 10.7 On the rear of the proposed building, there would be some windows facing south and east. Most of these would serve non-habitable space or be secondary to the rooms they serve within the proposed building. The exception would be a single window at first, second and third floor levels serving a bedroom – each one above the other - facing east some nine metres from the boundary with the site of 2A Bower Way.
- 10.8 In this instance, it is noted that the existing outlook is towards commercial space at the Thames Valley Garage (TVG) premises; so, there is no concern for a loss of amenity to the neighbouring occupiers. Moreover, it is considered that these residential proposals do not conflict with the advice of paragraph 193 of the NPPF.
- 10.9 Whilst a concern arises in terms of the future, were the TVG site to be redeveloped, it is considered that the issue would be a matter of the form that any scheme for that site could take. In terms of Policy H9, it is recognised that the boundary between the sites would militate against any future window openings being introduced there. So, the concern is not a reasonable cause for objection to these proposals.
- 10.10 The introduction of a communal open amenity space within the scheme at first floor roof level would need to be detailed to prevent overlooking of adjacent sites to the south and east. However, were the proposals to be acceptable in other respects, it is considered that conditions could be set out to ensure the potential concerns were overcome through detail design.
- 10.11 In conclusion, were the scheme to have been acceptable in all other terms, it is considered that there would not be harm for neighbouring properties and therefore the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2023.
- 10.12 In NPPF terms, the impact on neighbours is a neutral consideration in the planning balance.

11.0 **Mix of housing**

- 11.1 The National Planning Policy Framework (2023) seeks to deliver a variety of homes to meet the needs of different groups in the community.

This is largely reflected in local planning policy in Core Strategy Strategic Objective C and Core Policy 4.

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

2-bed/4person = 2 duplex houses
3-bed/5persons = 1 duplex house
3-bed/6persons = 1 duplex house

1-bed/2persons = 2 flats
2-bed/3persons = 1 flats
2-bed/4persons = 6 flats

So, given the location of the site and its particular circumstances, it is considered that the proposed mix would be appropriate and that the proposals are therefore acceptable.

- 11.3 In NPPF terms, the proposed provision of 13 homes, including 4no. duplex houses and 9no. self-contained flats have a moderate positive weight in the planning balance.

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

- 12.1 The National Planning Policy Framework 2023 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.

- 12.2 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards – Nationally Described Space Standards 2015 (as amended).

- 12.3 In terms of the levels of daylight & sunlight, aspect, and outlook, it is considered that each unit would have satisfactory levels of amenity for future occupiers.

- 12.4 The proposed building would have a communal entrance on the Elmshott Lane side for the flatted accommodation at higher levels. Each duplex unit would have their own individual access at street level leading to a private courtyard. The overall block would be provided with a wheelchair accessible lift.

- 12.5 Whilst the four duplex units would each benefit from a private walled courtyard, each of the flats would each benefit from a mixture of enclosed balconies and terraces. Additionally, the scheme includes a first floor roof garden, which would be accessible to the future occupiers of the flatted accommodation.

- 12.6 The site lies at the junction of Elmshott Lane and Bower Way where there are a notable of traffic movements. The proposed residential accommodation would be exposed to the noise of the traffic environment.
- 12.7 Furthermore, there would be a new replacement commercial unit below and adjacent to residential accommodation, as well as, existing non-residential/commercial uses adjoining the development, which together with the siting of development related roof plant, would expose future residents to potential noise sources.
- 12.8 The submission includes a Noise Assessment Report. This concludes that a safe and acceptable living environment can be formed through the application of the Building Regulations (Part E) and the imposition of planning conditions.
- 12.6 So, on balance, it is concluded that the living conditions for future occupiers in this case would have been considered satisfactory and thus to have been in accordance with the requirements of the NPPF 2023, Core Policy 8 of Council's Core Strategy, and Policy EN1 of the Adopted Local Plan.
- 12.7 In NPPF terms, the quality of residential accommodation is a neutral consideration in the planning balance.
- 13.0 **Crime Prevention**
- 13.1 The National Planning Policy Framework 2023 & Policy EN5 of the adopted Local Plan each seek to ensure all development schemes are designed to reduce the potential for criminal activity and anti-social behaviour.
- 13.2 The accesses for both the duplexes and the flats would all have a good level of natural surveillance within the public realm. So, a condition requiring details of the measures to be incorporated to reduce and prevent criminal activity associated with mail and deliveries at the entrance lobby serving the flats would be adequate to deal with this particular issue.
- 13.3 The scheme would be safe and secure. Therefore, it is considered that a scheme including flats would not inherently lead to anti-social behaviour.
- 13.4 In NPPF terms, the provision of a safe environment is a neutral consideration in the planning balance.

14.0 **Highways and Parking**

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

14.2 This is reflected in Core Policy 7 and Local Plan Policy T2 (Parking Restraint) which sets out:

- in terms of commercial car parking that development proposals should not increase parking unless required for local safety or operational reasons; and,
- in terms of residential car parking that the level will be appropriate to both its location and scale whilst taking account of local parking conditions, impact on street scene, need to overcome local road safety problems and protect amenities of adjoining residents.

14.3 Paragraph 115 of the National Planning Policy Framework 2023 states that: *'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

14.4 As set out above, a part of the site lies in the Designated Shopping Area. The illustration below shows the application site (cross-hatched) superimposed over the designated area, which fronts Elmshott Lane either side of Bower Way:



Some 65% of the application site lies within the designated area.

- 14.5 The Council's Car Parking Standards within a Designated Shopping Area (highlighted column) are as follows:

Table 5 - Vehicle and Cycle Parking Standards

	Town Centre Commercial Core Area	Rest of Town Centre	Existing Business Areas	Shopping Area	Predominantly Residential
A1 Shops					
Car Spaces	Nil	Nil	Min. 1 to 30m ²	Nil unless shortfall	Min 1 to 30m ²
Lorry Spaces	c.o.m.*	c.o.m.	c.o.m.	c.o.m.	c.o.m.
Cycle spaces	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²

C3 Residential																																																																	
1-bed flat (all spaces assigned)																																																																	
Car spaces	Nil	Min. 2 per unit	N/A	Nil	Min. 2 per unit																																																												
Cycle spaces	Min. 1 per unit *	Min. 1 per unit*	N/A	Min. 1 per unit*	Min. 1 per unit*																																																												
1-bed flat (one space assigned)																																																																	
Car spaces	Nil	Min. 1 space, plus 0.5 communal	N/A	Nil	Min. 1 space, plus 0.5 communal																																																												
Cycle spaces	Min. 1 per unit*	Min. 1 per unit*	N/A	Min. 1 per unit*	Min. 1 per unit*																																																												
<table border="1"> <thead> <tr> <th></th> <th>Town Centre Commercial Core Area</th> <th>Rest of Town Centre</th> <th>Existing Business Areas</th> <th>Shopping Area</th> <th>Predominantly Residential</th> </tr> </thead> <tbody> <tr> <td colspan="6">1-bed flat (all spaces communal)</td> </tr> <tr> <td>Car spaces</td> <td>Nil</td> <td>Min. 1.25 per unit</td> <td>N/A</td> <td>Nil</td> <td>Min. 1.25 per unit</td> </tr> <tr> <td>Cycle spaces</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> <td>N/A</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> </tr> <tr> <td colspan="6">2 or 3-bed (communal)</td> </tr> <tr> <td>Car spaces</td> <td>Nil</td> <td>Min. 1.75 per unit</td> <td>N/A</td> <td>Nil</td> <td>Min. 1.75 per unit</td> </tr> <tr> <td>Cycle spaces</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> <td>N/A</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> </tr> <tr> <td colspan="6">2 or 3-bed (all spaces assigned)</td> </tr> <tr> <td>Car spaces</td> <td>Nil</td> <td>Min. 2 per unit</td> <td>N/A</td> <td>Nil</td> <td>Min. 2 per unit</td> </tr> <tr> <td>Cycle spaces</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> <td>N/A</td> <td>Min. 1 per unit*</td> <td>Min. 1 per unit*</td> </tr> </tbody> </table>							Town Centre Commercial Core Area	Rest of Town Centre	Existing Business Areas	Shopping Area	Predominantly Residential	1-bed flat (all spaces communal)						Car spaces	Nil	Min. 1.25 per unit	N/A	Nil	Min. 1.25 per unit	Cycle spaces	Min. 1 per unit*	Min. 1 per unit*	N/A	Min. 1 per unit*	Min. 1 per unit*	2 or 3-bed (communal)						Car spaces	Nil	Min. 1.75 per unit	N/A	Nil	Min. 1.75 per unit	Cycle spaces	Min. 1 per unit*	Min. 1 per unit*	N/A	Min. 1 per unit*	Min. 1 per unit*	2 or 3-bed (all spaces assigned)						Car spaces	Nil	Min. 2 per unit	N/A	Nil	Min. 2 per unit	Cycle spaces	Min. 1 per unit*	Min. 1 per unit*	N/A	Min. 1 per unit*	Min. 1 per unit*
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- 14.6 As such, it is noted that there would be no car parking required for the proposed residential units and no car parking required for a retail unit unless there is a "shortfall".
- 14.7 As such, it is noted that the provision of one cycle space should be made for each residential unit and a further two cycle spaces should be provided for the non-residential (retail) unit as it exceeds 125sqm but would be less than 250sqm
- 14.8 The remainder of the application site lies in the Predominately Residential area.
- 14.9 As such, it is noted that the car parking standard would require 1.75 (communal) or 2 spaces (assigned) for 2-bedroom units and a range between 1.25 (communal) and 2 spaces (assigned) for 1-bedroom units.
- 14.10 The requirement for the provision for cycle storage would be one space per unit irrespective of unit size.

- 14.11 The applicant has submitted a Transport Statement setting out the basis for their scheme to be “car free” with the provision of 14 cycle spaces to serve the residential units and a further three cycle stands enabling up to six cycles to be securely left in the public area closest to the entrance of the commercial (Class E) unit, which would cater for any visitors to both that unit and the residential units.
- 14.12 The applicant’s justification is based on the location of the in relation to (a) the provision of public transport; namely, close proximity to Burnham Station and various bus services, as well as, pedestrian and cycle networks affording access to provide a range of retail, education, social and employment facilities and services for future occupiers; and (b) the “low” levels of car ownership with consequently the availability of on-street parking spaces.
- 14.13 The Highway Authority (HA) has acknowledged that the site lies in an accessible location and is served by a range of sustainable modes of transport. The site lies within 750 metres (10-minutes’ walk-time) of Burnham Station and within 400 metres of a number of bus stops, including a route providing access to Slough Town Centre.
- 14.14 Furthermore, the HA cites in their observations, at paragraph 6.1 above, the proximity of the functions within the Designated Shopping area and beyond, including the Bath Road Retail Park and opposite at M&S Food, which would lie within and at the extent of the nationally recognised standards for walk-times for future occupiers.
- 14.15 In relation to a lack of any parking provision within the scheme, it has to be noted that the site lies only partially in a Designated Shopping Area where a nil parking requirement applies. Therefore, there would be a “shortfall” of some spaces on-site as a consequence of the scheme as submitted.
- 14.16 As such, the HA set out the requirements of a Parking Survey to provide information on the availability of on-street parking to meet the shortfall within the development and to better understand the impact of the development.
- 14.17 The applicant’s Parking Survey was carried out under the nationally respected Lambeth Car Parking Methodology; thus, it covered streets within 200 metres (a 2 – 3-minute walk-time) of the application site and was carried out overnight, as it is acknowledged that this is when demand for parking is at its peak.
- 14.18 The length of kerb available within the study area was divided into five-metre sections to represent the length needed to park a single car. This calculation showed that there were 124 possible spaces of 5-metre sections of unfettered kerb-side within the study area. The street survey

found that there was a minimum of some 47 spaces available at the most used times, which are overnight.

- 14.19 Notwithstanding the presumption that overnight parking would be the most critical for analysis of the issue, a further set of surveys were conducted during the daytime. On a weekday, the survey found that some 53 spaces were available at 07:00 hours dropping to 37 spaces at 15:00 hours (school pick time) rising again to 57 at 16:00 hours; whilst on a Saturday there were 46 spaces at 07:00 hours and some 43 spaces at 17:00 hours.
- 14.20 Turning to the issue of non-compliant parking i.e. vehicles parked in a fashion that would not register under the principles of “proper” parking, the Parking Survey states that this should “not be ignored”. Instead it concludes that were this demand to relocate and each of these vehicles to have been properly parked, this would reduce the availability of kerb side parking. However, there would have still remained at least sufficient spare spaces at the critical times overnight, in order to accommodate any parking needs of the development scheme.
- 14.20 In conclusion, the Parking Survey has demonstrated to the satisfaction of the HA that there would be adequate spaces within the streets identified to cater for any potential parking arising from the lack of on-site car parking in the application scheme. Therefore, it is noted that the HA has no objection to the proposals involving car-free development in this set of circumstances.
- 14.21 Notwithstanding the potential of the local roads to absorb the parking needs of the development scheme, the applicant has offered a contribution towards setting up a local Car Club, as a means of alleviating the need for future occupiers to own a car but to have access to a vehicle as and when the need should arise.
- 14.22 The HA has considered this in the context of other contributions now arising from local development sites, such as the HSS TooHire site on Bath Road. The tariff of £303 per residential unit has been sought in line with these other contributions. Therefore, a contribution of £3939 has been identified in relation to the current application.
- 14.23 In relation to the servicing and consequent deliveries for the new Class E unit, the HA has concluded that given it would have no greater impact on the highway network than the existing One Stop shop but would welcome adjustments to the local regulations governing the use of the existing lay-by on Elmshott Lane to ensure the availability of a loading bay to enhance and secure the situation for its future use. This would require a Traffic Regulations Order (TRO). In accordance with Core Policy 12, the funding of this matter would be levied upon the development under section 106 agreement. The HA estimates a sum of £6000 for the requisite TRO procedures.

- 14.24 The proposals include the provision of secure, communal cycle storage facilities, as well as, facilities for secure cycle parking to serve visitors to both the Class E unit and the residential accommodation.
- 14.25 The proposals include enclosed bin and recycling facilities, close to the highway, to serve the constituent elements of the scheme.
- 14.26 In NPPF terms, the lack of on-site car parking further to the Council's Car Parking Standards is a negative consideration in the planning balance. However, this matter has to be weighed in conjunction with the findings of the Parking Survey, which, as explained above, found an availability to absorb any potential overflow from the scheme, as well as, the contribution of funding towards a Car Club for local residents and therefore on balance, the proposal on highway and transport matters is considered to be acceptable.

15.0 **Flooding & Surface Water Drainage**

- 15.1 In respect of flooding matters, it is noted that according to the Environment Agency's flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.
- 15.2 Since April 2015, major developments have been required to provide measures that will form a Sustainable Drainage System. It has been recognised that Sustainable Drainage Systems (SuDS) are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way.
- 15.3 The National Planning Policy Framework (2023) states that the surface run-off from site cannot lead to an increase from that existing. Slough's Strategic Flood Risk Assessment states that surface water should be attenuated to Greenfield run-off rates. In the scenario where infiltration techniques are not possible, attenuation will be required in order to reduce surface water run-off.
- 15.4 Paragraph 175 of the NPPF 2023 requires major developments to incorporate SuDS unless there is clear evidence that this would be inappropriate.
- 15.5 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.
- 15.6 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that

development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.

15.7 The proposals are accompanied by a report by an appropriate specialist consultant relating to the potential for flooding and a scheme for surface water drainage. This documentation setting out the applicant's drainage strategy was forwarded to the Council's consultant, who acts as the Local Lead Flood Authority. Therefore, conditions recommended by the LLFA to ensure the scheme meets with appropriate standards have been incorporated.

15.6 In NPPF terms, the meeting of the requirement for adequate and satisfactory response to the potential impacts of the scheme is a neutral consideration in the planning balance.

16.0 **Trees & Landscaping/Impact on biodiversity and ecology**

16.1 Paragraph 180 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.

16.2 Firstly, it is noted that the application site does represent a habitats site, as set out in paragraphs 185-187 of the NPPF.

16.3 Secondly, that given its existing uses and structures, the application site does not represent a site of biodiversity or part of an ecological network.

16.4 The proposed scheme entails a new mixed-use block with an almost complete and extensive site coverage; so, there is limited opportunity for any soft landscaping. However, a row of street trees is to be incorporated along the Bower Way frontage. These would be set back within the applicant's demise and remain under their control. As such, conditions on the selection of an appropriate tree species, as well as, the management and future maintenance regime are set out.

16.5 Based on the above, it is considered that the proposals would satisfy Core Policy 9 of the Core Strategy and the requirements of the National Planning Policy Framework.

16.6 In NPPF terms, these proposals afford little weight in the planning balance.

17.0 **Habitats**

- 17.1 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.
- 17.2 Paragraph 186 of the NPPF 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.
- 17.3 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.
- 17.4 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.
- 17.5 The site is located approximately some 3.59 km from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6km development impact zone as proposed within the evidence base carried out by Footprint Ecology.
- 17.6 The applicant has submitted a Habitat Regulations Assessment as part of the application. This assessment has concluded that the review undertaken of *"likely usage, alternative walking routes/recreational sites and in-combination impacts demonstrates that future residents of the proposed development are unlikely to contribute significantly to recreational impacts within Burnham Beeches SAC or South West London Waterbodies such that they could damage features of interest within the site. The other potential impacts, such as changes in air quality and hydrology, have also been scoped out of all internationally designated sites. As such, no adverse effects on the integrity of sites within the National Site Network are anticipated as a result of the proposals."*
- 17.7 The assessment then states
- "Based on the information provided within this report, Slough BC as the Competent Authority in consultation with Natural England will now*

decide whether it is satisfied with the conclusion that there will be no significant adverse effects on the integrity of the International and National Site Network as a result of the proposed development at 39 – 41 Elmshott Lane, Slough.”

17.8 However, the Council has adopted a mitigation strategy based on the cumulative impact of all further major residential development in the Borough. As such, any scheme with 10 or more residential units falls within the scope of the scheme.

17.9 Following negotiations with Natural England a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park (or another suitable location) has been introduced and will be linked to the completion of a section 106 agreement. The recommendation of this report includes a requirement for the mitigation package to be secured by the Council.

18.0 **Energy & Sustainability**

18.1 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 Developer’s 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.

18.2 The application included an Energy & Sustainability Statement which identifies that the proposed scheme can achieve a 70.24% reduction over the appropriate baseline model. Accordingly, given the energy strategy and the sustainable construction methodology – each set out in their report – they conclude the project would comply with the requirements of the Council’s Core Strategy policies.

18.3 The residential units proposed will have heating and hot water provided through a heat pump system. This proposal is acceptable.

18.4 The energy proposals are 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.

18.5 In NPPF terms, the meeting of the requirement for adequate and satisfactory response to the potential impacts of the scheme is a neutral consideration in the planning balance.

19.0 **Air Quality**

- 19.1 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.
- 19.2 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.
- 19.3 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, as such an Air Quality Assessment has not been submitted as part of the application.
- 19.4 There are identified areas where there could be a temporary impact during the construction phase, such as dust, however these can be mitigated through the approval of a construction management plan.
- 19.5 On the basis of the above considerations there are no objections in respect of air quality impacts.
- 19.6 In NPPF terms, the meeting of the requirement for adequate and satisfactory response to the potential impacts of the scheme is a neutral consideration in the planning balance.

20.0 **Heritage Issues**

- 20.1 As reported above, there are no heritage assets nearby and the site does not lie in a conservation area. Therefore, it is considered that these proposals would have no potential impacts on the significance of that heritage asset.

21.0 **Land Contamination**

- 21.1 Paragraph 189 of the NPPF sets out that the LPA should ensure policies and decisions ensure a site is suitable for its proposed use taking

account of grounds conditions and any risks arising from land instability and contamination. Core Policy 8 states that development shall not be located on polluted land.

- 21.2 The submission is accompanied by a Phase 1 Desk Study carried out by an accredited specialist practice that concludes that the level of potential contaminants is “Moderate/Low”.
- 21.3 Furthermore, whilst the existing uses, in particular the tyre fitting operation, may have some level of pollution, it must be noted that the scheme entails a new structure with complete site coverage; so, there would be a barrier to intrusive activity by the proposed end users.
- 21.4 Therefore, it is considered that it would be appropriate to impose conditions relating to carrying out the further investigative works required to ensure safety during redevelopment and for future occupiers.

22.0 **Infrastructure and Section 106 requirements**

- 22.1 The proposals entail the introduction of 13 new residential units. As such, the scheme would not trigger affordable housing or education contributions under the Council’s policies, as set out in the Developer’s Guide.
- 22.2 However, the site lies within the area for contributions under the need for mitigation of Burnham Beeches; so, a sum of £7410 would be required.
- 22.3 As set out above, under Highways, there would be requirements to fund infrastructure changes. These would entail a contribution towards setting up and running a Car Club in the local area and to make alterations to the extant highways regulations to provide an on-street loading bay through a TRO procedure. The requisite figures are £3939 and £6000 respectively.

23.0 **Presumption in favour of sustainable development/Tilted Balance**

- 23.1 The application has been evaluated against the Local Development Plan and the National Planning Policy Framework 2023 (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.”
- 23.2 The LPA cannot demonstrate a Five-Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing, as set out in Paragraph 11 of the NPPF and refined in case law, should be applied.

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

- The provision of 13 residential units in a sustainable location should be given substantial positive weight.
- Initially, the scheme shall create employment at the construction stage, which is given some moderate weight.
- Subsequently, the occupiers of the proposed accommodation would help to support local facilities and services; so there would be economic benefits arising from the implementation of these proposals, which is given some moderate weight.

The application includes the provision of some financial contributions towards highways/transport infrastructure, which is considered to be a positive benefit. This should be given positive weight, as the benefit would include the local populous in addition to the residents within the development.

23.4 In considering the impacts, it has been noted that the current scheme would have a shortfall in on-site car parking provision, in respect of that proportion of the site that does not already have a 'Nil' parking requirement. However, as has been noted the developer has offered to contribute to a Car Club locally. Therefore, the impact is in part off-set.

[For the avoidance of doubt, it is considered that the loss of employment and reduction of Class E (retail) floorspace does not represent an impact in terms of the NPPF and the Local Development Plan for Slough, as set out in paragraphs 8.6, 8.7 and 8.8 above.]

23.5 As is the case with proposals when para 11 of the NPPF is engaged, the application does present a balanced case.

23.6 Therefore, in coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing a net gain of 13no. dwellings towards the defined housing need at a time where there is not a Five-Year Land Supply within the Borough, as well as, some economic benefits and the positive contribution to the streetscene and character of the area, as a result of the improvement to the quality of the environment. These factors create a range of limited, moderate and considerable benefits which weigh in favour of the development in the planning balance.

23.7 On the basis of the arguments above, it is considered that the benefits of the current scheme would significantly and demonstrably outweigh the identified impacts when assessed against the policies in the Local Development Plan and the NPPF taken as a whole.

24.0 Equalities Considerations

24.1 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).

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

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

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

25.0 PART C: RECOMMENDATION

25.1 Having considered the relevant policies of the Development Plan set out below, and representations that have been received from consultees

and the community, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager:

A) Approval subject to:

- (i) Subject to no substantive objection from Natural England and the satisfactory completion of a Section 106 Agreement to secure mitigation for potential impacts on Burnham Beeches, and infrastructure contributions/highway works, entailing a funding towards a local Car Club and a Traffic Regulation Order on adjacent highways,
- (ii) Finalising conditions and any other minor changes;

or

B) Refuse the application if the completion of the Section 106 Agreement is not finalised by 31 July 2024 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

26.0 **PART D: LIST of CONDITIONS and INFORMATIVES**

1. Time Limit

The development hereby permitted shall be commenced within three years from the date of this permission.

REASON: To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

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

- (a) Drawing No. 1041-EX-GA00-P1; Dated 07/12/22; Recd On 12/12/2022
- (b) Drawing No. 1041-EX-GARF-P1; Dated 07/12/22; Recd On 12/12/2022
- (c) Drawing No. 1041-EX-GE01-P1; Dated 07/12/22; Recd On 12/12/2022
- (d) Drawing No. 1041-GA-00-P3; Dated 09/11/23; Recd On 13/11/2023
- (e) Drawing No. 1041-GA-01-P3; Dated 09/11/23; Recd On 13/11/2023
- (f) Drawing No. 1041-GA-02-P3; Dated 09/11/23; Recd On 13/11/2023
- (g) Drawing No. 1041-GA-03-P3; Dated 09/11/23; Recd On 13/11/2023
- (h) Drawing No. 1041-GARF-P3; Dated 09/11/23; Recd On 13/11/2023
- (i) Drawing No. 1041-FP01-GE01-P3; Dated 09/11/23; Recd On

13/11/2023

(j) Drawing No. 1041-FP01-GE02-P3; Dated 09/11/23; Recd On 13/11/2023

(k) Drawing No. 1041-FP01-GE03-P3; Dated 09/11/23; Recd On 13/11/2023

(l) Drawing No. 1041-FP01-GE04-P3; Dated 09/11/23; Recd On 13/11/2023

(m) Drawing No. 1041-FP01-GE05-P3; Dated 09/11/23; Recd On 13/11/2023

(n) Drawing No. 1041-S01-P1; Dated 07/12/22; Recd On 17/03/2023

(o) Acoustic Planning Report by Sharps Redmore ref. no. 2221466; Dated November 2022; Recd On 12/12/2022

(p) Daylight & Sunlight Report by Consil ref no. Version 01; Dated November 2022; Recd On 12/12/2022

(q) Design & Access Statement by HdAr revision A; Dated November 2023; Recd On 13/11/2023

(r) FRA & SuDS Strategy by The PES ref. no. FRA 20136.1A; Dated November 2022; Recd On 12/12/2022

(s) Energy & Sustainability Statement by The PES ref. no. V3; Dated 29/11/22; Recd On 12/12/2022

(t) Phase 1 Desk Study by Soil Technics ref: no. STU5849-R01 Rev. C; Dated December 2022; Recd On 12/12/2022

(u) Planning Statement by Rolfe Judd Planning ref: no. P7884; Dated 15/11/22; Recd On 12/12/2022

(v) Transport Statement by TTP Consulting; Dated December 2022; Recd On 12/12/2022

(w) Transport Addendum by TTP Consulting ref. no. N04-KM-SD-FP01; Dated November 2023; Recd On 13/11/2023

(x) Framework Travel Plan by TTP Consulting; Dated December 2022; Recd On 12/12/2022

(y) Drawing No. 1041-S-RF; Dated Nov 2022; Recd On 13/11/2023

(z) Drawing No. 1041-EN01-P1; Dated 27.10.23; Recd On 13/11/2023

(aa) Drawing No. 1041-EN02-P1; Dated 27.10.23; Recd On 13/11/2023

(bb) 'Shadow' Habitats Regulations Assessment by Ecology by Design project code EBD03453; Dated December 2023; Recd On 12/12/2023

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 in accordance with the requirements of the National Planning Policy Framework 2023 and to comply with the Policies in the Local Development Plan.

3. New finishes to building works

Prior to the commencement of the development, samples of new external finishes and materials (including, reference to manufacturer, specification details, positioning, and colour, as well as, bonding were appropriate) to be used in the construction of the external envelope of the development hereby approved shall be submitted to and approved

in writing by the Local Planning Authority and the development shall be carried out in accordance with the details approved and retained thereafter.

REASON: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with the requirements of the National Planning Policy Framework 2023 and Policy EN1 of The Adopted Local Plan for Slough 2004.

4. New surface treatments

Prior to the commencement of the development hereby approved, the external materials to be used in the laying out of communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved and retained thereafter.

REASON: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with the requirements of the National Planning Policy Framework 2023 and Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Drainage (SuDS #1)

Prior to commencement of development (excluding demolition) a detailed design of a surface water drainage scheme for the site, which is based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, and attenuation structures
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations which will include a 10% allowance for urban creep.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.

v) Confirmation of site-specific soil conditions to confirm or exclude use of infiltration solutions

REASON: To reduce the risk of flooding both on and off site in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 5 of the Core Strategy for Slough Borough Council by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

6. Drainage (SuDS #2)

Prior to commencement of development (excluding demolition) a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g., open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The scheme shall include:

- a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.
- A site plan including access points, maintenance access easements and outfalls.
- Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- Details of expected design life of all assets with a schedule of when replacement assets may be required.

REASON: To ensure the future maintenance of drainage systems associated with the development in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 5 of the Core Strategy for Slough Borough Council by ensuring the satisfactory means of surface water attenuation and discharge from the site.

7 Piling (Thames Water)

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage

infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure.

8 Construction Management Plan (CMP)

Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

1. A site set up plan displaying hoarding/fencing extents, 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 0800 – 0900 and 1700 – 1800, and outside of 1430 – 1530 where the development is located in proximity to a school.
4. 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.
5. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and AQMAs and local schools at collection/drop off time.
6. Details of dust control measures and wheel washing facilities to be provided on site.
7. 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>.

The plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to vehicular traffic and pedestrian highway users in accordance with the requirements of the National Planning Policy Framework 2023 and Policies 7 and 8 of the Core Strategy 2008.

9 Sound attenuation and ventilation

Prior to commencement of the relevant part of the development, full details of the glazing specification, should be submitted to and approved in writing by the Local Planning Authority.

Prior to commencement of the relevant part of the development, a ventilation strategy, including detail of proposed plant and location of inlet and outlets, must be submitted to and approved in writing by the Local Planning Authority. Should a mechanical ventilation system not be installed, a full overheating assessment must also be provided.

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

REASON: In the interest of mitigating noise from road traffic to provide acceptable living conditions of future residents in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 8 of the Core Strategy 2008.

10 Phase 2 Intrusive Investigation Method Statement

The findings of the Phase 1 Desk Study having identified the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON: To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 8 of the Core Strategy 2008.

11 Phase 3 Quantitative Risk Assessment and Site-Specific Remediation Strategy

Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Land Contamination: Risk Management (LCRM)

and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 8 of the Core Strategy 2008.

12 Remediation Validation

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site-Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with the requirements of the National Planning Policy Framework 2023 and Policy 8 of the Core Strategy 2008.

13 Landscaping

Construction of the building above ground floor level shall not commence on site until details of an arboricultural method statement in conjunction with details of all soft landscaping including a tree planting scheme has been submitted to and approved in writing by the Local Planning

Authority. This scheme should include the type, density, position and planting heights, along with staking/guying, mulching, feeding, watering and soil quality, of the new planting and trees, and details of hardsurfaces which shall include compliance with the surface water drainage mitigation as approved under conditions 5 and 6 of this planning permission.

On substantial completion of the development, the approved scheme of hard landscaping shall have been constructed. The approved scheme of soft landscaping and tree planting shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new plants and/or trees should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the approved planting scheme by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area in accordance with the requirements of the National Planning Policy Framework 2023 and Policy EN3 of The Adopted Local Plan for Slough 2004.

14 Boundary Treatment

Construction of the building above ground floor level shall not commence on site until details of the proposed boundary treatment including position, external appearance, colour, height and materials of all boundary walls, fences and gates have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the approved boundary treatment has been implemented on site. It shall be retained at all times in the future.

REASON: In the interests of the visual amenity of the area and to reduce opportunities for crime and anti-social behaviour in accordance with the requirements of the National Planning Policy Framework 2023, Policies EN1 and EN3 of The Adopted Local Plan for Slough 2004, Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008).

15 Crime Prevention

No development above ground floor slab shall commence until a secure access strategy and secure letter/parcel drop strategy in line with the principles of Secured by Design 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 behavior in accordance with the requirements of the National Planning Policy Framework 2023, Policy EN5 of The Adopted Local Plan for Slough 2004 (saved polices) and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026.

16 Drainage (SuDS #3)

No occupation of any part of the development shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Sustainable Drainage Strategy, has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV Confirmation that the surface water drainage system is free from defects, damage, and foreign objects
- f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

REASON: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

17 Bins & Recycling facilities

The refuse and recycling facilities as shown on the approved plans shall be provided on site in accordance with standards set out in the Slough Developers Guide prior to occupation of the development and retained at all times in the future.

REASON: In the interests of visual amenity of the site in accordance with the requirements of the National Planning Policy Framework 2023 and Policy EN1 of The Local Plan for Slough 2004.

18 Roof plant

Prior to the installation of any plant, full specification details including any attenuation demonstrating compliance with the assumptions set out in the Acoustic Planning Report by Sharps Redmore ref. 2221466 R1; Dated 30.11.22, shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be fully installed prior to first use/occupation of the development hereby approved and be retained in good working order at all times in the future.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the future occupiers and those in the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with the requirements of the National Planning Policy Framework 2023, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN1 of The Adopted Local Plan for Slough 2004.

19 Cycles storage

Prior to the first occupation of the development hereby permitted details of the cycle parking provision (including the security measures of the facilities and cycle stand details) shall be submitted to for approval by the Local Planning Authority. The cycle parking shall be provided in accordance with these details and shall be retained thereafter.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with the requirements of the National Planning Policy Framework 2023, Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

20 External Site Lighting

Any scheme for external site lighting including details of the lighting units, location, levels of illumination and hours of use shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. No lighting shall be provided at the site other than in accordance with the approved scheme.

REASON: In the interests of safeguarding the amenities of neighbouring properties and to ensure safer access and use of the shared areas throughout the site in accordance with the requirements of the National Planning Policy Framework 2023, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and Policy EN5 of The Adopted Local Plan for Slough 2004 (saved polices).

21 Shop front requirement

Prior to the first occupation of the Class E unit hereby permitted the details of a scheme for the windows in the shop front elevations at ground floor level shall be submitted to and approved in writing by the Local Planning Authority setting out the areas of clear glass where there

shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit and shall be retained thereafter.

REASON: In the interests of protecting the visual amenity, vitality and viability of designated centre in accordance with the requirements of the National Planning Policy Framework 2023, the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 – 2026.

22 Level Access

The ground floor entrance doors to any part of the development shall not be less than one-metre wide and the threshold shall be at the same level to the paths fronting the entrances to ensure level access. Level thresholds shall be provided throughout the development between the flatted residential units and the external amenity/balconies and the main lobbies.

REASON: In order to ensure the development provides ease of access for all users, in accordance with the requirements of the National Planning Policy Framework 2023, Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008).

23 No new windows

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those hereby approved, shall be formed in any elevations of the development.

REASON: To ensure the visual character and appearance of the facades are preserved and to ensure the development does not prejudice the future development of adjoining lands; so, as to protect the privacy of neighbouring properties and to protect the visual amenities of the area in accordance with the requirements of the National Planning Policy Framework 2023, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and Policy EN1 of The Adopted Local Plan for Slough 2004 (saved polices).

24 Telecommunications Equipment

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or

re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted.

REASON: To ensure that the visual impact of telecommunication equipment can be considered in accordance with the requirements of the National Planning Policy Framework 2023, Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008).

INFORMATIVES

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking amendments. 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; so it is in accordance with the National Planning Policy Framework.

2. Highways

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.

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.

3. Ventilation Strategy

Should mechanical ventilation be utilised, the system is to be designed by a suitably qualified engineer or M&E consultant. The system shall be designed so the sound levels from any external

plant or inlet/outlets do not exceed the background noise level at any noise receptor. This may require further assessment once the type and location of system has been specified.

4. Thames Water

Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

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

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be

completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

Water Comments

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

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.

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: January 2024

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
APP/J0350/W/23/3322820	<p>77, Harrow Road, Slough, SL3 8SH</p> <p>Retrospective construction of a front extension and part single, part double storey rear extension to no 77 Harrow Road and retrospective construction of 1no 3 bedroom house adjacent to no 77 Harrow Road and associated works.</p> <p><u>Officer Summary</u> The main issue of the appeal is the effect of the full width single storey front extension on the character and appearance of the host property and surrounding area. The Inspector states that the front extension is of a significant scale, but the depth of the front elevation aligns with the front elevation of no. 75 and therefore visually blends in with the stepped pattern of the row of houses. Whilst there is a small degree of conflict with the RESPD, this does not result in any material harm in this context. Therefore, the Inspector concludes that the effect of the front extension on the character and appearance of the host property and surrounding area is acceptable. The proposal therefore accords with Policies H14, H15, EN1 and EN2 of the Local Plan (2004) and Core Policy 8 of the Core Strategy (2008).</p>	<p>Appeal Granted</p> <p>6th December 2023</p>
APP/J0350/D/23/3328818	<p>35, Lansdowne Avenue, Slough, SL1 3SG</p> <p>Construction of a single storey rear extension, two and a half storey side infill extension with pitched roof, loft extension with side dormer, detached rear outbuilding and internal alterations.</p> <p><u>Officer Summary</u> Within the refusal report, no objections were raised by officers in relation to the outbuilding element, and therefore, officers are comfortable with the Inspectors findings on the allowance of this element. Given the reasons for refusal however, the application was refused by officers, with these elements of the decision being upheld by the Inspector.</p>	<p>Appeal Dismissed & Granted in Part</p> <p>12th December 2023</p>

APP/J0350/X/23/3321780	<p data-bbox="560 136 1086 165">64, Upton Court Road, Slough, SL3 7LZ</p> <p data-bbox="560 203 1214 264">Lawful development certificate for an existing side dormer</p> <p data-bbox="560 304 1211 400">The main issue is whether the side dormer is development permitted under Class B of Part 1 of Schedule 2 of the GPDO.</p> <p data-bbox="560 441 1289 669">The first reason for refusal was that building operations involved in the construction of the dwelling are unlawful, including the raised ridge height and eaves, first floor gable roof and erection of the dormer.” The Inspector stated that the LDC application was for a ‘side dormer’ and did not seek to establish the lawfulness of any other works.</p> <p data-bbox="560 710 1281 972">The operations were found by the Council to satisfy all criteria except for B.1(b), which requires the height of the dwelling, as a result of the works, not to exceed the height of the highest part of the existing roof. The inspector stated that this matter can be set aside because the application did not seek to establish the lawfulness of any increase in the height of the roof of the dwelling.</p> <p data-bbox="560 1012 1286 1276">The Council stated in the officer report that the total difference between the original roof and existing roof with all additions including the dormer window is 35.4 cubic metres and did not raise this as an issue. Therefore the Inspector concluded the side dormer complies with B.1(d)(ii) - that the resulting roof space of the dwelling must not exceed the cubic content of the original roof space by more than 50 cubic metres.</p> <p data-bbox="560 1317 1294 1644">Regarding the costs decision, the Inspector stated that the application was sought for an LDC for a side dormer and no other works. The Inspector stated that the delegated report concludes that the side dormer complies with all other criteria and conditions of Class B. Notwithstanding this, the Inspector states that it was unreasonable for the Council to refuse an LDC for the side dormer, the appellant has incurred unnecessary and wasted expense in submitting an appeal, and the claim for full costs therefore succeeds.</p>	<p data-bbox="1342 136 1449 197">Appeal Granted</p> <p data-bbox="1326 237 1465 333">18th December 2023</p>
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Appeal Decision

Site visit made on 2 November 2023

by **R Lawrence MRTPI, BSc (Hons), PGDip (TP)**

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/J0350/W/23/3322820

77 Harrow Road, Slough SL3 8SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Amrik Singh against the decision of Slough Borough Council.
 - The application Ref P/17249/009, dated 7 March 2023, was refused by notice dated 3 May 2023.
 - The development proposed is described as "Retrospective application for the construction of a single storey front extension and a part two storey, part single storey rear extension to No. 77 Harrow Road and retrospective construction of an attached 3no. bedroom house".
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey front extension and a part two storey, part single storey rear extension to No. 77 Harrow Road and retrospective construction of an attached 3no. bedroom house at 77 Harrow Road, Slough SL3 8SH in accordance with the terms of the application, Ref P/17249/009, dated 7 March 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: As Built Site Plan_(P-)01, As-Built Plans_(P-)02, As-Built Roof Plan_(P-)03, As-Built Elevations_(P-)04 and Design and Access Statement_ 77&77A Harrow Road Slough (prepared by TVR Design Consultancy and dated 08.03.2023).

Preliminary Matters and Main Issue

2. The description of development on the planning application sets out the background to the submission of the application, together with supporting comments, rather than describing the development itself. I have therefore used the description of development set out on the appellant's appeal form in the above banner heading.
3. The development had already taken place at the time of the site visit. There are some differences between the development constructed on site and the submitted plans. These include differences in the fenestration, the access and a structure in the rear amenity space of the property known as No 77a. For the avoidance of doubt, I have assessed the appeal scheme on the basis of the submitted plans.
4. My attention has been drawn to a number of permissions and Certificates of Lawful Development which are relevant to the appeal proposal. The effect of these, is that the majority of the appeal scheme already benefits from permission. This is reflected in the Council's sole reason for refusal which

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relates to the effect of the front extension. The main issue is therefore the effect of the front extension on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal site comprises a two storey, former end of terrace property, which has been extended with the addition of a further attached dwelling. The area is residential and characterised by terraced housing which is generally of a similar form and appearance. The housing is broken up by various pedestrianised areas which in some cases include attractive areas of open green space. One such green space is located to the front of the appeal site.
6. The front extension, whilst single storey, is of a significant scale. The height of the extension sits just below the eave of the first-floor window, and also extends the full width of the property. Front extensions on neighbouring houses are often similar in terms of their height. However, these are of a much smaller width and a reduced scale overall. In this case, the main front elevation of No 77 is stepped back from its neighbour, No 75. The depth of the front extension at single storey level aligns with the front elevation of No 75, and therefore visually blends in with the stepped pattern of the row of houses. Although the width is significant, the single storey nature of the extension avoids it appearing unduly prominent within its setting. The set back of corner dwellings is a characteristic seen in the wider area and this is also replicated in the terrace to the north. In this case, the retention of the set back at first floor level is sufficient to reflect this pattern.
7. The overall level of amenity space has been drawn to my attention, as the appeal scheme has reduced both the front and rear amenity space. The reason for refusal refers to Policy H14 of the Local Plan for Slough 2004 (LP), which requires the provision of an appropriate level of amenity space. The Council's submissions indicate that this policy is relevant insofar as the reduced amenity space is harmful to the character of the area and cumulatively results in overdevelopment. The front extension, in combination with the other additions to the property including the addition of a new dwelling, result in development sitting much closer to the site boundaries and a reduction in amenity space to the front and rear. Although the space is reduced, the amenity space remains comparable in size to other front and rear amenity areas, such to avoid a harmful effect by way of overdevelopment.
8. My attention has been drawn to an appeal decision relating to a property on Brackenforde. That appeal related to a front extension and was dismissed on the grounds of the effect on the character and appearance of the area. Although that site is geographically close to the current appeal site, the context is notably different, relating to a detached chalet bungalow located centrally in a uniform row of similar detached houses in an area which exhibits a higher degree of openness. In comparison, the current appeal site is an end of terrace property which is enclosed by boundary hedging along its frontage.
9. Paras 3.2 and 3.3 of the Council's Residential Extensions Guidelines Supplementary Planning Document (RESPD) require front extensions to respect the character of the street scene and the design and appearance of the original house. The guidance goes on to state that front extensions which span the entire width of a property of dwelling will not normally be permitted. The inclusion of the term 'normally' indicates this is not an absolute requirement in

all cases. In this case, the setting immediately around the site is such that the front extension does not lead to an adverse effect on the surrounding pattern of development.

10. In conclusion, whilst there is a small degree of conflict with the RESPD, this does not result in any material harm in this context. Therefore, the effect of the front extension on the character and appearance of the host property and surrounding area is acceptable. The proposal therefore accords with Policies H14, H15, EN1 and EN2 of the Local Plan (2004) and Core Policy 8 of the Core Strategy (2008). These policies, insofar as relevant, require that development is of a high-quality design, respects its location and is compatible with its surroundings, including in terms of scale, height and mass and provides an appropriate level of amenity space.

Other Matters

11. In addition to concerns about character and appearance, which I have addressed above, third parties have raised concerns about discrepancies between the development as constructed and the submitted plans, the retrospective nature of the proposal and the effect on car parking.
12. It is understandable that the retrospective nature of the appeal scheme together with the discrepancies with the submitted plans are causes for concern and frustration amongst third parties. The role of this appeal however, is not a punitive one, and the appeal has been assessed based on the merits of the case.
13. In respect of car parking, there is no additional effect on car parking over and above that approved pursuant to the planning permission for the construction of a rear extension and additional dwelling¹ P/17249/002. The front extension has not resulted in the loss of a parking area and there is no increase in cars. In considering the effect on parking more widely, there is a high dependency on, and high levels of, on-street car parking. This is however an existing position, which the addition of one additional dwelling is unlikely to unacceptably add to.
14. As such, there is no clear justification to depart from the Council's position, who raise no objection in respect of car parking and which does not lead me to find otherwise than that the proposed development is acceptable.

Conditions

15. The Council has requested that a plan numbers condition be imposed in the event of my allowing the appeal. This is necessary in the interests of clarity. As the appeal scheme has already been constructed and found acceptable, it is not necessary to impose any further conditions in this case.

¹ Council's reference P/17249/002

Conclusion

16. For the reasons given above, the development accords with the development plan and there are no other material considerations which warrant a different decision. The appeal is therefore allowed.

R Lawrence

INSPECTOR



Appeal Decision

Site visit made on 28 November 2023

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/J0350/D/23/3328818
35 Lansdowne Avenue, Slough SL1 3SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khan against the decision of Slough Borough Council.
 - The application Ref P/08268/005, dated 8 June 2023, was refused by notice dated 8 August 2023.
 - The development proposed is a single and two and half storey side infill extension with pitch roof, loft extension, single storey rear extension, internal alterations and ancillary rear outbuilding.
-

Decision

1. The appeal is dismissed insofar as it concerns a single and two and half storey side infill extension with pitch roof, loft extension and a single storey rear extension.
2. The appeal is allowed and planning permission is granted solely for an ancillary rear outbuilding, at 35 Lansdowne Avenue, Slough SL1 3SG, in accordance with the terms of the application, P/08268/005, dated 8 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans solely insofar as they relate to the ancillary rear outbuilding: 10-23-11 Revision E and 10-23-13.
 - 3) The materials to be used in the construction of the external surfaces of the ancillary rear outbuilding shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the side elevation of the outbuilding hereby permitted that faces towards the boundary with the attached dwelling at no. 37 Lansdowne Avenue.
 - 5) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 35 Lansdowne Avenue.

Main issue

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3. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

4. The appeal concerns a two storey semi-detached dwelling that fronts onto Lansdowne Avenue. There is a fairly large two storey projection that extends across part of the rear of no. 35 and the attached dwelling. At first floor level this is set in from the side of the property and the roof slopes down towards the flank. These factors tend to limit the bulk of this part despite its appreciable depth. However, the proposal includes a pitched roof addition to the side of the rear projection at first floor and roof level above the single storey addition below. The face of the new gable end would rise vertically towards the top of the rear projection, with its roof slopes extending appreciably from the host slope. It would also extend noticeably beyond the first floor side wall of the rear projection.
5. The gaps to the top of the host roof and the side wall of the front part of the dwelling when looking from the rear would be relatively modest, with there also being a more noticeable set back from the main rear wall of the dwelling. However, despite these factors and for the reasons given above, this feature would introduce significant additional bulk and mass. It would also compete with the gable end of the original dwelling and result in a somewhat unusual and incongruous double gabled side elevation.
6. Between this and the rear of the main body of the dwelling would be a flat roofed dormer addition. This would be somewhat squeezed between roofslopes giving a fairly awkward and cramped appearance. A flat roof single storey extension would also wrap around the end and side. To the side this would replace a noticeably subordinate ground floor addition that is set back from the end of the double storey projection and has a roof that slopes down towards the rear. However, the single storey extension replacing it would extend the full length of the projection and significantly beyond.
7. Because of its fairly considerable length and the side wall being set in a single plane with no articulation, it would be an unduly elongated feature with excessive horizontal massing. This would be the case despite the height of this flat roof part being relatively modest. There is a rear single storey addition at the attached dwelling. However, there is no evidence before me that this wraps around the entire side elevation of that part of the rear two storey projection at no. 37 and I was unable to check this at my site visit. In any event, this would not justify the substantial additional bulk and scale arising from the cumulative impact of the different parts of the proposed development.
8. Unlike the relatively clean lines and simple form of the existing rear projection the development would give rise to this part of the dwelling having an unduly cluttered and complex appearance. The enlarged rear projection would be a disproportionately large, bulky and overly dominant feature. The existing rear projection is itself a fairly unusual presence in its rear garden environment by comparison to nearby buildings. However, in these circumstances, the proposed additions would result in a particularly abrupt contrast. Moreover, because of the gap to the neighbouring block of flats, the detrimental visual impact of the development would be readily apparent in views from the street in Lansdowne Avenue.

9. There is a Certificate of Lawfulness for a dormer addition to the side which would be larger than that now proposed. However, this could not be constructed in conjunction with the gabled addition forming part of the appeal scheme. Furthermore, unlike the latter it would not extend beyond the side wall of the rear projection at first floor level. The Appellant refers to consent existing for a single storey rear extension that would be 6m deep. However, I have not been provided with the full details to enable any meaningful comparison with the current proposal. In consequence, these matters lend no significant support to the appeal.
10. For the above reasons, it is concluded that the character and appearance of the host dwelling and locality would be harmed. There would be conflict with Core Strategy 2008, Core Policy 8 and The Local Plan for Slough 2004, Policies EN1, EN2 and H15. Taken together and among other things, these are concerned with proposals achieving an attractive and high quality of design, while being compatible with the original structure and their surroundings in respect of visual impact, proportions, scale, bulk and massing.
11. The depth of the single storey extension beyond the end of the rear projection would exceed the maximum dimension given in the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD). Nevertheless, even if it was considered acceptable in this regard, the wraparound nature of the overall ground floor addition would result in it not being subordinate to and in proportion with the original house. As with the other additions proposed, it would therefore conflict with this guidance in the SPD.
12. In the National Planning Policy Framework it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
13. It is acknowledged that the living conditions of the occupiers of adjacent dwellings would not be adversely affected and the proposal is also acceptable with regard to the effect on car parking and amenity space. However, the lack of harm in these respects are neutral factors that weigh neither for nor against the development.
14. The single storey rear outbuilding would not have any detrimental impact and the Council has raised no objection in relation to this part of the overall scheme. Moreover, it can be constructed independently of the rear additions so that a split decision is appropriate. The appeal therefore succeeds but only in relation to the rear outbuilding.
15. The harm that would arise in relation to the remainder of the scheme provides a particularly compelling objection in respect of a fundamental planning consideration that is, in itself, sufficient reason to justify rejecting this aspect. Therefore, regardless of whether there would be an appropriate level of headroom in relation to bedroom four, which is disputed by the Appellant, it is determined, taking account of all other matters raised, that the appeal fails in respect of these parts of the proposal.
16. With respect to the outbuilding a condition specifying the approved drawings is needed to provide certainty. The facing materials should match those of the host dwelling to ensure an appropriate appearance. The elevation facing the

attached dwelling at no. 37 would abut the rear garden boundary. As a result, it is necessary to remove permitted development rights to insert windows in this elevation in order to protect the privacy of the adjacent occupiers. A condition requiring the outbuilding to be used for purposes ancillary to the use of the associated dwelling is justified for the avoidance of doubt. This would be sufficient to require an appropriate use of the building and I am not persuaded that it is necessary to refer to matters such as industrial or business use as the Council suggests.

M Evans

INSPECTOR



Appeal Decision

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/J0350/X/23/3321780

64 Upton Court Road, Slough SL3 7LZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Barjinder Grewal against the decision of Slough Borough Council.
 - The application ref P/03290/004, dated 26 September 2022, was refused by notice dated 13 December 2022.
 - The application was made under section 191(1)(b) of the Act.
 - The development for which an LDC is sought is side dormer.
-

Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing operation which is found to be lawful.

Applications for costs

2. An application for costs has been made by Mr Grewal against Slough Borough Council. The application is the subject of a separate decision.

Reasons

3. The main issue is whether the side dormer is development permitted under Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 GPDO). To satisfy criteria B.1(d)(ii) of Class B the cubic content of the resulting roof space of the dwelling must not exceed the cubic content of the original roof space by more than 50 cubic metres.
4. 64 Upton Court Road is a detached dwelling that has been extended pursuant to the grant of planning permission P/03290/002. A subsequent application for an LDC for a side dormer was refused because "...the proposal would not fall within the provisions of B.1(d), Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres...".
5. The side dormer that has been introduced on to the roof of the dwelling is significantly smaller than that for which an LDC was previously refused. The LDC application for the side dormer as now built was refused because, in brief, "...the building operations involved in the construction of the dwelling are unlawful, including the raised ridge height and eaves, first floor gable and the erection of the dormer". The LDC application was for a 'side dormer' and did not seek to establish the lawfulness of any other works.

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6. The Council has not submitted an appeal statement and are relying on their Officer's delegated report prepared at application stage. In the report the application is assessed against all the criteria of Class B. The operations were found to satisfy all criteria except for B.1(b), which requires the height of the dwelling, as a result of the works, not to exceed the height of the highest part of the existing roof. This can be set aside because the application did not seek to establish the lawfulness of any increase in the height of the roof of the dwelling.

7. The report assessed the side dormer against criteria B.1(d)(ii). The conclusion reached was that "The total difference between the original roof and existing roof with all additions including the dormer window is 35.4 cubic metres". On this basis the author of the report further concluded that the side dormer complies with criteria B.1(d)(ii) of Class B. There is good reason therefore, on the basis of the Council's own evidence, to conclude that the side dormer is development permitted under Class B of Part 1 of Schedule 2 of the 2015 GPDO.

8. In their response to the application for an award of costs the Council has stated that "...development cannot retrospectively be made permitted development". Development that is permitted under the provisions of the 2015 GPDO can be carried out without the grant of planning permission and without any need to obtain an LDC beforehand. A property owner who undertakes permitted development is entitled, at any time, to apply for an LDC to ascertain the lawfulness of the development they have carried out.

9. For the reasons given the Council's refusal to grant an LDC for 'side dormer' at 62 Upton Court Road, Slough was not well-founded and the appeal thus succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 26 September 2022 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are development permitted under Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed

John Braithwaite

Inspector

Date: 18 December 2023

Reference: APP/J0350/X/23/3321780

First Schedule

Side dormer

Second Schedule

Land at 64 Upton Court Road, Slough SL3 7LZ

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

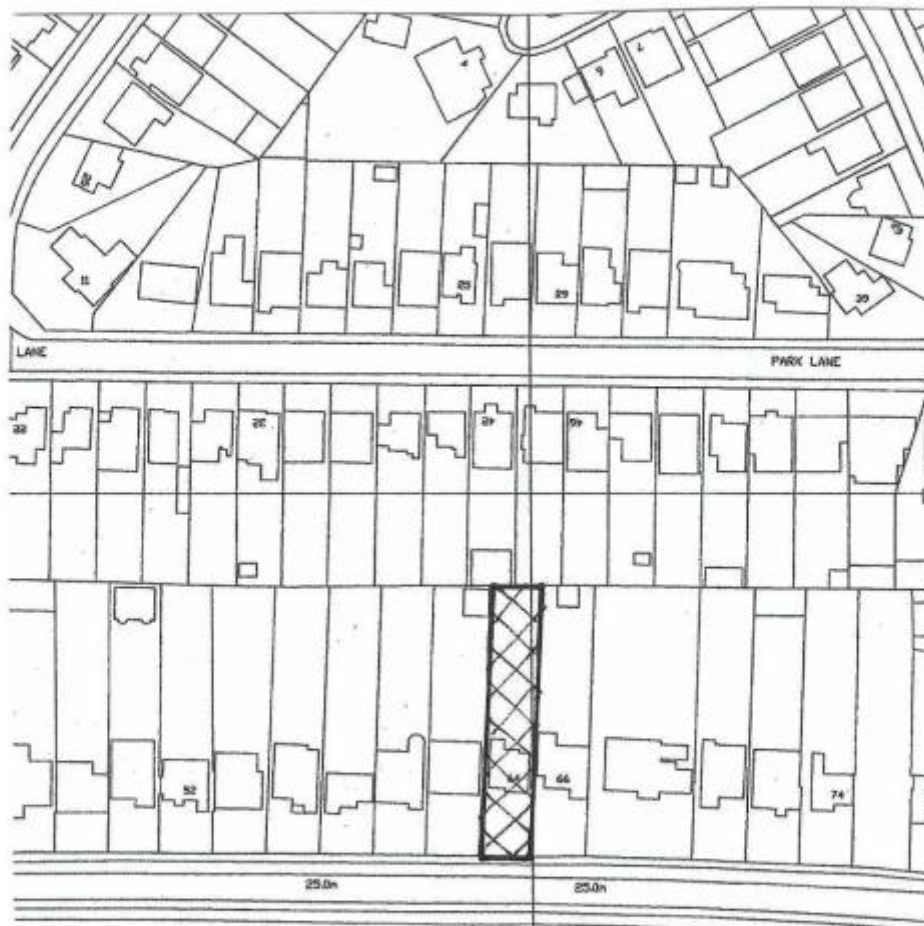
This is the plan referred to in the Lawful Development Certificate dated: 18 December 2023

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

Land at 64 Upton Court Road, Slough SL3 7LZ

Reference: APP/J0350/X/23/3321780

Scale: Not to Scale



MEMBERS' ATTENDANCE RECORD 2023/24
PLANNING COMMITTEE

COUNCILLOR	31/05 Cancelled	28/06	26/07	06/09 Extraordinary	27/09	25/10 Cancelled	29/11	20/12 Cancelled	31/01	28/02	27/03	24/04
Iftakhar		P	P	P	P		P					
Carter		Ap	P	P	P		P					
Mann		P	P	P	P		P					
Gahir		P	P	P	P		P					
Khawar		P	P	P	Ap		P					
Manku*		P	P									
Naveed		Ap	P	P	P		P					
Satti		Ap	P	P	P		P					
Stedmond*				P	Ap		P					

P = Present for whole meeting
 Ap = Apologies given

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

* Councillor Manku resigned from the committee and was replaced by Councillor Stedmond on 31st August 2023.

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