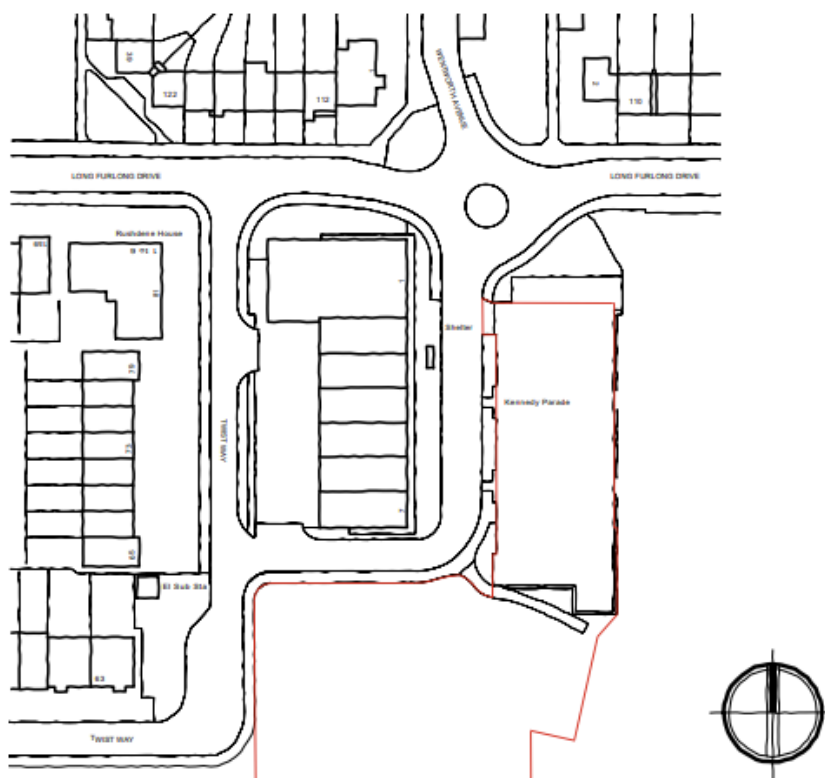


Registration Date:	19-Aug-2024	Application No:	P/17286/013
Officer:	James Guthrie	Ward:	Britwell
Applicant:	Mr. Maru, Slough Estates Limited c/o Agent	Application Type:	Major
		13 Week Date:	18 November 2024
Agent:	Ms. Melissa Hack, Danks Badnell Architects Ltd. Kings Stables, 3-4, Osborne Mews, Windsor, SL4 3DE		
Location:	Mars House, Long Furlong Drive, Slough, SL2 2BF		
Proposal:	Part retrospective application for the construction of a 3 storey building for nursery E(f) use and 12no. residential units C3 use and associated external works (amended description)		

Summary of Recommendation: Delegate to Planning Manager for Approval



PART A - RECOMMENDATION

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

A) For approval subject to:

- (i) The satisfactory completion of a legal agreement (Section 106 Agreement or Unilateral Agreement) to secure financial obligation to mitigate the developments impact on the integrity of Burnham Beeches SAC.
- (ii) Finalising conditions and any other minor changes.

OR

Refuse the application if the completion legal agreement has not been satisfactorily completed by 31st October 2025 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

1.1 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

PART B - PLANNING ASSESSMENT

Site Description

2.0. The Site and Surroundings

2.1. Planning permission was granted on 24 February 2021, reference P/17286/001, for construction of a 3 storey building providing 386sqm of nursery (D1 use class) accommodation at ground floor and 9no. 1 bed and 3no. 2 bed flats above (12 total) and associated works. The 3 storey building as constructed is not in accordance with planning permission, most notably the ground floor which was laid out as flats (and it appears that these flats were occupied); the rear area (south) has been divided into paved areas, delineated by timber fences (which appear to be private amenity areas related to the flats); the approved rear windows have been replaced with doors to provide access to the small areas divided by the fencing.

2.2. The site is within the recently regenerated Britwell area, approved under planning permission granted on 11 November 2013 reference P/15513/000 to provide residential, retail and community uses, and has largely been implemented.

2.3. To the west of the site are residential neighbours on Twist Way (the closest being no.63 at approximately 12m to the west, with no.65 some 17m north west) , and a local parade of shops (Kennedy Parade) to the north with car parking. The site is bounded by Kennedy Park to the south and east. There are three oak trees within the site which are the subject of a Tree Preservation Order (TPO no.5/2012). The site has no other constraints such as flooding or conservation area/listed buildings.

2.4. The submitted planning statement asserts that the flats at first and second floor are occupied, however the ground floor is vacant (albeit currently laid out as flats).

Planning History

3.0. Relevant Site History:

With reference to relevant planning applications, the following applications below are of significance:

P/17286/000 Construction of a 2-storey building providing 395sqm of nursery (D1 use class) accommodation at ground floor and 8no. flats above (1 bed) and associated works.

Approved with Conditions; Informatives 31-Jan-2019

P/17286/001 Construction of a 3-storey building providing 386sqm of nursery (D1 use class) accommodation at ground floor and 9no. 1 bed and 3no. 2 bed flats above (12 total) and associated works.

Approved with Conditions; Informatives 24-Feb-2021

P/17286/002 Submission of details pursuant to conditions 3 (External Materials), 4 (Working Method Statement), 5 (Phase 1 Desk Study), 6 (Intrusive Investigation Method Statement) 7 (Quantitative Risk Assessment) 9 (Southern Boundary Treatment) 10 (Arboricultural Report) and 11 (Landscaping Scheme) of planning permission P/17286/000 dated 31/01/2019

Withdrawn (Treated As) 17-Jun-2021

P/17286/003 Construction of 7no. residential flats at ground floor and associated works including additional parking. External fenestration amendments and the construction of a new bin store, cycle store and plant room outbuildings.

Withdrawn by Applicant 23-Mar-2022

P/17286/004 Submission of details pursuant to condition 8 of planning permission P/17286/001 dated 24/02/2021

Conditions Not Complied; Inform (Refuse) 15-Sep-2022

P/17286/005 Submission of details pursuant to conditions 9 (external site lighting) & 13 (car park management) of planning permission P/17286/001 dated 24/02/2021

Conditions Complied With; Informatives 28-Nov-2022

P/17286/006 Non material amendment to planning application P/17286/001 dated 24/02/2021 (Change in external fenestration to account for non-development internal changes)

Refused; Informatives 21-Aug-2023

P/17286/007 Variation of condition 2 (plans) of planning permission P/17286/001 dated 24/02/2021

Withdrawn by Applicant 07-Nov-2024

P/17286/008 Variation of condition 2 (Approved plans) & 12 (Parking Layout) & removal of condition 13 (Car Parking Management Plan) of planning permission P/17286/001 dated 24/02/2021

Withdrawn by Applicant 07-Nov-2024

P/17286/009 Variation of condition 2 (Approved Plans), 11 (Cycle Stores) & 14 (Bin Stores) of planning permission P/17286/001 dated 24/02/2021

Withdrawn by Applicant 07-Nov-2024

P/17286/010 Non material amendment application to planning permission P/17286/001 dated 24/02/2021 - changes to the internal layout to ground floor only (D1 unit)

Refused; Informatives 21-Aug-2023

P/17286/011 Submission of details pursuant to condition 8 (Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy) of planning permission P/17286/001 dated 24/03/2021

Conditions Not Complied; Inform (Refuse) 14-Oct-2024

P/17286/012 Variation of condition 2 (Approved Plans) of planning permission P/17286/001 dated 24/02/2021

Withdrawn by Applicant 07-Nov-2024

Enforcement History:

A planning enforcement notice was issued on 19 July 2024 alleging the following breach of planning control:

“Without planning permission, the unauthorised erection of a 3-storey building providing 19 flats, bicycle storage, external plant room and associated works.”

The notice required the following steps to be undertaken to remedy the breach of planning control:

Demolish the 3-storey building comprising of 19 flats, bicycle storage and external plant room;

Demolish the wooden structure/storage area to the front of the building currently acting as the bin store;

Remove all boundary treatment from the rear of the Land currently subdividing the ground floor flats;

Remove all hardcore/paving on the Land;
Remove from the Land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.

Revert the Land back to its former condition before the Unauthorised Development took place.

It was not possible to require the development to be built in accordance with planning permission P/17286/001 approved on 24 February 2021 as Officers concluded that it has not been implemented and had expired on 24 February 2024.

An appeal was submitted against the enforcement notice which prevented it from taking effect. However, following discussions the notice was withdrawn on 6 November 2024 and this application seeks to restore the applicant's base position established in February 2021.

4.0 **Consultations:**

4.1 **Natural England**

Comments received on 16 September 2024:

"Natural England's advice 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.

Please re-consult Natural England once this information has been obtained."

Officer comments: A Habitats Regulations Assessment was submitted by the applicant on 7 October 2024, and provided to Natural England; there have been no objections indicated, and in the event that substantive comments are received this response will be included in the Amendment Sheet. The HRA

acknowledges that the development would impact upon Burnham Beeches SAC due to recreational disturbance (trampling, disturbance and destruction by cyclists, walkers, and dogs, and potential harvesting of flora and fauna). Due to the impact of the development on Burnham Beeches SAC, the applicant would be obliged to make financial contributions on the basis of a rate of £570 per additional dwelling towards mitigation projects for Upton Court Park otherwise the application would be recommended for refusal; the Burnham Beeches Special Area of Conservation is discussed in greater detail in the relevant section of this report.

4.2 SBC Contaminated Land Officer

Initial response from Contaminated Land Officer that insufficient information submitted within the Preliminary Verification Report to establish whether a presence of significant contamination had been suitably addressed. A final verification report was submitted by the applicant on 21 January 2025, and sent to the Contaminated Land Officer for review.

Comments received on 2 April 2025:

“It appears that following my previous memo dated 20th September 2024, additional works were undertaken to ensure that the proposed Remediation Strategy was complied with.

The imported soils layer was verified accordingly, and the topsoil is considered suitable and safe for use on site with a residential end use.

Lacking a validation report of the gas membrane installation, Jomas carried out additional assessment of the gas protection measures by means of installing an ION Gas Clam 2 to measure a range of gases and barometric pressure inside the building for 2 months and a half. This was done in order to ensure no unacceptable levels of gas were infiltrating and accumulating into the living space the membranes were supposed to protect.

Following the assessment, there is evidence that neither harmful concentrations of the gases are present, or that the gas protection measures implemented are performing as intended.

Given the lack of evidence provided by the developer regarding the decommissioning of WS01, Jomas did a bit more research and assessed the risk associated with it potentially not being properly decommissioned. Given the location of the borehole is beneath the now constructed building footprint, infiltration into the soils within this area will be negligible, further reducing the probability of mobilisation of contaminants (if present).

Based on the above, I am now satisfied that all the remaining issues have been further investigated and risk assessed accordingly.”

4.3 Lead Local Flood Authority Consultant

Comments received 23 September 2024 confirmed no objections to the proposed surface water drainage, include SuDs (Sustainable Drainage System), subject to conditions requiring that the drainage details submitted are implemented, and a record of the SuDs and site wide drainage is

submitted prior to first occupation; as the residential units are occupied, the condition will require the drainage details to be submitted within 3 months of planning permission being granted.

4.4 **Thames Water**

“On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.”

Recommended informatives have been included in the draft conditions list.

4.5 **Designing Out Crime Officer, Thames Valley Police**

During the determination period of this application, the applicant has been in regular liaison with the Designing Out Crime Officer, and an Access & Security Strategy was developed. On 14 March 2024, the Designing Out Crime Officer provided the following comments:

“I have reviewed the attached document that were sent directly to me on 3rd March [Access & Security Strategy]. My only additional comment is a request that an additional sentence is added at, or after, 3.04 in relation to visitors to the residential zone. It is assumed, given the access control in relation to deliveries, that visitors will need to be met at the front entrance door/lobby, but this should be confirmed.

My comments are made with regards to designing out crime only. It is noted that there are changes proposed in relation to the internal storage of cycles. As with all elements of the proposal, it is assumed that fire safety implications of this will be considered as part of building regulations. It is noted that it is the developer or developer’s agent’s responsibility to inform the Responsible Person(s), Fire and Rescue Service and Building Control of any bicycle storage facilities and/or other areas that may require the charging and storage of Lithium-ion powered vehicles or devices, within the building or the wider site footprint, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion powered vehicles have been considered and specified.”

Officer response: The applicant has made the necessary amendments to the Access & Security Strategy,

4.6 **SBC Local Highway Authority**

Comments received on 20 September 2024:

“The LHA requires the submission of further information to demonstrate that there will not be a significant overspill of car parking onto the surrounding road network.

The LHA require the following:

- The recompletion of the car parking survey to demonstrate that there remains spare capacity to accommodate 10 car parking spaces for nursery staff and drop-off spaces for parents using the nursery. The previous survey data supporting the application is from 29th November and 1st December 2018 which is not considered likely to reflect current car parking conditions within the shopping parade car park.
- The applicant is required to provide an updated CPMP [Car Park Management Plan] which relates to the current application.

The CPMP submitted alongside application no. P/17286/013 is dated August 2022. The revised CPMP should include evidence that the agreement to use Kennedy Shopping Parade Car Park for the nursery remains in place. This is considered necessary because the nursery is reliant upon the agreement to use the shopping parade car park and it has been 2 years since the CPMP was last submitted to the council (August 2022) for the previously approved scheme.

The CPMP also appears to refer to an outdated car parking plan and outdated number for cycle parking spaces.”

Officer response: An updated Car Park Management Plan was received on 10 February 2025; comments received from Local Highway Authority on 7 March 2025:

“I am satisfied with the revised Car Parking Management Plan (CPMP) which provides an updated Car Parking Survey demonstrating there is spare capacity for nursery users to park within the Shopping Parade Car Park.

The CPMP also sets out that the residents car park will be pin pad controlled as requested, that private enforcement will be in place with a permit system and that the 15 spaces within the red line will be for the sole use of the flat residents as per my previous request.

The new CPMP resolves my only comments on application P/17286/013.”

5.0. **Description of Development**

- 5.1. This is a part retrospective application for the construction of a 3 storey building for nursery E(f) use and 12no. residential units C3 use and associated external works (amended description). The residential units will be at first and second floor, with a mix of 9x 1 bedroom flats and 3x 2 bedroom flats. The building at site was not constructed in accordance with planning permission granted on 24 February 2021, reference P/17286/001, however it is similar in terms of nursery provision at ground floor and 12 flats above.
- 5.2. The application seeks to retain certain departures from the approved plans, such as a single storey side projection providing a plant room, reconfiguration of ground floor with alternative layout and internal walls to the nursery, bin and cycle storage; the first and second floor (flats) appears to be as approved, in

terms of layout and internal space. The car parking layout has changed from that previously approved, with the same number of parking spaces (15, including 2 accessible), however a secure vehicle barrier will be provided, following discussions with the Designing Out Crime Officer, Thames Valley Police. Discussions with the Designing Out Crime Officer have also resulted in changes to entrance doors to clearly separate the residents and users of the nursery.

- 5.3. The nursery and flats will have separate access doors to the front/north elevation panels; bin storage for the occupiers of the building, and cycle parking are also accessed from the front, with a play area for the nursery use to the side and rear elevation.

6.0. **Planning Policy**

6.1. **Introduction**

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

The current version of the National Planning Policy Framework (NPPF) was published in December 2024. 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.

6.2. **The Development Plan**

The Development Plan consists of:

- The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, (December 2008)
- Site Allocations Development Plan Document (2010)
- The Local Plan for Slough, Adopted March 2004
- Proposals Map (2010)

6.3. **Supplementary Planning Documents and Guidance**

- National Planning Practice Guidance
- Slough Borough Council Developer's Guide Parts 1-4
- Nationally Described Space Standards
- Slough Borough Council's Draft Low Emission Strategy (LES 2017-25)

- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

6.4. **Slough Local Development Framework, Core Strategy 2006 – 2026 (December 2008)**

The following key policies in the Core Strategy are relevant to the determination of the planning application.

- Core Policy 1 - Spatial Strategy
- Core Policy 2 - Green Belt and Open Spaces
- Core Policy 3 - Housing Distribution
- Core Policy 4 - Type of Housing
- Core Policy 5 – Employment
- Core Policy 6 – Retail, Leisure and Community
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 - Infrastructure
- Core Policy 11 – Social Cohesiveness
- Core Policy 12 – Community Safety

6.5. **Slough Local Plan (Saved Policies 2010)**

Some of the policies in the Local Plan for Slough (2004) have been “saved” for development management purposes. The following policies have to be taken into consideration.

- EN1- Standard of Design
- EN3 – Landscaping
- EN5 – Design and Crime
- H14 - Amenity Space
- EN17 - Locally Listed Buildings
- T2 - Parking
- T8 - Cycling Network and Facilities
- T9 - Bus Network and Facilities

6.6. **Other Material Considerations**

Biodiversity Net Gain

6.6.1. **National Planning Policy Framework (NPPF) 2024**

Chapter 2. Achieving sustainable development
 Chapter 3. Plan-making
 Chapter 4. Decision-making
 Chapter 5. Delivering a sufficient supply of homes
 Chapter 6: Building a strong, competitive economy
 Chapter 7. Ensuring the vitality of town centres
 Chapter 8. Promoting healthy and safe communities
 Chapter 9. Promoting sustainable transport

- Chapter 10. Supporting high quality communications
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 13. Protecting Green Belt land
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment
- Chapter 17. Facilitating the sustainable use of minerals

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development:

“For decision making this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹”

(for the footnotes highlighted, please refer to the document itself: <https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf>)

6.6.2. **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.

6.6.3. **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.”

6.6.4. **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 21 of this report.

6.6.5. **Habitats Regulations Assessment of Projects, Natura 2000 and European Sites**

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

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

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

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

6.6.7 *Appropriate Assessment:*

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.

Paragraph 193 of the NPPF 2024 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate 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.

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.

Regulation 77 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended) is pertinent to this application and states that:

77.—(1) An application to the local planning authority for approval, as mentioned in regulation 75, must—

(a) give details of the development which is intended to be carried out; and

(b) be accompanied by—

(i) a copy of any relevant notification by the appropriate nature conservation body under regulation 76; and

(ii) any fee required to be paid.

(2) For the purposes of its consideration of the application the local planning authority must assume that the development is likely to have a relevant effect.

(3) The authority must send a copy of the application to the appropriate nature conservation body and must take account of any representations made by it.

(4) If in its representations the appropriate nature conservation body states its opinion that the development is not likely to have a relevant effect, the local planning authority must send a copy of the representations to the applicant.

(5) The sending of the copy of the representations to the applicant under paragraph (4) has the same effect as a notification by the appropriate nature conservation body of its opinion under regulation 76(4).

(6) In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.

(7) In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site

- 6.8 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.

7.0 PLANNING CONSIDERATIONS

The planning considerations for this proposal are:

- Principle for Development and Land Use
- Housing Mix and Type
- Design and Character of the Area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Landscaping and Trees
- Ecology & Impact on Local Protected Habitats
- Transport and Highways
- Land Contamination
- Flood Risk and Drainage
- Making effective use of land
- Equality Considerations
- Planning Obligations
- Planning Balance

7.1 Principle for Development and Land Use

The site forms part of the Slough Local Development Framework Site Allocations DPD SSA2 – “Britwell and Haymill Regeneration Area,” proposed uses – “mixed use: community, retail, residential and public open space.” Planning permission was granted for the redevelopment of the site in accordance with its site allocation on 11 November 2013 for the following proposal:

Full planning application for demolition and redevelopment of two linked development sites (Site 2a Kennedy Park and 2b Wentworth Avenue shops/Marunden Green). Site 2a comprises 171 residential units, 980 m² of retail use (use classes A1, A2, A3 and A5) and 411 m² retail space, health centre or nursery (use classes A1, A2, A3, A5 and D1). Site 2b comprises 87 residential units and 195 m² of retail use (use classes A1). Surface car parking and cycle parking provision; amenity space; access and associated and ancillary development across both sites also form part of the proposals.

As noted above in the planning history section, planning permission was granted for the “construction of a 2-storey building providing 395sqm of nursery (D1 use class) accommodation at ground floor and 8no. flats above (1 bed) and associated works” application referenced P/17286/000 on 3 January 2019. Thereby confirming the acceptability of a mixed-use development on the site.

The more recent grant of planning permission on 24 February 2021 for the construction of a 3-storey building providing 386sqm of nursery (D1 use class) accommodation at ground floor and 9no. 1 bed and 3no. 2 bed flats above (12 total) and associated works (P/17286/001) established the acceptability of the building, site layout and uses.

Core Policy 1 of the Slough Core Strategy 2008 relates to the spatial strategy for Slough, stating that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre, as confirmed by Policy 4 of the Core Strategy 2008. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.

- 7.2 Core Policy 4 also states that there should be no net loss of family accommodation, defined as “A fully self-contained dwelling with a minimum gross internal floor area of 79 square metres, that has direct access to a private garden. Comprises a minimum of two bedrooms and may include detached, semi-detached, terraced and town house dwellings but not flats and maisonettes.” The proposal does not result in the loss of any family housing as defined by the Core Strategy, however would represent high density housing outside of Slough town centre.
- 7.3 It is accepted that the proposal would provide new flats in an out of centre location which would technically be viewed as contrary to the provision of Core Policy 4, although is consistent with Site Allocation SSA2. However, given the sustainable and accessible location of the site, the varied land use of neighbouring sites (including commercial units and blocks of flats) alongside with the increased need to supply new housing promoted by the NPPF; the provision of a mix use building with nursery at ground floor level and flats above in this particular case should be treated favourably, subject to full compliance with other adopted planning policies.
- 7.4 The existing site has the benefit of planning permission for a similar building, to be used as a nursery and 12 flats, granted on 24 February 2021 (P/17286/001), however due to several departures from the approved plans, including ground floor flats in place of the nursery, this planning permission was not lawfully implemented and is no longer extant. The current application seeks retrospective planning permission, with some alterations proposed including revised layout of the nursery at ground floor, and a single storey side addition to accommodate plant/utilities. A timber structure to the side of the building (used as cycle parking), and another timber structure to the front (used as bin store) are shown to be removed on floor plans and elevations.
- 7.5 The principle of development for a mixed use as nursery and residential has been established by previous planning permission (permission P/17286/000, granted 31 January 2019, and P/17286/001 granted 24 February 2021), and there have been no changes to local planning policies, or significant changes to national policies which would justify a refusal of planning permission on this occasion.
- 8.0 **Housing Mix and Type**

At a local level, the development proposals for new housing on this site at this location would be broadly supported by Core Policy 1 (Spatial Strategy) of the Core Strategy. The policy requires that development should take place within the built-up area on previously developed land and that the proposals for the

comprehensive regeneration of selected key locations within the Borough will also be encouraged at an appropriate scale.

- 8.1 Core Policy 3 (Housing Distribution) sets out the housing requirement for Slough as it was in 2008. This states that: 'A minimum of 6,250 new dwellings will be provided in Slough between 2006 and 2026.
- 8.2 The Local Planning Authority cannot demonstrate a Five-Year Housing Land Supply. As of April 2024, the Council had a 2.2 year supply inclusive of a 20% buffer applied as a result of the latest Housing Delivery Test. In accordance with Paragraph 11 of the National Planning Policy Framework (inc. footnote 8), the some policies for determining the application are out-of-date. While an assessment based on the relevant development plan policies and development plan as a whole will be carried out, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (tilted in favour of housing), when assessed against the policies in the Framework taken as a whole.
- 8.3 The proposal would provide 9 x 1 bed and 3 x 2 bed flats, which, over a small site as proposed provides a mix of homes appropriate for the location that would help achieve sustainable, inclusive and mixed communities. No affordable housing provision is sought as the 12 units proposed fall below the 15 unit threshold which would require such provision in accordance with the Council's Developer's Guide (part 2). The housing mix is the same as approved on 24 February 2021, which was (and is) considered acceptable for the site and there has been no change in development plan policies, noting there have been further iterations of the NPPF
- 8.4 Given the tilted balance is engaged, the contribution towards housing would in principle attract positive weight in the planning balance.

9.0 **Design and Character of the Area**

Saved Policy EN1 requires development proposals to reflect a high standard of design and must be compatible with, and/or improve the surroundings in terms of layout, scale, height, architectural style and materials. Policy Core Policy 1 of the Core Strategy states that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will not be allowed in locations that lack the necessary supporting infrastructure, facilities or services or where access by sustainable means of travel by public transport, cycling and walking are limited.

- 9.1 Core Policy 8 of the Core Strategy states that all development in the Borough shall be sustainable, of a high-quality design, improve the quality of the environment and address the impact of climate change.

Policy Core Policy 8 defines High Quality Design as to:

- a) Be of a high-quality design that is practical, attractive, safe, accessible and adaptable;
- b) Respect its location and surroundings;

- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
 - d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.
- 9.2 The policy also requires that the design of all development within the existing residential areas should respect the amenities of adjoining occupiers and reflect the street scene and the local distinctiveness of the area.
- 9.3 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Para 135 states that decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.4 The proposed development generally reflects the building granted planning permission in 2021, particularly in terms of height, footprint and position within the site; there are some external alterations to the approved building such as the side projection to provide a plant room, and vehicle barrier (to improve site security, as requested by the Thames Valley Police consultant), however these are considered to be relatively minor, with a minimal impact upon the design of the building or the character of the area. Internal changes, chiefly to reconfigure the nursery provision, have no additional impact upon the character of the area beyond the approved scheme, and the site will accommodate a nursery with 12 flats, as previously approved.

- 9.5 A condition is recommended to restrict the use of the site as a nursery only, which will allow the LPA an opportunity to assess the impact of any changes of use for the ground floor, which may otherwise be a permitted change (for example to shops, offices or other uses which may intensify activity at the site).
- 9.6 The proposed design of the development would comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policies 1, 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2024.

10.0 Impact on amenity of neighbouring occupiers

The National Planning Policy Framework requires planning decisions to ensure developments create places with a high standard of amenity for existing and future users.

- 10.1 Core Policy 8 requires new development proposals to reflect a high standard of design and to be compatible with and / or improve the surroundings in terms of the relationship to nearby properties.
- 10.2 The building on site is complete, and subject to removal of timber structures which are not considered to be acceptable, the development has no additional impact upon the amenity of neighbouring occupiers beyond the approved building. The first floor windows within the side elevation are a significant distance from neighbouring occupiers; the flank wall of the neighbour (with a single window) is some 12m from the flank wall of the site. A condition to restrict additional windows, and require the proposed first floor flank windows to be obscurely glazed and high level opening will protect the privacy of residential neighbour, particularly those to the north on Twist Way.
- 10.3 The ground floor nursery use might lead to increased comings and goings to the site however due to its distance to residential neighbours and the location of the site as a part of the overall commercial core of this section of the regeneration project, the mix of uses proposed in this scheme would not lead to detrimental impacts upon neighbouring amenities.

11.0 Living conditions for future occupiers of the development

The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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", as set out in the supporting text.

11.1 *Amenity*

Policy H14 of the Local Plan discusses Amenity Space. It states that:

The appropriate level will be determined through consideration of the following criteria:

- a) type and size of dwelling and type of household likely to occupy dwelling;*
- b) quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;*
- c) character of surrounding area in terms of size and type of amenity space for existing dwellings;*
- d) proximity to existing public open space and play facilities; and e) provision and size of balconies*

11.2 The flats all meet and exceed the national space standards for the size of units proposed, which is acceptable in planning terms. Whilst there is no private amenity space for the flats, this is the same situation as the previously approved scheme, which was considered acceptable due to the proximity to Kennedy Park.

11.3 All flats benefit from windows to habitable rooms, with no significant buildings or structures within the vicinity to impact upon overshadowing, poor light or outlook.

11.4 The living conditions for occupiers are acceptable, and reflect those considered acceptable previously.

12.0 **Landscaping and Trees**

Core Policy 9 of the Core Strategy states that development will not be permitted unless it enhances and preserves natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.

12.1 The site includes three oak trees which are the subject of a Tree Preservation Order (TPO no.5/2012), and there is proposed landscaping scheme to include planting to the front and side of the building, which will offer a degree of greening to the site.

13.0 **Ecology & Impact on Local Protected Habitats [including Burnham Beeches Special Area of Conservation]**

Paragraph 192 (b) of the NPPF requires new development to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

13.1 Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.

13.2 Saved Policy EN22 sets out that special account will be taken of nature conservation interest when determining proposals for development which would be detrimental to land which contains features of ecological importance. Ecological appraisals are required where proposed development is likely to threaten any nature conservation interest.

13.3 *Biodiversity Net Gain*

In England, Biodiversity Net Gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

13.4 The proposal is exempt from mandatory BNG, as the application is retrospective, and there is currently no obligation to provide a 10% Net Gain for biodiversity.

13.5 *Impact on Burnham Beeches SAC and Review of Habitat Regulations Assessment & Appropriate Assessment*

Under the requirements of the Conservation of Habitats and Species Regulations 2017 (‘The Habitats Regulations’) it is necessary to consider whether the proposed project may have significant effects upon areas of nature conservation importance designated/classified under the Directives (Habitats Sites). In this case the proposed development is entirely within a 5.6 Km buffer zone of Burnham Beeches Special Area of Conservation (SAC) located to the northwest of Slough outside the borough boundary.

13.6 The Habitats Regulations place a duty upon ‘Competent Authorities’ i.e. Slough Borough Council to consider the potential for effects upon ‘Habitats Sites’ (Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar) prior to granting consent for projects or plans.

13.7 The applicant has undertaken a Habitats Regulations Assessment and Appropriate Assessment of the proposed mitigation scheme as part of the above planning application. The HRA outlines the Habitats Regulations context, the project, the relevant designated sites, screening of potential effects and consideration of potential effects resulting from public access/ recreation. The Appropriate Assessment comprises an assessment of whether the Likely Significant Effects on the integrity of Burnham Beeches SAC can be adequately mitigated.

13.8 This HRA Screening Report of Likely Significant Effects (LSE) has assessed the Development Proposals in terms of any potential impact upon relevant European designated sites and concluded that Likely Significant Effects cannot

be ruled out in relation to the potential for increased recreational disturbance from new residents on Burnham Beeches SAC European Site.

- 13.9 An Appropriate Assessment (Stage 2) must be undertaken and completed by Slough Borough Council to assess whether the LSE on the integrity of Burnham Beeches SAC can be adequately mitigated.
- 13.10 The Council and Natural England have agreed in principle that an appropriate strategic solution to mitigating the cumulative impacts on Burnham Beeches from development (within the Burnham Beeches SAC buffer zone within Slough) would comprise improvements towards Upton Court Park near to and overlapping the southern edge of the borough. The Council's draft Mitigation Strategy and the Upton Court Park Master Plan identifies a range of biodiversity/natural habitat improvements in Upton Court Park and identifies the Park as a suitable alternative natural greenspace. The Strategy was agreed by the Council on 11 October 2022. The 68 ha. park has the carrying capacity for more residents to use it. Its size, accessibility, substantial areas of existing semi natural habitat and walking routes means visitors can enjoy walks amongst nature away from development. It is already used for dog walking providing an alternative to Burnham Beeches. Implementation of some projects in the Mitigation Strategy/Master Plan will enhance its attractiveness to visitors and provide mitigation for the completed and fully occupied development.
- 13.11 The Mitigation Strategy identifies work priorities in Slough to address the Council's duty under the Habitat Regulations regarding reducing visitor pressure on the Burnham Beeches SAC sensitive habitat as a result of new residential developments within the zone of influence. The aim of creating alternative recreation spaces is to attract visitors who might otherwise travel to Burnham Beeches SAC and also to improve biodiversity generally in the area. Section 106 contributions would apply to residential developments within 5.6km of Burnham Beeches SAC with the requirement for a contribution being set in the Mitigation Strategy. The Strategy sets out a contribution of £570 per additional dwelling.
- 13.12 In advance of formally adopting this policy Supplementary Planning Document guidance, and recognising the evidence in place at the time, the Applicant would be required to make s106 contributions (or as a unilateral undertaking) on the basis of a rate of £570 per additional dwelling towards the above projects. As a result, it is considered that the proposal would not have an adverse effect on the integrity of Burnham Beeches SAC. Compliance with such planning obligations would provide certainty of no adverse effect on site integrity subject to the conditions or obligations being secured.
- 13.13 The site is located within a 5.6 km radius (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.
- 13.14 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. Natural England agree to the general principles of the strategy.

- 13.15 The applicant has submitted a Habitats Regulations Assessment (HRA) and Appropriate Assessment as a part of this application. To summarise the assessment concluded that the proposal would have the potential to affect Burnham Beeches SAC resulting from public access and disturbances (when combined with future development in the area).
- 13.16 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 affects 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).
- 13.17 To mitigate the identified impact, the proposed measures are to use developer contributions of £570 per dwelling (as secured by an accompanying unilateral agreement with the applicant and SBC), to go towards Upton Court Park as a Suitable Alternative Natural Green Space (SANG) for works and associated long term maintenance of those works. This would result in a total £6480 (12 dwellings x £570). This is in line with Slough's draft mitigation strategy. The SBC's Special Projects Officer has confirmed that this amount will be spent towards mitigating the impacts of new residents of the Development on the Burnham Beeches SAC.
- 13.18 It has been confirmed by SBC's Special Projects Officer that the proposed SANG would have capacity for the development. It is therefore concluded by Officers that the proposed mitigation package would be acceptable and counteract any potential adverse impacts of the development, upon signing and sealing of a section 106 obligation, or unilateral agreement. As such, with the mitigation in place the proposal would not result in an adverse (or significant adverse) impact on the integrity of the Burnham Beeches SAC.
- 13.19 In relation to Regulation 77 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), the applicant has provided details of the development which is intended to be carried out; notifications of consultations with Natural England have been received and sent to the applicant. The relevant body has stated that there is an adverse impact, however, the proposed mitigation from the applicant would counteract this; the Local Authority has made an appropriate assessment on this application and have concluded that the proposed mitigation measures would be appropriate and counteract the potential adverse impacts of the development on Burnham Beeches SAC. Therefore, the application is considered to comply with the criteria as set out within Regulation 77 of the Conservation of Habitats and Species Regulations 2017.

14.0 Transport and Highways

Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users;
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

14.1 Paragraph 115 of the NPPF 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.

14.2 Paragraph 116 of the NPPF states that development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

14.3 Core Policy 7 states: All new development should reinforce the principles of the transport strategy as set out in the council's Local Transport Plan and Spatial Strategy, which seek to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

14.4 Development proposals will, either individually or collectively, have to make appropriate provisions for:

- Reducing the need to travel;
- Widening travel choices and making travel by sustainable means of transport more attractive than the private car;
- Improving road safety; and
- Improving air quality and reducing the impact of travel upon the environment, in particular climate change.

14.5 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the

imposition of parking standards. The Parking Standards have been updated within Part 3 of the Slough Developer's Guide.

- 14.6 Policy T8 of The Adopted Local Plan for Slough 2004 provides that planning permission will not be granted for development which would prejudice the implementation of the proposed cycle network in Slough, and proposals must include suitable cycle access to and through the site and cycle parking racks and other facilities for cyclists as an integral part of the development.
- 14.7 The Local Highways Authority have confirmed its support for the proposed development, following a revised car park management plan to reflect any changes which may have occurred since planning permission was previously granted. The previously approved parking layout (and provision) is replicated in the current application, with the exception of a vehicle barrier; the cycle parking and bin storage, whilst relocated within the approved building, meets the local standards. The proposal is therefore similar to that previously approved, and the Local Highways Authority is satisfied that the car park management plan is adequate to mitigate any impacts on highways.

15.0 **Land Contamination**

Paragraphs 183 of the National Planning Policy Framework require a site to be decontaminated so that it is suitable for its proposed use. Core Policy 8 (Sustainability and the Environment) of the SBC's Core Strategy Document states that development shall not 'cause contamination or deterioration in land, soil or water quality' nor shall development occur on polluted land unless appropriate mitigation measures are employed.

The site has previously been identified as being located within an area known to have been excavated for brick earth, and subsequently filled with waste, with a risk of ground gases such as methane, carbon dioxide and hydrogen sulphide. Previous applications at the site have required site specific ground investigations, monitoring and gas protection measures. The Council's Contaminated Land Officer has reviewed the reports detailing the measures to ensure the development has been constructed to mitigate the risks and harm to human health, and is satisfied with the report.

16.0 **Flood Risk and Drainage**

Core Policy 8 states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality. Sustainable Drainage Systems (SUDs) are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way. The National Planning Policy Framework states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Advice from the lead local flood authority should be taken into account.

- 16.1 Parts of the Site are located within Flood Zone 1, identified as land assessed as having a less than 1 in 1000 year annual probability of river/tidal flooding. The Site is therefore considered to be at little or no risk of fluvial or tidal/coastal flooding.

- 16.2 The applicant has submitted a Drainage Strategy which has been reviewed by the Local Lead Flooding Authority, which confirmed no objections to the proposed surface water drainage, include SuDs.

17.0 **Making effective use of land**

Section 11 of the NPPF discusses making effective use of land. Paragraph 124 of the NPPF sets out that:

- 17.1 Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
- 17.2 Paragraph 125 of the NPPF sets out that planning policies and decisions should promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).
- 17.3 The proposal would provide 12 residential units, and a nursery provision at ground floor; the use of the land within use class E(f) coupled with the existing residential units, would result in an effective use of the land, and bring part of an unused building into active use, meeting the objectives of paragraphs 124 and 125 of the NPPF.

18.0 **Equality Considerations**

- 18.1 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.
- 18.2 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.
- 18.3 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.

- 18.4 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.
- 18.5 Throughout this report, due 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.
- 18.6 It is considered that there will be temporary (but limited) adverse impacts whilst the alterations to the development are undertaken (such as the removal of the timber structures to the side and front of the building), and these are relatively minor in terms of scale or complexity. 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. Given the scale and likely duration of construction work, these impacts are not considered to be significant or long lasting.
- 18.7 . In conclusion, it is considered that the needs of individuals with protected characteristics have been considered by the Local Planning Authority to appropriate level at this outline stage in the planning process, exercising its PSED in accordance with the 2010 Equality Act.

19.0 **Planning Obligations**

Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructures must be sustainable. 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.

- 19.1 A Section 106 Agreement would secure financial contributions as detailed below (this is in addition to controls that would be secured by planning conditions). The following obligations would form part of the Agreement, each of which is considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 i.e. the obligations are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 19.2 The following obligations would be secured:

- Financial Contribution of **£6480** towards providing precautionary measures reducing recreational and visitor pressure on Burnham Beeches SAC including but not limited to improvements to Upton Court Park, and/or towards management and maintenance of visitor facilities within Upton Court Park and other suitable alternative green spaces in Slough as

deemed appropriate by SBC in consultation with Natural England. Contributions derived from basis of £570 per dwelling.

20.0 Planning Balance

The application has been evaluated against the Development Plan and other material considerations including the NPPF. The Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development” for which there is a presumption in favour (per paragraph 11 of the NPPF).

20.1 The report identifies that the proposal does not comply with some of the relevant saved policies in the Local Plan and Core Strategy, and it identifies where there are some conflicts with the Development Plan. As a whole, it is considered the proposals are compliant with the Development Plan. However, there are important policies in the development plan which are out of date, and, in applying a presumption in favour of sustainable development (as required by paragraph 11), this means that part (d) of Para 11 of the NPPF is triggered which provides that planning permission should be granted unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (Burnham Beeches impact addressed by the contributions to be secured via a S106) ; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

20.2 In the application of the appropriate balance, it is considered that there are some benefits from the scheme, these include the following:

- The provision of 12 residential units at the mix provided should be afforded **moderate positive weight**.
- The provision of a nursery at ground floor would provide a service for the benefit to local families, and would result in active usage of the whole building and should be afforded **moderate positive weight**.

20.3 The following adverse impacts were identified:

- The lack of private amenity space for the flats, resulting in greater reliance on public open spaces, including Kennedy Park should be afforded **moderate negative weight**.

20.4 Therefore, in coming to a conclusion, Officers have given due consideration to the benefits of the proposal in providing a net gain of 12 no. dwellings towards the defined housing need at a time where the Council is unable to meet housing needs within the Borough, as well as an active use of the ground floor of the building. These factors create a range of moderate benefits which weigh in favour of the development in the planning balance.

20.5 On the basis of the arguments above, it is considered that, the positive impacts of the proposal would greatly outweigh the adverse impacts in the planning balance when assessed against the policies in the Local Development Plan and

the National Planning Policy Framework taken as a whole. Therefore, the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

21.0 RECOMMENDATION

Officers recommend that the application should be delegated to the Planning Group Manager for approval subject to finalising conditions and the applicant signing a legal agreement to secure financial obligations, in accordance with the recommendation in Part 1 of this report.

22.0 PART D: DRAFT CONDITIONS

Approved plans

1. The development hereby permitted shall be carried out in accordance with the following approved plans hereby approved by the Local Planning Authority:

- (a) Drawing No. 17/10/60, Dated April 2019, Recd On 19/08/2024
- (b) Drawing No. 17/10/10G, Dated 07/02/2025, Recd On 07/02/2025
- (c) Drawing No. 17/10/11F, Dated 06/02/2025, Recd On 07/02/2025
- (d) Drawing No. 17/10/12C, Dated 06/02/2025, Recd On 07/02/2025

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.

Internal layout

2. The internal layout of the development, as detailed in Drawing No. 17/10/11F, Dated 06/02/2025, Recd On 07/02/2025 shall be implemented within 3 months of planning permission being granted.

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.

Remove cycle storage

3. The timber side projection to the eastern elevation, indicated on Drawing No.17/10/15, Dated Aug 24, Recd On 19/08/2024 and labelled as Residents' Cycle Store within Drawing No.17/10/16, Dated Aug 24, Recd On 19/08/2024 shall be removed within 3 months of planning permission being granted.

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.

External lighting

4. The external site lighting scheme shall be implemented within 3 months of planning permission being granted, and in accordance with Drawing

No.17/10/001, Dated May 2022, Recd On 09/08/2024 and manufacturers data sheets and specifications, provided by Aurora Lighting Group, revised 29 June 2018, Recd On 09/08/2024. No lighting shall be provided at the site other than in accordance with the approved scheme, and shall be retained thereafter.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN1 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework.

Crime prevention

5. The measures to prevent crime and increase security within the site, as detailed within the Access & Security Strategy, Dated March 2025 Rev C, Recd 17/03/2025, and the including provision of CCTV within the site, as detailed in Drawing No. 17/10/13B, Dated Aug 24, Recd On 07/02/2025 and Drawing No. 17/10/14A, Dated Aug 24, Recd On 07/02/2025 shall be implemented within 3 of issuing the decision notice for this planning permission and retained thereafter.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the wellbeing of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, EN5 of The Local Adopted Plan for Slough 2004 and to reflect the guidance contained in The National Planning Policy Framework.

Landscaping

6. The landscaping scheme, as detailed in Drawing No. 331/01B, Dated 03/07/2019, Recd On 09/08/2024 and Landscape Specification for Planting Design including Landscape Maintenance Strategy, Prepared by Goodger Design Associates, July 2019 (updated February 2021), Recd On 09/08/2024 shall be carried out no later than the first planting season following the issuing the decision notice for this planning permission. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority. The landscaping shall be maintained and retained thereafter.

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

Cycle parking

7. A minimum of 16.no covered and lockable cycle parking spaces for the residential flats shall be provided within 3 months of planning permission being granted, and a minimum of 6.no cycle parking spaces for the nursery use development shall be provided prior to first occupation, and in accordance with Drawing No. 17/10/11F, Dated 06/02/2025, Recd On 07/02/2025. The cycle parking shall be provided in accordance with these details and shall be retained at all times in the future for

this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and to meet the objectives of the Slough Integrated Transport Strategy.

Bin storage

8. The bin storage shall be provided in accordance with approved Drawing No. 17/10/11F, Dated 06/02/2025, Recd On 07/02/2025 within 3 months of planning permission being granted, and retained in perpetuity.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

Parking and manoeuvring

9. The scheme for parking and manoeuvring indicated on Drawing No. 17/10/10G, Dated 07/02/2025, Recd On 07/02/2025 shall be laid out within 3 months of planning permission being granted and that area shall not thereafter be used for any other purpose. The timber structure to the front elevation within the approved parking area shall be removed within 3 months of planning permission being granted.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

Car park management

10. The car park management scheme shall be implemented in accordance with the Car Parking Management Plan (CPMP) produced by Peter Evans Partnership, Dated February 2025, Recd On 10/02/2025. Thereafter the allocation and use of car and electric vehicle parking spaces shall be implemented in accordance with the approved scheme and retained thereafter

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

Restrictions on use

11. The Class E(f) use hereby approved shall be used as a nursery only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order.

REASON In order to protect the amenities of the area from an intensification of use, and to comply with Site Allocation SSA2 and Core Policy 6 of The Slough

Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

No additional windows

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

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

Obscure windows

13. The first floor window of the west elevation, serving the bathroom for flat 1 of the development hereby approved shall be glazed with obscure glass and shall be fixed shut. The first floor window of the east elevation, serving the bedroom of flat 5, shall be glazed with obscure glass and shall only be top vent openable at a height not less than 1.7m above finished floor level. The windows shall not thereafter be altered and retained thereafter.

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

SuDS

14. The drainage system shall be implemented within 3 months of planning permission being granted, and in accordance with the details within the Drainage strategy, produced by Howes Atkinson Crowther, Recd On 09/08/2024 and shall be maintained and retained thereafter in perpetuity.

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

SuDS As Built and Maintenance Details

15. A record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register; this shall be submitted within 3 months of planning permission being granted. The details shall include:

- (a) As built plans in both .pdf and .shp file format;

(b) Photographs to document each key stage of the drainage system when installed on site;

(c) Photographs to document the completed installation of the drainage structures on site;

(d) The name and contact details of any appointed management company information.

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

INFORMATIVE(S):

1. National Planning Policy Framework

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

2. Decision

For the avoidance of doubt, the 3 months of planning permission being granted is the date of issuing the decision notice. The 3 months time limit is referred to within conditions.

3. Tree Preservation Order

The applicant is informed that the existing trees within the site are under a Tree Preservation Order and any works to these would require planning consent. Any damage to the trees or roots, may result in formal action being taken by the Council.

4. Section 106

A Section 106 Agreement forms part of this planning permission.

5. Thames Water

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are 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

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

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

Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>