

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."

7.7 Equality Act

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

7.8 Written Ministerial Statement (2021) – First Homes

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

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

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

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

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

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

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

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

7.10 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

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

7.11 Planning (Listed Buildings and Conservation Areas) Act 1990

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

8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

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

9.0 **Principle of Development**

9.1 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built-up area, predominately on previously developed land. The policy seeks to ensure high density housing

is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings.

- 9.2 Core Policy 4 again emphasises that high density housing should be located in the Town Centre area and that outside the Town Centre the development will be predominately family housing at a density related to the character of the area. In particular, in suburban residential areas, there will only be limited infilling consisting of family houses which are designed to enhance the distinctive suburban character and identity of the area. The site is not identified as a development site within the Slough Local Development Framework Site Allocation Document DPD.
- 9.3 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non family type housing to be located in the town centre or urban areas. As the site is located within the town centre and the proposal would be similar in scale and density to the surrounding buildings, the proposal for accords with these objectives
- 9.4 The existing site is currently used for retail purposes at ground floor (A1 Use Class) in two separate units with the first floor as ancillary space to the retail. There would be a minor loss in retail space at ground floor level to accommodate the access, parking, servicing and stairwell to the proposed flats. A further loss would also occur at first floor level as the storage space will be removed. As these would be relatively small areas compared to the existing floor areas, and the remaining floor space at each unit would still be large enough for the shops to continue their use, no objections are raised regarding the loss of retail space in this instance.
- 9.5 The previous planning permission is a material consideration which allowed for a higher density development than is being proposed in this scheme. The site benefits from an extant permission for 63 flats in a taller building and the report will demonstrate how this amended scheme has less of an impact than it the last proposal.
- 9.6 Having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site.

10.0 Supply of Housing

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

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

10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 43 residential units would make a contribution to the supply of housing, it is unclear as to how quickly the units could be built out which lessens the weight the units are afforded. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.

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

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

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

- 6no – Studio units
- 22no – 1 bed flats
- 14no – 2 bed flats

10.6 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance it is considered that a scheme to provide a mix of predominantly 1 and 2 bed units is not in line with Core Policy 4 which seeks out of town centre sites to comprise family housing. However it is closely located to the town centre and other services and a number of other high density schemes have been allowed and implemented in the area. The scheme proposes a majority of 1-bed or studio units which is an unfortunate housing mix proposal. While the housing mix would be more preferable to include an increased number of larger units, the town centre location is suited for smaller properties and no objection is raised. The housing mix as proposed will act to reduce the extent of positive weight that

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

11.0 Design and Impact on Appearance and Character of the area

- 11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.2 In terms of scale the principal block that fronts the High Street will extend to 5 storeys with the topmost floor set back from the front wall, effectively adding a further storey to the existing building. The height is an increase over the existing building and will sit taller than both buildings either side (the difference to the building to 186-188 High Street would be negligible from street level) however it would be comparable to the height of the approved development at the former BHS site. It would also be comparable to the height of the building opposite to the north that forms part of the Queensmere building.
- 11.3 The scale of the building would run consistently across the site. The southern part of the site would extend to 5 storeys, continuing the brick façade of the existing building with new openings created to the existing and proposed façade to serve the units. The scale of development is comparable to the area and would be lower than other consented development such as the BHS scheme to the east and is considered to be acceptable as a result.
- 11.4 In terms of detailing the proposed High Street elevation is considered to result in an enhancement to the site. The new façade would be more contemporary in appearance and moves away from the functional appearance of the existing building. The inclusion of a residential entrance to the front elevation reduces the extent of retail frontage at the site but it is not considered to do so to the extent that it would adversely affect the character of the High Street or the retail hierarchy. The development overall includes variety on the faces through window openings, terraces and balconies and with a high-quality palette of external materials, the detailing of the design can be considered to not harm the character and appearance of the area.
- 11.5 The scheme includes the provision of a rooftop garden area on which would be accessible for all residents. This is considered to be a positive aspect of the development as flat proposals in central locations often do not have communal amenity space due to site constraints but this scheme provides additional space for the benefit of residents.

- 11.6 On the basis of the considerations above the scheme is considered to be acceptable in light of policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF. The impact will be appropriately weighted as part of the planning balance.
- 12.0 Consideration on future development of surrounding land**
- 12.1 In considering the previous application, P/03079/017, concerns were raised over the nature of development and its impact on surrounding land in respect of future development.
- 12.2 The applicant undertook a massing assessment to demonstrate a possible development scenario for the land to the south and it showed that suitable distance can be achieved with a development that would front Park Street and Herschel Street. The details submitted were sufficient to placate the concerns raised and it is considered that a comprehensive redevelopment of the and to the south can be achieved if this development is permitted.
- 12.3 No such details have been provided with this current application but the considerations remain. The proposed development is lesser in scale than the extant scheme. It sits on the same footprint as the previous and has the same relationship with adjacent sites, albeit on a notably lesser scale. The reduced scale of this current application is considered to result in a reduced impact on the potential for redevelopment of neighbouring sites and no objections are raised as a result.
- 12.4 There are rear service areas to the east of the site, the rears of 194-198 High Street and 200-202 High Street. These areas are not considered to carry much potential for redevelopment of larger scale due to the locally listed nature of the buildings and there are no concerns with this relationship as a result.
- 13.0 Impact on neighbouring amenity**
- 13.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.
- 13.2 The existing building immediately west of the site provides new residential accommodation and would be impacted on by the proposal. It is in a 'c' shape as it allows for a small atrium style area which allows light to inwardly facing windows that serve bedrooms or non-habitable rooms of the adjacent units.
- 13.3 The applicant has submitted a daylight/sunlight assessment that considers the impact on these neighbouring windows. The report demonstrates that the development would still enable suitable light levels to be reached by the

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

- 13.4 There is a residential occupation to the west at what appears to be the rear of 202 High Street. The development would be visible from this property but given its scale and distance, it is not considered to have a significant adverse effect on amenity.
- 13.5 The development is not considered to be overbearing to any other neighbouring residents and the nature of the approved BHS redevelopment scheme is such that the scheme would not have any perceived adverse impact on those approved units either.
- 13.6 As a result of the above assessment, the proposal is considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan. This will be considered as part of the planning balance.

14.0 Living conditions for future occupiers of the development

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 14.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 14.3 It is noted that all the units meet and exceed the requirements of the national space standards for residential units which creates a good level of space for residents. All units are provided with their own terrace or balcony and the scheme also includes a rooftop garden which is accessible to all residents. This would provide soft and hard landscaping and provides private outdoor space for all residents.
- 14.4 Considerations were had to the outlooks that the proposed units would have. The southern facing units would have an outlook over the carpark and service yard associated with the units on Park Street although many are at a height that would view over this land. This is not an ideal outlook for potential residents however it is acknowledged that this is a relatively common scenario for town centre developments due to the wider range of uses in a closer relationship than sites outside of centres. While it is not ideal, the outlook from the proposed units is not considered to result in substandard living conditions for residents.
- 14.5 There are no concerns regarding daylight/sunlight provision to the proposed units with all properties considered to achieve suitable levels subject to the inclusion of a condition requiring a noise verification report to determine that levels have been achieved.

14.6 Based on the above considerations the proposal is considered to provide a suitable level of amenity for all occupiers of the development and the scheme is therefore acceptable in light of the goals of the NPPF, Core Policy 4 of Council's Core Strategy, and Policies EN1 and EN2 of the Adopted Local Plan.

15.0 Highways and Parking

15.1 The National Planning Policy Framework states that planning should seek to development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan policies T2 and T8. Paragraph 111 of the National Planning Policy Framework states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

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

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

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

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

15.6 Subject to conditions, the scheme is not considered to have an adverse impact on highway safety and convenience and the scheme is therefore considered to be acceptable in light of Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

16.0 Drainage

16.1 The site is located within flood zone 1 and therefore flood risk is minimal. The application is accompanied with a drainage strategy and we are awaiting comments from the Local Lead Flood Authority.

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

17.0 Landscape

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

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

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

18.0 Energy and Sustainability

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

18.2 The application included an energy and sustainability statement. The statement advises that with the inclusion of a number of sustainable technologies as part of the development the scheme can achieve a carbon saving of 15% relative to Part L of the Building Regulations and of that, a maximum of 9% will be achieved via PV panels.

18.3 This is considered to be acceptable in planning terms subject to a condition that would require development to be implemented in accordance with the proposals in the applicant's submitted statement.

19.0 Air Quality

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

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

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

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

20.0 Crime Prevention

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

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

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

21.0 Heritage

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

22.0 Affordable Housing and Infrastructure

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

Affordable Housing

The application proposes 46 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an

affordable housing requirement of 25% which equates to 12 units from this development.

Education

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

1-bed units – 28no x £903	= £25,284
2+-bed units – 14no x £4,828	= £67,592

Total = £92,876

Recreation/Open Space

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

Highways

A contribution is requested for £23,000 towards the implementation of the Council's Borough Wide Car Club.

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

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

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

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

22.8 In spite of the viability issues, the applicant has proposed a contribution of £25,000 towards off site affordable housing provision within the borough. This contribution is accepted and will be secured via S106. However it will not negate the need to include a viability review mechanism in as part of the S106 agreement that would allow two opportunities reappraise of the site in the future to determine if viability has changed and therefore obligations could be secured. The review mechanism was secured on the previous consent on this site.

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

23.0 Habitats Impacts

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

23.2 Paragraph 180 of the NPPF 2021 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Core Policy 9 of the Core Strategy relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.

23.3 Regulation 61 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), requires the local planning authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive

23.4 Evidence put forward within the Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019' recognises that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.

23.5 The site is located approximately 5.4 km (as the crow flies) from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.

23.6 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff based mitigation strategy for all new housing applications within 5.6km of the

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

- 23.7 The applicant has submitted a Habitat Regulations Assessment as part of the application. Natural England has considered the assessment but returned the view of an objection on the basis that the Council does not have an adopted mitigation strategy in place. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park. The applicant has agreed to pay this fee which amounts to a total of £26,220 and it can be secured through Section 106 agreement. The contribution is considered to be a benefit that can be given moderate positive weight due to the payment being a legislative requirement and the concerns of Natural England are considered to be addressed as a result.

24.0 Neighbour Representations

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

25.0 Equalities Considerations

- 25.1 The Council is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.
- 25.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 25.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.

- 25.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.
- 25.5 Throughout this report, regard has been had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 25.6 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings and none have been proposed. Access from the public footway to the building is considered appropriate and units can be safely access directly from the disabled parking spaces at the rear via a lift.
- 25.7 In relation to the car parking provisions, 2no spaces proposed as disabled spaces and should be allocated for those requiring an accessible space which is considered appropriate.
- 25.8 It is considered that there would be temporary (but limited) adverse impacts upon all individuals with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction would have the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This could be secured by condition should the scheme be acceptable.
- 25.9 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.
- 26.0 Presumption in favour of sustainable development**
- 26.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means

that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

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

- The provision of 46 residential units in a sustainable location should be given positive weight although this weight is reduced through an unfortunate housing mix proposing a heavy reliance on 1 bed units which does not accord with the Council's recommended housing mix. It is recommended that this benefit be given considerable positive weight.
- As confirmed through viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. An offer of £25,000 towards off site provision is accepted and can be afforded limited positive weight.
- No other infrastructure contributions are secured from the development. While this is not an adverse impact, it is not one that is considered to be positive either.
- The mitigation payment towards Upton Court Park improvements is a positive aspect that can be given moderate weight due to the payment being a legislative requirement.
- The shortfall of parking provision is considered to be a neutral impact. The provision of disabled parking at the site should be afforded moderate positive weight.
- The impact on habitats is noted as being significant but mitigation proposals have been agreed with and therefore this is considered to be a neutral impact.
- The impact on the setting of non-designated heritage assets is considered to be a neutral impact.

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

27.0 PART C: RECOMMENDATION

27.1 Having considered the relevant policies set out above, comments from consultees as well as all relevant material considerations it is recommended the application be delegated to the planning manager for approval subject to the completion of a S106 agreement to secure habitat mitigation contributions and a viability review mechanism and the following conditions:

28.0 PART D: CONDITIONS**28.1 CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Prior to the commencement of any above ground works, details of all facing materials, including render colours, glazed facades, timber louvres and metal framework framing to be used on the relevant block on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be displayed on site for inspection prior to works commencing on the relevant

part of the development. No part of the development shall be used or occupied prior to the implementation of the approved details. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2021).

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

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

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

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

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

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

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

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

7. No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

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

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

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

9. No development shall begin until details of a scheme (Construction and Environmental Management Plan) to control the environmental effects of

construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations

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

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

10. Prior to the occupation of any residential unit hereby approved, details of the proposed system of Mechanical Filtered Ventilation (including proposals for overheating mitigation) within each flat shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in full accordance with the approved details prior first occupation and retained as such at all times in the future. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

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

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

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

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

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

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

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

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

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

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

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

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

15. The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy Statement produced by Ensphere, reference 20-E110-004 dated April 2022 unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To ensure that the development provides sustainable energy benefits to the development in the interests of Policy 8 of the Core Strategy 2006 - 2026.

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

and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

22. None of the residential units hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Specifications of the proposed windows and glazed door installations. The details shall demonstrate that the proposed windows/glazed doors ensure that internal noise levels in line with BS8233:2014 are not exceeded

b) Details of the proposed mechanical ventilation including details of ventilation noise outputs along with a noise assessment in accordance with any mitigation in accordance with ProPG: Planning and Noise Guidance and BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.

c) If the proposed system of ventilation does not include temperature control, an overheating assessment must be submitted that sets out specific mitigation measures to ensure residents will not be subject to overheating in the residential units hereby approved.

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

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

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

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

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

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

REASON: To ensure vehicle parking is provided and encourage up-take of electric vehicle use, in accordance with Policy T2 of the Adopted Local Plan (2004), Policies 7 and 8 of the Core Strategy 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2021.

25. Permitted Development Restricted

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

Reason: To restrict and limit the loss of retail, shopping, food and drink and other commercial and office uses within the Town Centre in order to protect and safeguard the Town Centre Primary Shopping Area and Secondary Shopping Areas, to promote employment uses within the Town Centre, and to ensure the additional impact on socio-economic infrastructure (education, healthcare, leisure, community uses and facilities) is minimised (in accordance with the Environmental Statement) in accordance with policies EMP2 and OSC15 of The Adopted Local Plan for Slough 2004, Core Policies 1, 5 and 6 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2021).

INFORMATIVE(S):

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

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

No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.

