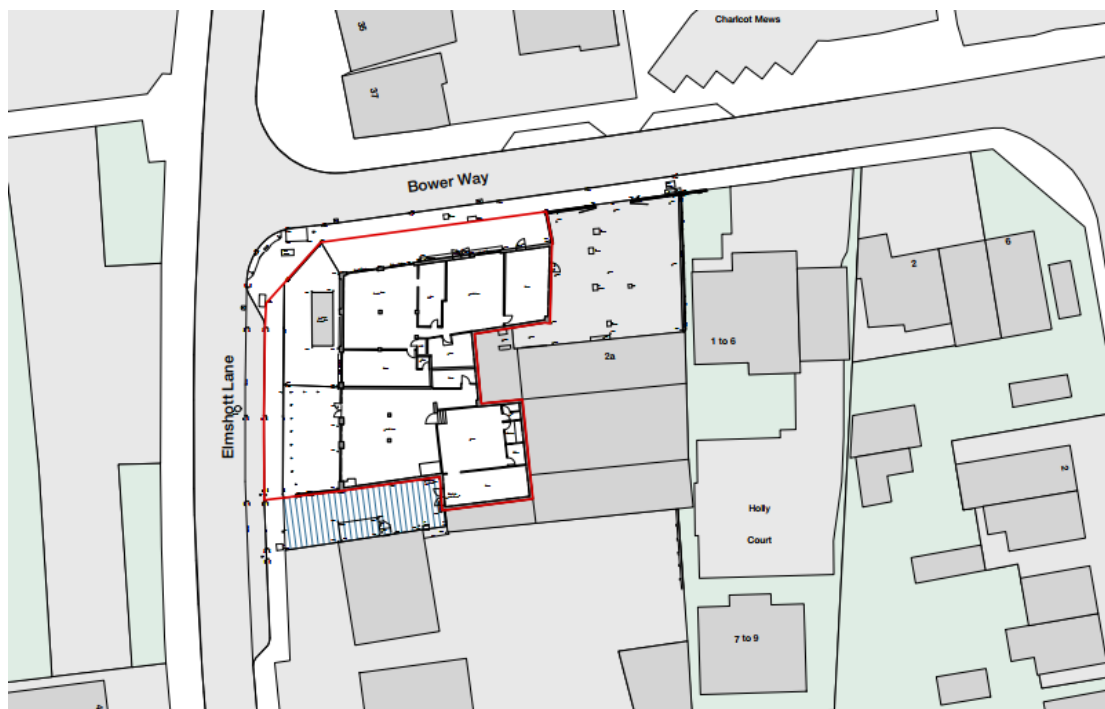


Registration Date:	12-Dec-2022	Application No:	P/00595/004
Officer:	Michael Scott	Ward:	Cippenham Green
Applicant:	Throgmorton Developments Limited	Application Type:	Major
		13 Week Date:	13 March 2023 [EoT 09 Feb 2024]
Agent:	Rolfe Judd Planning, Old Church Court, Claylands Road, Oval, London, SW8 1NZ		
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 15<sup>th</sup> 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 25<sup>th</sup> and 26<sup>th</sup> 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 25<sup>th</sup> January and 48 available spaces on 26<sup>th</sup> 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 considered 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
<b>A1 Shops</b>					
Car Spaces	Nil	Nil	Min. 1 to 30m <sup>2</sup>	Nil unless shortfall	Min 1 to 30m <sup>2</sup>
Lorry Spaces	c.o.m.*	c.o.m.	c.o.m.	c.o.m.	c.o.m.
Cycle spaces	Min. 1 to 125m <sup>2</sup>	Min. 1 to 125m <sup>2</sup>	Min. 1 to 125m <sup>2</sup>	Min. 1 to 125m <sup>2</sup>	Min. 1 to 125m <sup>2</sup>

<b>C3 Residential</b>					
<b>1-bed flat (all spaces assigned)</b>					
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*
<b>1-bed flat (one space assigned)</b>					
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*
<b>Town Centre Commercial Core Area</b>					
<b>1-bed flat (all spaces communal)</b>					
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*
<b>2 or 3-bed (communal)</b>					
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*
<b>2 or 3-bed (all spaces assigned)</b>					
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*

- 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 policies).

## 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](mailto: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](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://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](mailto:trade.effluent@thameswater.co.uk) . Application forms should be

completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

#### Water Comments

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

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.