

Registration Date:	15-Feb-2023	Application No:	P/20153/000
Officer:	Alex Harrison	Ward:	
Applicant:	Chris Connaught House (Slough) Limited (CHSL) and Oxford House (Slough) Limited (OHSL)	Application Type:	Major
		13 Week Date:	17 May 2023
Agent:	Chris Brown, Rolfe Judd Planning Rolfe Judd Planning, Old Church Court, Claylands Road, Oval, London, SW8 1NZ		
Location:	46-56, High Street, Slough, SL1 1EL		
Proposal:	Demolition and construction of an 8-storey mixed-use development comprising flexible retail (class E) and residential (Class C3) use with associated communal terraces, cycle parking, accessible car parking and waste storage		

Recommendation: Delegate to Planning Manager to approve



1.0 SUMMARY OF RECOMMENDATION

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

A. Approval subject to:

- (i) The satisfactory completion of a Section 106 Agreement to secure affordable housing, and infrastructure contributions, a viability review mechanism and highway works, including clarification and conclusion of adoption discussions relating to the unadopted part of Burlington Avenue.
- (ii) The satisfactory acceptance of Natural England over habitat impacts and mitigation.
- (iii) Finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 January 2024 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

1.2 The proposals comprise a major planning application; therefore the development is required to be determined by Slough Borough Council Planning Committee.

PART A: BACKGROUND

2.0 Proposal

2.1 The application seeks full planning permission for the demolition of the existing buildings on site and the redevelopment to provide a new single building that provides 390sq.m of commercial floorspace which is subdivided into 4no units and 104 residential units. The building will range between 6 and 8 storeys in scale.

2.2 Accommodation will be provided in the following housing mix:

- 33no – 1 bed flats
- 69no – 2 bed flats
- 2no – 3 bed flats.

The proposed commercial floorspace would be occupied by Class E uses which is defined as:

Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes—

- a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- c) *for the provision of the following kinds of services principally to visiting members of the public—*
 - i. *financial services,*
 - ii. *professional services (other than health or medical services),*
or
 - iii. *any other services which it is appropriate to provide in a commercial, business or service locality,*
- d) *for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- e) *for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- f) *for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- g) *for—*
 - i. *an office to carry out any operational or administrative functions,*
 - ii. *the research and development of products or processes, or*
 - iii. *(iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

2.3 The proposed building will be between 6-8 storeys and will effectively occupy the entire footprint of the site. The Building is proposed to be finished in predominantly brickwork with variations in materials proposed. Soft landscaping is provided through plants and communal garden areas.

2.4 Vehicle access to the site is gained via Burlington Avenue to a car park that provides 19 parking space, 5 of which are accessible. Pedestrian access to the commercial units are provided via the High Street and Burlington Avenue and pedestrian access to the residential units is also of Burlington Avenue through 2 entrance cores. The site will be serviced from Burlington Avenue with a new layby proposed for service vehicles and bins are located in a communal arrangement that can be accessed from the layby.

2.5 The application was originally submitted with the following technical content:

- Planning Statement
- Daylight/Sunlight Report
- Statement of Community Involvement
- Design and Access Statement
- Townscape and Visual Appraisal

- Energy Statement
- Overheating Statement
- Surface Water Drainage Strategy
- Transport Assessment
- Travel Plan
- Pedestrian Level Wind Desk-Based Assessment
- Preliminary Roost Assessment
- Landscape Concept Drawings
- Noise Assessment
- Air Quality Assessment
- Concept Fire Strategy
- Gateway 1 Fire Statement
- Phase 1 Desk Study for ground conditions
- Viability Assessment

Since first submission, the plans have been amended to accommodate comments relating to Fire Safety and the following additional reports were received:

- Amended Fire Safety Assessment
- Habitat Regulations Screening Assessment
- Amended Microclimate Study

2.6 The development proposed at this site has been subject to lengthy pre-application discussions with the applicant and the application is brought to the Committee under a Planning Performance Agreement that has committed the Council and applicant to pro-active working and a timely management and consideration of the application.

3.0 Application Site

3.1 The application site is 46-56 High Street, a site that comprises two plots with two principal buildings that front the high Street to the north and had Burlington Road running down the west side. . At ground floor level the building house 4-5 commercial units. The 2 buildings vary between 3 and 4 storeys with the upper floors all having commercial uses. Generally, the buildings themselves are faced in a mixture of facing brick and concrete.

3.2 The application site lies within the designated town centre. The character of the area on this part of the High Street is sees a mix of building forms and scale, ranging from 3 to 7 storeys. To the east of the site is the recently completed Moxy Slough development which tops 9-10 storeys.

3.3 To the immediate east of the site is a 3 storey terrace building providing shops at ground floor level with what appears to be a mix of commercial and residential uses on the floors above. To the west is an office building on the other side of Burlington Road with a development of flats beyond that. To the south is a residential area with 2-3 storeys being the prominent scale of

development. To the north is Cornwall House which is a former commercial building converted to residential units.

3.4 The site lies in the designated Town Centre and in Flood Zone 1.

4.0 Site History

4.1 There is no planning history of relevance on this site.

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

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

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

5.0 Neighbour Notification

5.1 Due to the development being a major application, in accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), site notices were displayed outside the site on 21/02/2023. The application was advertised in the 24/02/2023 edition of The Slough Express.

5.2 3 letters from neighbouring parties have been received raising the following comments pertaining to this application:

- Parking and congestion problems on the High Street and wider area, resulting in bad habits - blocking access roads, pavement parking, parking in traffic flow.
- No significant official space for deliveries to the flats/shops.
- Unless traffic flow is addressed and current behaviours then the additional flats will add to existing problems.
- Traffic going east and west on to the A4 from Windsor Road turns left down the narrow High Street causing congestion. Could William Street, be altered so that traffic could turn east/west directly onto the A4.

- High Street could be pedestrianised - cars access only, change of layout would improve area - allow for some outside spaces on the new pavements outside retail units under Novus.
- An 8 storey building will block light to Flat 21 Cornwall House, causing the property to be in shadow for the majority of the day until late evening. The flat's windows are tinted so the light level is already restricted.
- Concerns over the level of obstruction and noise to users of Regal Court.

6.0 Consultations

6.1 Highways and Transport

Vehicle and Pedestrian Access

The NPPF Para 110 and 112 requires that applications for new development ensure: *'Safe and suitable access to the site can be achieved for all users and 'create places which minimise scope for conflicts between pedestrians, cyclists and vehicles'*.

SBC Highways and Transport have no objection to the proposed development subject to agreement of a Section 106 contribution to allow improvements to the highway.

SBC require the applicant to provide a Section 106 contribution of £25,000 towards the adoption of the private access road adjacent to the site's western boundary. The contribution will guarantee long term maintenance of the road and ensure residents, refuse vehicles and delivery vehicles will be able to egress the development for the perpetuity of its operation. The amendment of the kerbline is also required to allow a refuse vehicle to egress the site without crossing the kerb.

The site forms a boundary with a small section of public highway on Burlington Road which is one-way. However, to exit the site residents and employees pass over a private road to join Slough High Street and therefore the contribution is required to ensure the road does not fall into disrepair.

SBC also require provision of a speed bump to reduce vehicle speeds on approach to the site access given the visibility of oncoming vehicles is restricted by the wall for Regal Court (visibility has not been drawn to the nearside kerb by the agent).

The access is wide enough for two vehicles to pass each other and the gate is setback 5m from the back of the footway to allow vehicles to wait clear of the highway. Swept path analysis demonstrates a large estate car 4.85m long can enter and exit the development; with suitable turning space provided inside the development.

The proposed development offers an on-street loading bay which will ensure delivery vans do not need to enter the site and land for a new footway along the eastern side of Burlington Road providing an improved pedestrian route between Burlington Road and Slough High Street.

Section 38 Agreement

SBC Highways and Transport require the developer to enter into a Section 38 agreement for the adoption as public highway of the new footway, streetlighting and loading bay proposed on the site's western boundary.

Section 106 Contributions

SBC require the following Section 106 contributions towards transport improvements:

- £30,000 towards the creation of Slough's Car Club scheme;
- £25,000 towards the adoption and upgrade of the private road;
- £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
- £3,000 towards Travel Plan Monitoring

Deliveries and Servicing

SBC Highways and Transport are satisfied that deliveries and servicing can be completed under the proposed arrangements.

An on-street loading bay is proposed on the eastern side of Burlington Road which measures 16 – 20m in length. The Transport report includes swept path analysis which demonstrates that a 10m rigid truck and refuse lorry can ingress the loading bay but may mount the kerb on egress from the loading bay.

Therefore, minor amendment of the kerblines on the private access road will be made to ensure vehicles do not mount the kerb and can pass with 300mm clearance. The amendment will be made using the Section 106 contribution from the applicant.

Car Parking

SBC Highways and Transport have no objection to 20 car parking spaces proposed on site and do not expect there to be parking overspill onto the surrounding roads.

Slough's Car Parking Standards allow Nil Car Parking Provision within the defined Town Centre Area, with the Slough Core Strategy and Slough Local Plan stating that: *'Maximum restraint will be applied to parking for residential schemes in the town centre'* and *'Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems,*

protect the amenities of adjoining residents, and not result in and adverse visual impact upon the environment’.

The applicant has agreed to allocate 12 car parking spaces to the proposed dwellings and 8 to the 4 proposed retail units which will be used solely by staff. The provision of 12 parking spaces for 104 dwellings is equivalent to a ratio of 0.11 car parking spaces per dwelling.

There is no likelihood of car parking overspill onto roads surrounding the development which are subject to double yellow parking restrictions preventing car parking 24 hours a day. The town centre is subject to regular patrols by Slough’s Parking Enforcement officers.

Visitor car parking can be accommodated in pay and display parking bays along the site frontage and within nearby public car parks on Burlington Road, Buckingham Gardens and Herschel Street.

Access by Sustainable Travel Modes

There is high potential for residents to travel by walking, cycling and public transport. The site is located 350m (5 minutes’ walk) from the centre of Slough High Street, 550m from Slough Railway Station (7 minutes’ walk) and 600m from Tesco Extra.

There are 6 trains per hour to London Paddington and Reading during the AM Peak and PM Peak Hours. Residents can reach Reading in 25 minutes, Paddington in 35 minutes and Canary Wharf in 49 minutes train journey.

The Library Bus Stops (E and F) are 100m (1 minute walk) from the site. Bus Services No. 4, 5, 6, 83, 103, X74 and 6 offer services to Heathrow, High Wycombe, Hedgerley, Maidenhead, Wexham Court and Cippenham.

A walking distance of 200m to bus stops within town centres is deemed a reasonable walking distance by the Chartered Institute of Highways and Transport (CIHT) within their document: *‘Planning for Walking and Cycling, 2015’*.

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

Trip Generation

The NPPF Paragraph 111 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.

The Transport Assessment forecasts trip generation from the proposed development. During the peak hour, the development is forecast to generate 12 single occupancy car trips, 62 walking trips, 44 bus trips, 44 rail trips, and 12 bike trips.

SBC Highways and Transport do not expect the proposed development to have a noticeable impact on the capacity of the surrounding road network.

Travel Plan

As previously requested, SBC require amendment of the Travel Plan to state that a TRICS SAM survey will be completed 1 year after first occupation of the development. The results of the Travel survey should be uploaded to the TRICS database.

This is required to ensure effective monitoring of Travel Plan progress and the effectiveness of low car parking provision in this location. Monitoring is important to allow introduction of other Travel Plan measures.

Electric Vehicle Parking

The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking. The National Planning Policy Framework Paragraph 112 requires applications for development to: *'Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations'*.

In addition, updated UK Building Regulations came into effect on 15th June 2022 which require the provision of an Electric Vehicle Charging Point for each new dwelling.

Cycle Parking

SBC have no objection to the proposed cycle stores. The cycle stores proposed on site include 117 cycle parking racks with 111 cycle parking spaces for residential dwellings and 6 cycle parking spaces for the commercial units.

The Slough Developers' Guide – Part 3: Highways and Transport (2008) requires the provision of 1 secure and covered cycle parking space per dwelling to encourage the uptake of cycling within the borough. The developers guide requires visitor cycle parking for flatted developments of more than 10 dwellings.

Summary and Conclusions

I can confirm that I have no objection to the proposed development on highways and transport grounds. I would recommend that planning permission is subject to conditions

6.2 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 following planning conditions are included as set out below, 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.

Condition

Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be 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 NPPF 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.

Condition

No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been 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.

Condition

No Occupation 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, Ref. P/20153/000(006) SURFACE WATER 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

6.3 Thames Water

Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning

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

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

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. 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. Piling has the potential to impact on local underground water 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

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

6.4 Environmental Quality

Air Quality Comments

An air quality assessment has been prepared by NRG Consulting in support of this application.

The introduction describes the scope of the assessment. It is noted that only NO₂ and PM₁₀ have been modelled, and impacts of PM_{2.5} have been omitted. Although it is unlikely that PM_{2.5} air quality guidelines will be exceeded as a result of this development, the resultant contribution should have been considered due to the associated health impacts. It is noted however that sustainable practices such as the use of air source heat pumps in place of gas fuelled boilers is likely to result in reduced PM_{2.5} emissions.

The report explains that short-term impacts of NO₂ and PM₁₀ emissions have not been modelled. This is accepted on the basis that annual mean concentrations do not exceed 60ug/m³, which is typically used as an indicator of short term exceedances.

Sections 2 and 3 provide a summary of the pollutants considered and associated legislation, policy and guidance. There is no mention of Slough's Low Emission Strategy in this section. The Slough Low Emission Strategy should be referred to when discussing impact and mitigation, as there are certain triggers for the implementation of specific mitigation. For example, due to the proximity of this scheme to the Town Centre AQMA (AQMA) and exceeding the number of units which trigger the need for a Transport Assessment, this development would be considered a major scheme and would need to provide Type 1, 2 and 3 mitigation in line with the Strategy.

The following section provides a summary of the assessment methodology, starting with the operational phase traffic emissions. Considering that the scheme involves the demolition of the existing buildings and construction of a large scale development, it is very likely that dust impacts will arise if not adequately mitigated. This should have been assessed in the report, with mitigation measures suggested to reduce the dust impacts. Nevertheless, it is likely that any dust impacts arising from the proposed development can be mitigated through implementation of measures outlined within IAQM guidance, represented within a Construction Environmental Management Plan. A full dust assessment and CEMP will be required via condition.

In regards to the operational methodology, the detail provided is acceptable. Information has been provided on the scenarios to be modelled, the model choice and justification, and the use of 2019 emission factors to support a worst case scenario. Consideration has also been given to the Covid-19 impact on background concentrations, and a model verification exercise has been completed. When discussing significance, the report makes reference to the Air Pollution Exposure Criteria (APEC), which provides A, B or C categories to describe a developments impact on air quality and provides a recommendation for each.

The above methodology is used in the next section which provides the resultant impact of vehicle emissions on NO₂ and PM₁₀. Table 9 shows predicted NO₂ concentrations in 2021 and 2026, however it is not clear what the columns labelled as 1st, 2nd and 3rd for each year represent. Nevertheless, the highest concentration of NO₂ is in 2026, at 34.61ug/m³. As this is below the air quality objective of 40ug/m³, and does not fall within 10% of the air quality objective, this is not considered to be a significant impact. The report however states that the annual mean objective would be breached at all of the facades of the location, at each floor, and every receptor would be categorised as APEC-C categorisation, which recommends refusal on air quality grounds. This conflicts with the information provided in Table 9 and is clearly an error.

Table 10 shows PM₁₀ concentrations in 2021 and 2026. Similarly to above, this is subdivided into 1st 2nd and 3rd concentrations however there is no information provided to explain what this represents. Nevertheless, concentrations are considerably lower than the objective level and therefore impact is expected to be low.

The assessment report concludes that for both NO₂ and PM₁₀, the ADMS predictions for annual mean concentrations in 2021 and 2026 would not exceed air quality objectives along any of the facades of the new development and concentrations at receptors fall within APEC Category A. As a result, the report states that there is no need to consider building mitigation. This does not align with the requirements of the Low Emission Strategy.

In line with the Slough Low Emission Strategy, the scheme is considered to have a medium impact on air quality. As such, the scheme requires the integration of Type 1 and 2 Mitigation measures, contained in the LES Planning Guidance and replicated below:

Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. Electric vehicle charging points should be provided for 10% of parking spaces (2 spaces) and provide passive provision for the remaining spaces.
- A full dust impact assessment must be completed. The required mitigation to control dust must be included within a Construction Environmental Management Plan (CEMP) which shall be produced and submitted to SBC for approval prior to commencement of works. The CEMP must also provide details of noise control.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report
- As stated in the Transport Assessment, one car club space should be provided with the development. The second car club space should be provided within 5 years of the scheme opening. The first occupants of the development will be provided with 3-years Car Club membership. The car club should have access to electric vehicle charging to support the Slough Car Club programme.

Environmental Noise Comments

An environmental noise assessment has been prepared by NRG Consulting in support of this application. The assessment aims to determine the suitability of the site for residential development, informed by a noise monitoring survey completed on 18th and 19th October 2022, with MP1 representing noise on the northern façade (12m above ground level), and MP2 presenting noise on the south/west facades (4m above ground level). The dominant noise sources audible on site include road traffic noise

from Wellington Street and the High Street, and other nearby smaller roads, in addition to overhead aircraft noise.

The assessment considers the impact of existing road traffic noise on the proposed development, but has not considered potential noise impacts arising from the commercial uses, or the impact of the construction phase on nearby noise sensitive receptors. Once the commercial element has been confirmed, an additional assessment may be necessary dependent on the proposed use. Prior to commencement of the development, a construction noise assessment should be completed to determine suitable mitigation to reduce noise levels at nearby residential receptors.

Results

The assessment has been completed in reference to BS8233 when discussing internal noise levels, and BS4142 when discussing plant noise. This methodology is accepted. The table below summarises the results of the assessment:

Measurement Position	Period	Noise Level, dB			
		L _{Aeq,T}	L _{Amax}	L _{A10}	L _{A90}
MP1	Day 07:00 – 23:00	65	85	65	58*
	Night 23:00 - 07:00	58	77	60	43*
MP2	Day 07:00 – 23:00	58	80	59	51*
	Night 23:00 - 07:00	52	73	52	42*

* Typical Background Sound Level – Calculated from Statistical Analysis. See Appendix B.

The results indicate that the required sound level difference at MP1 and MP2 is 32dB and 28dB, respectively. This sound reduction level would ensure that L_{Amax} noise levels are reduced to meet the BS8233 limit to not exceed 45dB 10-15 times per night. However, it is not clear whether lower floors (below the 12m measuring point) would require stronger mitigation due to being closer to the noise source. This clarification is required from the applicant.

Mitigation

On the basis that the noise levels recorded at MP1 are representative of the whole northern façade, the minimum glazing requirements outlined within Table 7 of the report would be acceptable. The chosen ventilation and glazing specifications chosen for the development should be supplied to the LPA, secured via condition.

In regards to external amenity, the measured noise levels indicate that the external noise levels will exceed the upper guideline provided within BS8233. To mitigate this, the applicant has incorporated noise reduction measures to balcony areas, such as solid balustrades installed along the balcony front creating partial screening, and use of winter balcony screens for those which overlook the High Street. It is expected that this mitigation would reduce noise levels by 5-10dB. It is likely that some balconies will still exceed external amenity guideline noise levels, however it is acknowledged

that there are other external amenity areas (rear roof terrace) that provide lower noise level and balconies can be used at the occupants discretion.

Additional Noise Sources

The proposal is expected to include air source heat pumps at roof level, and plant on the ground floor, however details on plant type and quantity is not yet available. To control plant noise, a plant noise limit will be set via condition. The report suggests a plant noise limit based on the background noise levels obtained at measurement location MP2 which is considered adequate to represent the nearby identified receptors. The suggested plant noise limit is 10dB below background during the day and night at 41dB and 32dB respectively, to ensure that the risk of noise creep can be reduced and ensures character corrections can be taken into account. This approach is accepted and these specific limits will be set via condition.

Summary

To conclude, the noise assessment adequately demonstrates that noise can be controlled on site and the development proposal should not be refused on noise grounds. To ensure that the development is acceptable in terms of noise, the following clarification needs to be addressed, and conditions attached to the permission.

6.5 Contaminated Land Officer

No comments received

6.6 Crime Prevention Design Advisor

No comments received.

6.7 Natural England

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

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

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

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

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

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

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

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

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

A mitigation strategy or equivalent will be required for Slough to avoid adverse impacts at the SAC. We advise the strategy should build upon the plans for creation and enhancement of habitats and facilities at Upton Court Park, providing an alternative open space of Suitable Alternative Natural Greenspace (SANG) quality that will draw visitors reducing the recreational impact upon the Beeches.

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

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

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it Page 3 of 6 and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

6.8 HSE Fire Safety

Drawings for the upper and lower ground floor levels show stair cores A and B, being the only escape route from a flat connect with ancillary accommodation including places of special fire hazard, such as a covered car park, plant rooms and cycle stores (likely to contain lithium-Ion batteries).

The cited fire safety standard states that where a staircase forms part of the only escape route from a flat, it should not also serve any covered car park, boiler room fuel storage space or other ancillary accommodation of similar fire risk. Resolving this issue is likely to affect land use planning considerations such as the design, layout and appearance of the development.

Following the submission of amended plans

No issues raised.

7.0 **Policy Background**

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current version of the National Planning Policy Framework (NPPF) was published on 20th July 2021. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant paragraphs of the NPPF are outlined below. However, before doing so officers first identify the relevant policies in the Development Plan which is the starting-point of an assessment of the application consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

The National Planning Policy Framework 2021 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2021, the Local Planning Authority can not demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the distribution of housing, regard will be given to the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law.

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

- Limited
- Moderate
- Considerable
- Substantial

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

7.2 National Planning Policy Framework 2021:

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

Slough Local Development Framework Core Strategy 2006-2026

Development Plan Document policies, December 2008:

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

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

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

Other Relevant Documents/Statements

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

7.3 Emerging Preferred Spatial Strategy for the Local Plan for Slough

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

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

7.4 National Planning Practice Guidance (NPPG)

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

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

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

7.6 The Proposed Spatial Strategy (Nov 2020)

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

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

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future.

Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues.

7.7 Equality Act

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

7.8 Written Ministerial Statement (2021) – First Homes

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

Specifically, First Homes are discounted market sale units which:

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

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

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

permission where there has been significant pre-application engagement which are determined before 28 March 2022.

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

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

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

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

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

7.10 Buckinghamshire SPD Burnham Beeches Special Area of Conservation

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

7.11 Planning (Listed Buildings and Conservation Areas) Act 1990

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

8.0 Planning Considerations

8.1 The planning considerations for this proposal are:

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

9.0 Principle of Development

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

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

- 9.3 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non family type housing to be located in the town centre or urban areas. As the site is located within the town centre and the proposal would be similar in scale and density to the surrounding buildings, the proposal for accords with these objectives.
- 9.4 The site is located within the designated town centre and is in a central location close to existing shops, services and transport links. It is not currently in residential use but it is considered a suitable location for a higher density development in accordance with Core Policy 4. The application description does not specify a number of residential units but the scheme proposes 104. The applicant refused to include the number of units in the description of development and therefore it would be necessary to limit the number of units through condition.
- 9.5 The proposal does result in a loss of existing commercial floorspace which comprises a mix of retail and office space. The proposal does propose retail units to the ground floor frontage onto the High Street which is considered acceptable in this central location. The size of the units is reflective of the nature of small units that currently form the run of commercial units to the immediate east of the application site.
- 9.6 On the basis of the above, having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site.

10.0 Supply of Housing

- 10.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.
- 10.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the period between 2020 and 2041. The Council's objectively assessed local housing need (as at April 2022) is 847 dwellings per annum. This equates to a figure of about 18,000 new homes over the plan period in order to ensure local housing need is met.
- 10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 104 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:

- 33no – 1 bed flats
- 69no – 2 bed flats
- 2no – 3 bed flats.

- 10.6 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance it is considered that a scheme to provide a mix of predominantly 1 and 2 bed units is not in line with Core Policy 4 which seeks out of town centre sites to comprise family housing. However it is closely located to the town centre and other services and a number of other high density schemes have been allowed and implemented in the area. The scheme proposes a majority of 2-bed units which would be a preferred arrangement for a scheme that proposes smaller units in general. The scheme also includes the provision of 2no 3-bed units which is considered beneficial While the housing mix would be improved with the inclusion of larger units, the town centre location is suited for smaller properties and no objection is raised.

11.0 Design and Impact on Appearance and Character of the area

- 11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.2 The existing scale of development at the site shows a maximum of 4 storeys at the High Street Frontage. The scale of development within the immediate context of the site ranges from between 2 and 8 storeys and the wider context rises further to 10 storeys with The Moxy (to the northeast)

being a point of reference here. The redevelopment of the site will result in a larger scale of building that varies between 6 and 8 storeys. The footprint of the development occupies the full application site which also results in a significant increase in bulk and massing of built form on the site. The applicant has been engaged with the Council with numerous pre-application proposals that have seen alterations made to the scale, mass and bulk of the scheme. Officers previously raised concerns over early iterations due to there not being appropriate considerations to the lower scale elements of the streetscene in this location and the overall highest of development not reflective of the character of the area.

- 11.3 The scale and bulk of the application proposal is considered to have taken account of Officer feedback at the pre-application stage. The High Street elevation shows the scheme has incorporated a 'step' in scale that shows a rise from the 3 storey scale to the east up to the larger scale to the west. It also ensures there is no stark jump in building scales in the streetscene. The design also incorporates set backs at the upper floor levels to reduce the extent of scale and bulk from the High Street. In spite of being 8 storeys which is the same as Mosaic House to the west, the overall height of the building is taller than this due to increased floor to ceiling heights within the development proposed and the building sits higher than its neighbours as a result. The application is accompanied with a townscape assessment that considers the impact of the overall scale on the area. The incorporation of set backs at the upper floors and variations in external materials means that the proposed development is unlikely to be overly out of scale in the area. From the public realm, at street level around the site the top most floor of the building would not be visible in the immediate vicinity of the site and would not be prominent from further afield. Longer views would be seen in the context of larger buildings and would not be out of character.
- 11.4 When viewed from the south the context of the area changes to one of suburban character rather than town centre. The proposal would represent a notable increase in built form however it would be viewed in context with existing building and, while bringing bulk closer to these low scaled dwelling, would not result in an adverse impact on its character. The scheme also incorporates a step down to the south to aid the transition. As a result the proposed scale and bulk of the development are not considered to have an adverse impact on the character of the area.
- 11.5 The proposed scheme retains the ground floor frontage of the site and provides a consistent form to the development. As the proposal turns into Burlington Avenue a new frontage is created to serve the proposed residential use. The frontage incorporates a new footway and service layby and this is considered to contribute positively to the character of the area. Burlington Avenue is a well-used route for pedestrians in the town and the proposed scheme will enhance this area. The scheme has evolved to amend the service areas and include planting and detailing that generates visual interest and the resultant impact is considered to be acceptable in design terms.

11.6 The design details of the scheme have been emphasised from an early point by the Council. Often the difference between high quality and ordinary development lies in the detail and implementation of the scheme. This proposal seeks to incorporate variations in brick type and include variations in brickwork such as soldier courses and recesses to achieve contrast. Secondary materials include render and metalwork which breaks up the brickwork. The approval of specific materials to be used on the development would be reserved by condition but the details in the application suggest that the scheme can be regarded as a high-quality development if well implemented.

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

12.0 **Landscaping**

12.1 The proposal includes some street landscaping and a communal podium garden within the scheme for the use of occupiers of the proposed residential units.

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

12.3 The existing site is devoid of landscaping features and therefore the proposals represent a gain in landscaping value at the site. The gains are minimal however they are considered to be acceptable from the perspective of a town centre location. Detailed landscaping proposals will need to consider soft landscaping that will be effective given the scale of the building and the effects it would have on light levels to the communal garden.

13.0 **Impact on neighbouring amenity**

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

13.2 The site is located close to existing residential properties to the east and south of the site. There are properties to the north as well that are separated by highways and, in respect of the west, by existing non-residential buildings. There has been objection received from the occupier of Cornwall House, Flat 21, to the north of the site on the grounds of loss of light to their flat.

- 13.3 The application was submitted with a daylight/sunlight assessment that considered the impact of the scheme on the light to neighbouring residents. The assessment considered the impact on all windows at Cornwall House that face toward the site. The assessment concludes that the windows of this building, the building known as being to the rear of 58 High Street and those of the rear of 56 High Street and to neighbours on Beechwood Crescent to the south. The results show that the development does not result in a significant adverse impact on the level of daylight to the rooms that they serve. All windows are able to retain over 80% of their existing value or have an acceptable 'Vertical Sky Component' which indicates suitable light levels will be achieved. The assessment does use an outdated criteria for assessing light levels as the use of vertical sky components was removed from the 2022 BRE Guidance but it is not so far out of date that it should be objected to if included in schemes that have been devised during the period it was relevant. On the basis of the findings of the assessment it is considered that there would not be an adverse impact to neighbouring daylight and sunlight that would warrant a reason to refuse planning permission.
- 13.4 In terms of overbearing impact the proposed development will be visible from the rear windows of neighbouring residents however this does not entail that new development is overbearing as a result. The scheme has been designed to ensure it is not dominant from the outlooks of neighbouring residents and while visible, will not be overbearing from within the units that are close by.
- 13.5 In terms of noise impacts there would be a negligible impact from the residential units and antisocial noise impacts can be addressed under Environmental Health Legislation. The ground floor commercial uses would not have any increased noise impact over what would currently be experienced from existing uses at the site.
- 13.6 There is always a risk of amenity impacts during the construction phase of the development however the practices can be controlled through conditioning a construction management plan that would seek to consider issues such as noise impacts and dust dispersion to neighbouring sites. These impacts are, in any case, only ever temporary and are not apparent once the scheme is built. The recommendation includes the need for a construction management plan to be submitted for approval which is considered to be appropriate.
- 13.7 As a result of the above assessment, the proposal is considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan. This will be considered as part of the planning balance.
- 14.0 Living conditions for future occupiers of the development**

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 14.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 14.3 The submitted details show that the proposed units will be compliant with the nationally described space standards for accommodation which is considered to be acceptable.
- 14.4 Each unit will have its own private balcony or terrace which affords private amenity space for the whole development. The successful incorporation of integral balconies means that there are no concerning circumstances where the balconies and terraces are closely related or adjacent to each other, resulting in potential amenity impacts within the development. The proposal also include the provision of a communal podium garden area and rooftop garden area which would be accessible to all residents. The amenity space provision for the development is therefore considered to be acceptable.
- 14.5 In respect of daylight/sunlight provision, the application was submitted with an assessment to consider the light levels to the proposed unit as well as the communal amenity space. The assessment concludes that the development will receive levels of daylight that exceed the guidance requirements for new developments. The communal garden has impacts due to its relationship with the building that affects its sunlight provision however it does exceed the minimum standards and can be considered acceptable. It would be necessary for the landscaping scheme to ensure that any planting proposals utilises species that can thrive in their location relative to the amount of light they will or will not receive.
- 14.6 With regards to environmental noise impacts, the application included a Noise Assessment that has been reviewed by the Environmental Quality Officer. The assessment identified that the dominant noise sources audible on site included road traffic noise from Wellington Street and the High Street, and other nearby smaller roads, in addition to overhead aircraft noise. The assessment concludes that there would be impacts n amenity levels through noise but that these can be addressed through the implementation of appropriate glazing and mechanical ventilation to the proposed units. This is not uncommon for development on busy roads within the Borough such as Wellington Road and Bath Road and these details can be secured and considered through appropriately worded conditions. The use of mechanical ventilation will be considered against the merits of incorporating natural ventilation as part of the energy strategy (para 17.2) for this development to ensure an appropriate balance is achieved.

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

15.0 Highways and Parking

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

15.2 The application was accompanied with a Transport Assessment and travel Plan which has been considered by the Highways Officer and no objections are raised in highways terms. The change in vehicle trip rates is considered to be acceptable for a town centre location and the impact of traffic movements from the development on the local area is considered to be negligible.

15.3 The proposal shows 20 parking spaces provided with the proposal. Discussions have been held with the applicant to finalise the allocation of spaces to the development and it was agreed that 12 spaces would be provided to the residential development and 8 spaces to the 4 commercial units. This split is secured by way of a proposed condition. In accordance with the parking standard, flat developments in the town centre have a parking requirement of 0 spaces due to its sustainable location and closeness to services and public transport. This scheme provides 12 residential spaces in spite of this and the provision of these spaces is considered to be a benefit.

15.4 The proposal shows the provision of 117 cycle parking spaces with 111 being allocated to the flats and 6 to the commercial units. These are securely provided. Visitor cycle spaces are also provided on the Burlington Avenue frontage and the level of cycle parking and the nature of its design are considered to be acceptable.

15.5 The proposal is proposed to be serviced from Burlington Avenue and the scheme includes the provision of a layby on the western side of the site that would allow delivery and service vehicles to pull into and not congest the road itself and this layby is technically acceptable and would ease potential issues on High Street with such vehicles accessing the site.

- 15.6 The layby provision does not compromise pedestrian access on Burlington Avenue as the footway is realigned as part of the works.
- 15.7 The Highways Officer has made a number of requests for S106 contributions associated with the development which are addressed in detail from para 20.0 onwards. In summary the following contributions are required:
- £30,000 towards the creation of Slough's Car Club scheme;
 - £25,000 towards the adoption and upgrade of the private road;
 - £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
 - £3,000 towards Travel Plan Monitoring
 - Provision of a speed bump on Burlington Avenue
- 15.8 There is also a requirement for the applicant to enter into a legal agreement to dedicate the new layby and footway as adopted highway to ensure its long-term maintenance and access by waste vehicles. Additionally, there is a section of Burlington Avenue to the west of the site that is unadopted highway to which the £25,000 requested contribution relates. Currently the Highways Officers and applicant are proactively working together to establish practicalities of having this area dedicated as adopted highway and if this can be secured through this application as part of the legal agreement. At the time of drafting this report there is no conclusion and Members will be updated. It is not anticipated that this matter will affect consideration of the planning merits of this application.
- 15.9 Subject to conditions, the scheme is not considered to have an adverse impact on highway safety and convenience and the scheme is therefore considered to be acceptable in light of Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

16.0 Drainage and Flood Risk

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. No drainage information was submitted with the application.
- 16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk subject to conditions. The LLFA similarly has no objections subject to conditions, all of which are included in the recommendation.
- 16.3 There are no objections in respect of drainage and flood risk as a result.

17.0 Energy and Sustainability

- 17.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes new residential buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.
- 17.2 The application included an energy statement which concludes that the proposal can achieve the required minimum of 30% reduction in CO2 emissions over the baseline figures of Building Regs Part L 2021. This is achieved through the inclusion of high levels of thermal insulation, incorporation of LED lighting and air permeability through the development.
- 17.3 The residential units proposed will have heating and hot water provided through a combination of air-source heat pumps and water sourced heat pumps. This proposal is acceptable.
- 17.4 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.
- 18.0 **Air Quality**
- 18.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. The proposal should not result in unacceptable levels of air pollution. This is reflected in the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 18.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic, requiring electric charging points, and low emission boilers within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.
- 18.3 The application site is not situated within an Air Quality Management Area (AQMA), therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development.

18.4 An Air Quality Assessment was submitted as part of the application and no objection is raised by Environmental Quality. There are identified areas where there could be a temporary impact during the construction phase however these can be mitigated through the approval of a construction management plan. Mitigation is required through the provision of EV charging points which can be secured by condition. There is a request for the provision of car club space within the development as part of the mitigation which aligns with the request for a contribution towards such a space from Highways. The request is noted however there is limited space within the site for an accessible car club space and that, in this instance the car club consideration should be limited to considerations of a financial contribution only, which is considered at para 20.0 onwards.

18.5 On the basis of the above considerations there are no objections in respect of air quality impacts.

19.0 **Crime Prevention**

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

19.2 No comments have been received from the Crime Prevention Design Advisor at the time of writing this report. Members will be updated of any comments made via the Amendment Sheet and, in anticipation of comments being received, a condition requiring the development to achieve a secured by design accreditation is included as part of the recommendation.

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

20.0 **Affordable Housing and Infrastructure**

20.1 Core Policy 1 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.

20.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

20.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which claims that the development would not be viable if it were required to provide full infrastructure contributions and affordable housing in line with the Developer's Guide.

20.4 Without prejudice, in accordance with the Developers Guide, this scheme would, in principle, result in the following contributions being sought:

Affordable Housing

The application proposes 104 units and has been submitted stating there are viability issues. In accordance with the Developer's Guide there is an affordable housing requirement of 35% which equates to 37 units from this development.

Education

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

1-bed units – 33no x £903
2+-bed units – 71no x £4,828

Total = £372,587

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

The following contributions have been sought.

- £30,000 towards the creation of Slough's Car Club scheme;
- £25,000 towards the adoption and upgrade of the private road;
- £6,000 towards TRO costs for a loading bay, car club bay and amended parking restrictions;
- £3,000 towards Travel Plan Monitoring
- Provision of a speed hump on Burlington Avenue

20.5 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.

20.6 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. The Council's consultant has reviewed the information and as part of their assessment had identified areas of disagreement with the applicant's viability appraisal although the disagreements were minor in terms of affecting the overall conclusions. Where differences were discovered, the consultant recalculated viability using more appropriate figures. For this proposal the assessment by the Council's consultant concluded that there would be a deficit of approx £3.6M as opposed to a concluded deficit from the applicant of approximately £4.1M.

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

Contribution	Amount required	Amount offered
Education (overall)	£372,587	£372,587
Slough Car Club (Highways)	£30,000	£30,000
Affordable Housing	37 units within the development	5 units within the development (amounting to 4.8%)
Adoption and upgrade of the private road on Burlington Avenue	£25,000	£25,000
TRO costs for a loading bay, car club bay and amended parking restrictions	£6,000	£6,000
Travel Plan Monitoring	£3,000	£3,000
Provision of speed hump on Burlington Avenue		To be secured through TRO

- 20.10 In terms of the financial contributions and highways related works, the applicant had confirmed that they are able to meet the requirements as set out in the table above in spite of the viability issues at the site. On this basis the contributions are considered to be acceptable, and they are regarded as a benefit to the development that will be afforded proportionate weight as part of the planning balance.

- 20.11 The affordable housing proposal is notably less than the figures set out in the developer's guide. The viability circumstances with this proposal are such that the development could not afford to provide any affordable housing without resulting in a deficit. The offer of 5 units on site is made in spite of the viability circumstances. The Council has been able to secure some form of affordable housing contribution or provision on the vast majority of schemes that are proposed with viability issues. The offer here proposes less than has been achieved on some sites but more than others. The offer should be considered on its individual merits and the offer of 5 on site units, while less than the developer's guide target and a small provision in general, should be regarded as a benefit of the development and attributed appropriate positive weight.

20.12 It will be required that the applicant agrees to review mechanisms in a Section 106 Agreement that would allow two opportunities reappraise of the site in the future to determine if viability has changed and therefore obligations could be secured in the future. Such obligations have been secured in other proposals and is considered to be consistent with other decisions. It is recommended that the initial review is undertaken prior to the commencement of development with the second 'late-stage review' taking place at an appropriate point. As the affordable housing proposal provides on-site units the viability review should be looking principally to secure further units. On this basis it is recommended to Members that the second review is required relatively early in the sales process, at 30%. This is a trigger point that is recommended by the Council's viability consultant a giving the optimum opportunity for securing additional units on this development and it is recommended that it is adopted.

21.0 Habitat Impacts

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

within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.

- 21.6 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff based mitigation strategy for all new housing applications within 5.6km of the SAC. However this is yet to be agreed, and therefore each application needs to be considered on its own merits.
- 21.7 The applicant has submitted a Habitat Screening Assessment as part of the application which has concluded that an appropriate assessment is required however at the time of drafting this report they have not undertaken such an assessment. The Council has a mitigation solution in place with a fee of £570 per dwelling towards enhancements and proposals at Upton Court Park for development such as this where an appropriate assessment identifies a requirement for such mitigation. The issue regarding mitigation therefore remains outstanding but it is considered that the matter can be linked to the completion of a section 106 agreement if payment is identified. Therefore the recommendation includes a requirement for the applicant to undertake and submit the appropriate assessment to resolve the outstanding issues.

22.0 Fire Safety

- 22.1 The building exceeds 6 storeys in scale which makes it a 'relevant building' in respect of requiring a fire safety assessment. The Health and Safety Executive (HSE) were consulted on the application and requested additional information to be submitted as the applicant's fire assessment was incomplete.
- 22.2 The comments from the HSE highlighted an area where there would be concerns regarding fire safety. In response to this the applicant submitted amended plans to alter the layout to ensure the issues identified were addressed.
- 22.3 At the time of drafting this report the plans are still under consideration from the HSE and Members will be updated via the amendment sheet. It is assumed that, in principle, the matter will be resolved.

23.0 Neighbour Representations

- 23.1 Three neighbour letters have been received through the course of this application. The report has specifically addressed impacts on neighbouring residents and highways as part of considerations.

23.2 With regards to highways disturbance during construction, this is a valid point and the recommendation requires the approval of 2 construction management plans, relating to highways matters and amenity matters, that would be approved via condition prior to works commencing. This is a standard practice for development and the Council would look to ensure there would be no unacceptable access and amenity disruption during the construction phase.

24.0 Equalities Considerations

24.1 The Council is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.

24.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

24.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.

24.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.

24.5 Throughout this report, regard has been had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. Given that the duty is an ongoing one the Council will continue to have regard to it

throughout the detailed design stage of this development proposal in due course.

- 24.6 The proposal would provide new residential accommodation. The applicant has advised that 5% of the proposed units will be constructed to meet Part M of Building Regs requirements to provide units for wheelchair users. Access from the public footway to the building is considered appropriate and units can be safely accessed directly from the disabled parking spaces at the rear via a lift. The proposed commercial units are shown to have a level threshold access and all floorspace is at ground floor level.
- 24.7 In relation to the car parking provisions, the plans show the provision of disabled spaces that are closely located to access points to the building. Internal corridors are designed to accommodate the needs of residents and visitors with disabilities
- 24.8 It is considered that there would be temporary (but limited) adverse impacts upon all individuals with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction would have the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This could be secured by condition should the scheme be acceptable.
- 24.9 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

25.0 Presumption in favour of sustainable development

- 25.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 25.2 In consideration of whether or not development is sustainable, para 8 of the NPPF set out 3 objectives that should be met in order for a scheme to be considered sustainable development; the economic, social and environmental objective.

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

- The provision of 104 residential units in a sustainable location should be given positive weight although this weight is slightly reduced through not meeting the desired housing mix. Nevertheless, it is recommended that this benefit be given substantial positive weight.
- 5 of these flats are proposed as affordable housing units which are offered in spite of viability issues with the site. The offer is lower than required through the Developer's guide, coming in at 4.8% but it is something that should be afforded positive weight and in this instance it is recommended to apply moderate positive weight.
- The application includes the provision of some financial contributions towards infrastructure and these are considered to be positive benefits that should be given considerable positive weight.
- The parking provision is considered to be a moderate positive impact given the location of the site.

In terms of impacts the development will result in a significant bulk increase in the streetscene and the building will be notably higher than its adjacent neighbours. While the design has been through pre-application processes to address these issues there remains an impact which is not significant adverse and should be afforded negligible weight as an impact.

25.4 As is the case with proposals when para 11 of the NPPF is engaged, the application does present a balanced case. The significant benefits of housing provision, considerable benefits of infrastructure contributions and moderate benefits of the affordable housing provision and parking spaces are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.

26.0 PART C: RECOMMENDATION

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

27.0 PART D: CONDITIONS

27.1 CONDITIONS:

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 222035/PA/001, dated 02/2023, received 15/02/2023
- b) Drawing Number 222035/PA/010, dated 02/2023, received 15/02/2023
- c) Drawing Number 222035/PA/110, dated 02/2023, received 15/02/2023
- d) Drawing Number 222035/PA/120 Rev A, dated 26/04/2023, received 02/05/2023
- e) Drawing Number 222035/PA/121, dated 02/2023, received 15/02/2023
- f) Drawing Number 222035/PA/122, dated 02/2023, received 15/02/2023
- g) Drawing Number 222035/PA/123, dated 02/2023, received 15/02/2023
- h) Drawing Number 222035/PA/130, dated 02/2023, received 15/02/2023
- i) Drawing Number 222035/PA/131 Rev A, dated 26/04/2023, received 02/05/2023
- j) Drawing Number 222035/PA/132, dated 02/2023, received 15/02/2023
- k) Drawing Number 222035/PA/133, dated 02/2023, received 15/02/2023
- l) Drawing Number 222035/PA/134, dated 02/2023, received 15/02/2023
- m) Drawing Number 222035/PA/140, dated 02/2023, received 15/02/2023
- n) Drawing Number 222035/PA/141, dated 02/2023, received 15/02/2023
- o) Drawing Number 222035/PA/142, dated 02/2023, received 15/02/2023

In respect of the development hereby permitted, it shall provide no more than:

- 104 residential units (Class C3)
- 390 sqm of commercial (Class E) uses at ground floor level

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

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

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in

accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2021).

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

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

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

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

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

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

6. None of the uses hereby approved shall commence until a landscape management plan, which include the maintenance regime for drainage, has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the landscape areas shown

on the approved landscape plan, and should include a time scale for the implementation and be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

8. 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.

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. 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.

12. The windows in the shop front elevations for the E class 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.

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

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

14. Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be 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 NPPF 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.

15.No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been 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.

16.No Occupation 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, from RMB Consultants (Civil Engineering) Ltd, dated 02/2023 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. 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 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. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

18. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

19. No part of the development shall be occupied commence until bin storage has been provided in accordance with the standards set out in the Slough Developers Guide.

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

20. No part of the development hereby approved shall be occupied until an amended Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the development shall operate in accordance with the agreed Travel Plan. The Travel Plan shall specify initiatives to be adopted by the operators of the site to encourage access to the site by a variety of non-car means. It shall set targets and shall specify

a monitoring mechanism to ensure compliance with the Travel Plan objectives. The Plan shall identify the travel plan coordinator and outline their responsibilities in pursuing the objectives of the Travel Plan; it should also state who the Travel Plan Co-ordinator will report to. Should the targets within the Travel Plan not be met, the operator should undertake whatsoever measures, as may first have been agreed in writing by the Local Planning Authority, as are necessary to cause a reduction in the number of car borne trips to ensure the targets are achieved. The Plan shall set out a five year plan with measures introduced within three months of receiving approval from the Local Planning Authority. The Plan shall be under constant review with further surveys every two years thereafter. An Annual Report providing a review of progress towards targets and of the implementation of the Travel Plan shall be sent to the Local Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway, to reduce travel by car in accordance with Policy T15 of the Slough Local Plan 2004 and to meet the objectives of the Slough Integrated Transport Strategy.

21.No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approval plans and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

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

22.Prior to the development hereby approved first being brought into use, 12 no. car parking spaces shall be provided and made available for use in connection with the residential development and 8 no. car parking spaces shall be used in connection with the 4 no. retail units. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON: In the interests of ensuring that the use benefits from satisfactory car parking provision in the interests of the amenities of the area in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008`.

23.Prior to the first occupation of each unit, the residential car parking provision for the development shall be provided, including 1 electric vehicle charge point per dwelling – and a total of 12 electric vehicle charging points. The residential electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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