

PLANNING COMMITTEE

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

Amendment Sheet

Item 5 – P/01303/020: 79-83 Uxbridge Road, Slough, SL1 1SG

1.0 Additional comments

1.1 Lead Local Flood Authority:

Raised no objection.

2.0 Amended Condition 2

2.1 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 No. LS548 P02, undated, Recd On 04/11/2024
- (b) Drawing No. LS548 P7, undated, Recd On 04/11/2024
- (c) Drawing No. LS548 P08A, undated, Recd On 07/02/2025**
- (d) Drawing No. LS548 P09, undated, Recd On 04/11/2024
- (e) Drawing No. LS548 P10B, undated, Recd On 04/11/2024
- (f) Drawing Number LS548 - C30 - A, undated, received 04/11/2024
- (g) Drawing Number 52155/50 Rev P1, dated 05/2023, received 04/11/2024
- (h) Drawing Number 52155/51 Rev P1, dated 05/2023, received 04/11/2024
- (i) Drawing Number 52155/60 Rev P1, dated 05/2023, received 04/11/2024

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 Local Plan for Slough 2004.

3.0 Replacement Condition 8

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

1. A site set up plan displaying vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries and wheel cleaning facilities during the construction period.
2. Construction vehicles and to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 08:00 – 09:00 and 17:00 – 18:00.
4. Extent of construction hoardings / fencing and details of security arrangements on site.
5. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to minimise the impact of construction on the safe operation of the surrounding highway network.
6. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and AQMAs and local schools at collection/drop off time.

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

REASON: In the interest of minimising danger and inconvenience to vehicular traffic and pedestrian highway users in accordance with policies 7 and 8 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework 2024.

Item 6 – P/01272/024: Former Willow Tree Public House, 62 Station Road, Langley, SL3 8BT

- Representation from Applicant:

The Applicants planning consultant, Savills has submitted a response to the Officers committee report. The issues highlighted are, in the main addressed in the committee report, but a summary of the key matters raised, and your Officers responses are briefly presented below:

Process

- Disappointed that Officers did not provide the Applicant with an opportunity to respond to the consultee comments received on the application. Should the Planning Committee not grant planning permission, the Applicant reserves the right to review their position and submit further information for consideration by the Council to inform the appeal process.

Planning Officers response:

- *The Local Planning Authority (LPA) has engaged with the applicant on a number of issues, but it is obliged to determine the application in a timely manner following a comprehensive assessment of the proposals. The concerns of Officers have been raised with the Applicant over a considerable period whilst previous submissions were being considered during pre-application and statutory planning stages. Officers accept that the Applicant can submit further information to inform any appeal process should the application be refused.*

Impact on Character and Appearance

- It is considered that the scale and massing of the Development relates well to the commercial character of Station Road and incorporates a sensible transition to the properties along Alderbury Road, such that it contributes to a high standard of design in accordance with local Policy EN1.

Planning Officers response:

- *Officers have carefully assessed the scale and design of the development in relation to Station Road and Alderbury Road and consider that on balance it does not respect the character and appearance of the surrounding area.*

Impact on Residential and Visual Amenities of Occupiers and Neighbouring Residents

- In relation to amenity space, the approach follows that accepted by the Planning Inspector where no private amenity space was provided for dwellings facing west, and it is noted that the proportion of homes with private amenity remains comparable to that which was accepted at appeal. In terms of the amenity they provide, the installed balconies will incorporate the acoustic mitigation recommended in the Noise Impact Assessment prepared by Accon Environmental Consultants. This will be retrospectively installed and can be appropriately secured by planning condition.

Limited weight should be attributed to the risk of terraces and communal amenity spaces being removed as a result of any future road widening scheme, as there are currently no planned works.

There is an error on the as-built drawings submitted with the application, where obscured glass to lower panes and obscured balustrades are shown of the ground floor windows on the western elevation. These are yet to be installed. Their installation can be secured by planning condition. Similar mitigation measures can be installed on the dwelling adjacent to the delivery and servicing bay, with this also secured by planning condition. It is also noted that the servicing bay would only be used for a short period of time, and that residents would enjoy uninterrupted outlook for the majority of the day.

Accon Environmental Consultants have also noted that the inclusion of these measures is not anticipated to impact on internal daylight and sunlight levels.

The Development is also situated in close vicinity to a number of parks for the convenient use of occupiers of the site.

Planning Officers response:

- *The approach of the Inspector is accepted in relation to those west facing flats that don't have external amenity space given the potential impacts for neighbouring privacy. However, the proposals represent a new application and should be determined on its own merits having regard to previous decisions.*

The development is larger than previously allowed and accommodates larger flats and the provision and quality of external amenity space is considered important and due weight should be applied. As highlighted in the report there is no planned widening works for Station Road at this stage that may impact on the external amenity spaces proposed along Station Road, but the safeguarding line is still valid, and appropriate weight has been therefore given to this matter.

The application as submitted was not clear in relation to potential noise impacts and how the external amenity spaces have been designed to mitigate against this potential impact.

The proximity of the parking area and service bay to ground floor habitable room windows remains a concern notwithstanding the possible screening now mentioned to mitigate. Whilst it is stated that it is not expected that daylight/sunlight would be affected, this doesn't appear to have been formally tested.

Officers are aware of public open spaces in the surrounding area, and this has been considered in preparing the recommendation set out.

Should the Applicant be able to demonstrate that the development can appropriately address any risk in relation to noise/disturbance, and safeguard

residential amenity, Officers accept that this may be a matter that can be conditioned.

Impact on Residential and Visual Amenities of Neighbouring Residents

- There are a number of factors that mitigate the impact on the visual amenities of neighbouring occupiers. Most notably, residents will retain a good outlook in other directions and whilst there are potential for views from the development towards neighbouring gardens, this would be limited as residents of the development would only be able to overlook the rear gardens when stood close to the windows and purposefully looking towards the gardens at an angle. In addition, the trees planted on the western boundary which although are yet to mature yet assist in preventing overlooking. It is considered therefore that the development will only give rise to limited impacts on neighbouring amenity in relation to potential for overlooking to gardens.

Having regard to the NPPF and the Inspectors comments, it is not considered that the development results in 'substantial harm' and consequently should be approved.

Planning Officers response:

- *Officers have carefully considered the how the development relates to neighbouring residential property and consider on balance it has a substantial and detrimental impact that would significantly and demonstrably outweigh the benefits of the scheme.*

Affordable Housing Provision

- The draft financial viability assessment submitted with the application demonstrates that the scheme is in deficit. The viability constraints mean that the scheme cannot deliver affordable housing at the policy target levels outlined within Slough Local Plan. Notwithstanding this, the Applicant has been willing to engage with Officers to discuss making a financial contribution towards affordable housing. To aid this process, the Applicant agreed to pay the costs of an Independent Viability Review by BPS. Their report (dated 5th February 2025) was not shared with the Applicant until 19th February 2025, after the publication of the committee report.

The Applicant's viability consultant has reviewed the Independent Viability Review and confirmed they disagree with BPS's conclusions. For example, it is noted that BPS have taken the approach of a bespoke Build to Rent cashflow, whereas this scheme is not submitted on the basis of Build to Rent. Also, it should be noted that BPS recently carried out a review of the viability assessment submitted for a slightly larger 53 unit scheme (under application ref: P/01272/020) and in doing so concluded that a contribution of £227,950 should be payable for this slightly larger Development.

Should the Planning Committee resolve to refuse planning permission at the meeting on 26 February 2025, the Applicant reserves the right to reconsider this ex-gratia offer and submit full comments on the BPS review report.

Planning Officers response:

- The Applicant Financial Viability Assessment (FVA) was reviewed by the independent consultants, as is established practice. As noted in the committee report, the independent consultants consider the approach set out in the Applicants FVA is inappropriate. The Assessment appears to adopt a position comparable to a conventional scheme at application stage. The approach taken for instance in relation to Benchmark Land Value, Gross Development Value and Developments Costs is neither relevant nor reasonable. By virtue of constructing the scheme without consent, the applicant has effectively chosen not to use the National Planning Policy Guidance in respect to viability. This guidance sets out the key principles in understanding viability in plan making and decision taking but it does not address circumstances of developments built without consent.

The application presents a different scheme to that submitted previously and must be considered on its own merits based on the documentation provided. As the application does not include an appropriately justified affordable housing offer, Officers cannot accept the approach having regard to national and local planning policy and guidance in the planning balance.

Land Contamination

- The comments from SBC's Land Contamination officer were only shared with the Applicant with the committee report. The Applicant would agree to a planning condition to supply this further information.

Planning Officers response:

- *As noted in the committee report, the application did not contain sufficient information to be able to assess whether the development had appropriately mitigated against the risk of ground contamination. Given that the development is essentially complete and occupied this is considered a serious issue and has been afforded due weight by Officers.*

Noise Impact

- The Applicant states that "no noise sources or noise impacts at the site of an industrial nature have been identified and therefore there is no requirement to carry out an assessment for industrial noise on the development. Industrial and commercial noise sources and any consequent noise impacts were not referenced in or report as they did not exist". This is based on the Applicants Noise Consultants having carried out a further review of the noise data and audio files from the noise measurement survey carried out over in August 2023.

Planning Officers response:

- *As noted in the committee report, the application did not contain sufficient information to be able to assess whether these potential noise sources had been appropriately considered, and this has been considered as part of the planning balance.*

Should the Applicant be able to demonstrate that the development has appropriately addressed any risk in relation to noise impacts, Officers accept that this may be a matter that can be conditioned.

No Legal Agreement by way of a Section 106 Agreement

- The Applicant agrees to the Heads of Terms, and also to an obligation relating to the payment of an affordable housing contribution subject to review should the committee not resolve to grant planning permission.

In relation to the s278 Agreement, the Applicant is agreeable to the principle of the installation of physical obstacles to prevent parking on the verges and footways fronting the site at the Alderbury Road and Station Road junction.

Planning Officers response:

- *Officers note that the Applicant agrees to the s106 contributions as set out in the committee report and a possible affordable housing contribution. As highlighted above and in the report however, Officers do not agree with the approach taken in relation to calculating viability and affordable housing provision and therefore cannot accept the contribution offered. A s106 Agreement can only be entered into should the LPA resolve to grant permission, or this is agreed on appeal. The same approach is applied in respect to the s278 Agreement.*

Planning conditions

- The Applicant agrees in principle to the inclusion of the planning conditions to address the relevant matters referred to in the committee report.

Planning Officers response:

- *Officers note as highlighted in the committee report that certain transport/highway related matters should be conditioned if planning permission is granted.*

Planning Balance

- Officers consider there to be an unacceptable impact on the character and appearance of the surrounding area, and to residential and visual amenities of neighbouring occupiers but Officers have not identified 'substantial harm' in their assessment. As such, the Development of this highly sustainable, previously developed site for housing adjacent to Langley Station should be given substantial weight in favour of the proposal in the context of the acute housing shortfall.

The application should be approved in accordance with NPPF Paragraph 125 in the absence of substantial harm having been identified, and in the context of key policies for directing development to sustainable locations, making effective use of land and securing well-designed places and providing affordable homes.

Planning Officers response:

- Officers have carefully considered the impacts of the development and conclude on balance that collectively they are substantial and detrimental that

would significantly and demonstrably outweigh the benefits of the scheme, as noted in the committee report.

- Member representations received:

Representations objecting to the development were submitted by Councillor Iftakhar on the basis that it is an overdevelopment of the site and by reason of its height, massing, scale and density it is not in keeping with the character of the area.

Apart from this clearly being an overdevelopment, the Planning Inspector on appeal made it clear that anything higher than the scheme that was allowed on appeal would be unacceptable, in terms of height, scale and massing.

- Additional public representations received:

Representations have been received from two local residents via Councillors Iftakhar and Manku following public consultation, expressing serious concerns in relation to the development. The matters raised include:

- Traffic congestion – the development will cause additional traffic and parking problems locally to the detriment of highway safety.
- Strain on local services and amenities - pressure on GP appointments and school places and local parks.
- Neighbourhood security - additional density will exacerbate crime in the local area.
- Lack of public consultation

Planning Officers response:

- *These matters have been addressed in the committee report.*

A letter has been received from a local resident supporting the recommendation as set out in the committee report and suggesting a change in the decision of development and an additional reason for refusal.

The resident considers the development is 6-storeys high given the large lift overrun and staircase head on the roof and that the development incorporates lights along the Alderbury Road frontage result in severe light pollution to the detriment of the visual amenity of the area and highways safety.

Planning Officers response:

- *Whilst the lift overrun and staircase head are prominent structures on the roof of the 5th floor, it is not considered that they represent an additional storey and therefore the description of development as set out in the report is appropriate.*

The planning application does not include the provision of lighting, but bollard lighting has been installed across the front of the site on Alderbury Road. Officers consider that the nature of the lighting can be appropriately controlled via the submission of details and should not form a reason for refusal.

- Correspondence from the Developer:

Following an email from the Developer on the evening of 25th February 2025 to Leader of the Council and Planning Committee Members. Officers wish to clarify a number of points and statements made.

1. Initial positive response was in relation to a scheme that was not progressed and does not reflect what was built out and we are determining today. Officers did and do feel that improvements and enhancements could be made to the scheme that was approved by appeal that could lead to additional units. Engagement then took place where officers sought a number of revisions which effectively removed many of the harmful elements that we are considering today. The applicant responded positively through this scheme, however at the same time continued to build out a completely different scheme. That decision cannot be attributed to Officers trying to reach a positive middle ground.
2. No assurances regarding a favourable recommendation was made. However, as described above Officers worked diligently in difficult circumstances to undo the harm that was being created. Given that Officers would not be making the decision, no such guarantee could ever be made.
3. No decision was made as every opportunity was afforded to the developer to lead to a positive outcome, any decision to progress without planning permission is entirely at the developers risk.
4. The Chief Planning Officer did indeed advise that the previous application be withdrawn. The works had progressed to a point that the prevailing conditions on the site meant that had that application been determined with a favourable outcome, it could not actually be achieved because of the continuing work on the site.
5. It is correct that a retrospective application be submitted on the basis of what had actually been built out so that Officers and Members could determine whether what has been built out is acceptable. Once again, no message was sent that what had been built would be recommended for approval.
6. The role that the Local Planning Authority (LPA) has played has been to give the applicant the best opportunity to regularise, make amendments, improve the scheme and get to a position where the harmful elements could be removed. Unfortunately, as evidenced through the process and the fact the original consent was never implemented and the fundamental harmful issues raised through the previous application have not been addressed is not down to Officers, but a decision to knowingly build out a development without Planning Consent. Officer's, the LPA and the Council did not put spades in the ground and the applicant was well aware of the risks.

Ultimately, a submission was made to seek retrospective Planning Permission for what the applicant has built out without planning permission. Based on this submission Officer's have found a number of significant issues and when considering the Tilted Balance where 51 flats draw significant positive weight in the Planning Balance, the substantial and demonstrable harm outlined within the Officer's report has led to a recommendation for refusal.

No change to the recommendation.

Item 7 – P/04670/015: 17-31 Elmshott Lane, Slough, Berkshire, SL1 5QS

This item has been deferred to a future meeting.

Item 8 – P/00378/033: 235 Farnham Road, Slough, SL2 1DE

On Sunday 23 February 2025, the applicant provided a Daylight Assessment, dated May 2024, which assesses light to south facing rooms at lower ground floor; the assessment concludes that the light received by the relevant rooms will exceed BRE recommendations. Whilst the Daylight Assessment has not been fully scrutinised due to the short period of time since receipt, if taken at face value to be accurate, this would remove the LPA's concerns regarding light enjoyed by future occupiers.

Amended floor plans were also received on 23 February 2025, which would alter the mix of flats in terms of bedroom quantity to provide 1no. 3 bed, 4no. 2 bed and 13no. 1 bed flats (current proposal is for 3no. 2 bed and 15no. 1 bed flats), and to provide greater garden areas for flats LGA, LGB and LGC (some 1.4m deeper), however due to impacts on internal floor area from the reconfiguration, some of which fall below the nationally described space standards for the size of properties, these plans have not been accepted, and the previously submitted floor plans have not been superseded.

There are no changes to the recommendation within the original Committee report, that the decision is delegated to the Planning Manager for refusal, however reason for refusal 3 should be amended to reflect the Daylight Assessment; all other reasons for refusal should be as provided in the original Committee report.

Amendment to reason 3 for refusal:

3. It has not been demonstrated that the close proximity to boundary treatment and/or existing built form will not impact upon outlook enjoyed from habitable room windows, particularly at lower and upper ground floor levels. Further to this, no Noise Assessment has been provided as a part of the proposal meaning it cannot be sufficiently demonstrated if the future occupiers of the proposal would not be adversely affected by the noise generated from traffic and commercial uses on Farnham Road. Cumulatively, the proposal would provide poor living conditions for the future occupiers of the development, failing to comply with Core Policy 8 of The Core Strategy, Policy EN1, EN3, and H14 of The Local Plan for Slough, and the requirements of the National Planning Policy Framework 2024.

No change to the recommendation.

Item 9 - Update to the Local Development Scheme (LDS) for the Slough Local Plan

Request to update the Summary and Recommendation, and last para. of the LDS following confirmation from Legal Team that the LDS can come to Planning Committee for information, and presented to Cabinet for approval.

Summary

1.1 The purpose of this report is to update Members about the need to publish a new Local Development Scheme (LDS) which sets out the timetable for delivery of the new Local Plan, and ~~seek approval for~~ note the LDS in the Appendix will be presented to Cabinet for approval.

Recommendations:

Committee is requested to note ~~resolve~~:

~~That the draft Local Development Scheme in the Appendix be approved for publication on the Council's website~~

1.2 That the draft Local Development Scheme in the Appendix will be published on the Council's website and sent to MHCLG to meet the Deputy Prime Ministers request and will be submitted to Cabinet for approval.

Appendix

Para 6.5 This LDS was ~~approved~~ presented as a draft for publication by Slough Borough Council's Planning Committee in February 2025, and will be submitted to Slough Borough Council's Scrutiny and Cabinet for approval.