

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies of the Development Plan set out below, and all other material considerations, it is recommended the application be delegated to the Planning Manager to grant planning permission.
- 1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application for the variation of a previously approved major development comprising more than 10 dwellings.

PART A: BACKGROUND

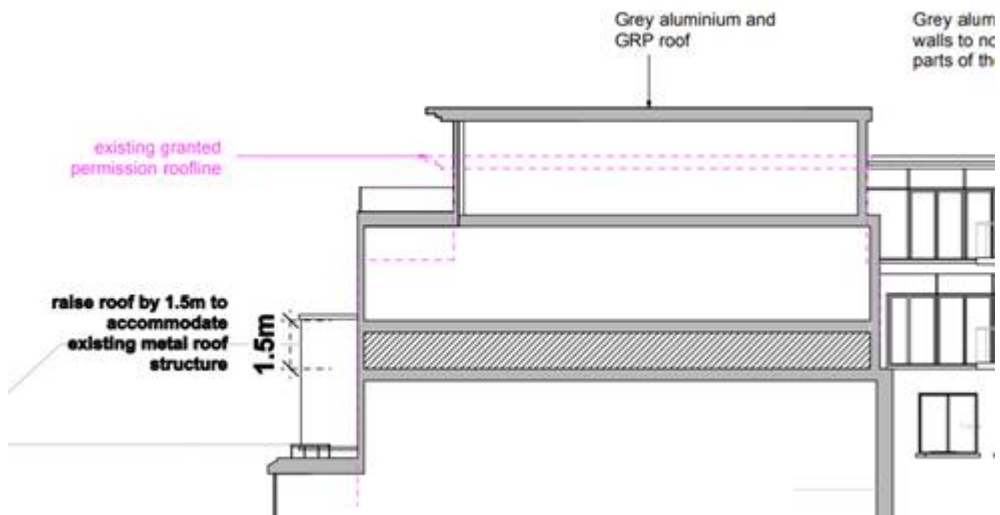
2.0 Proposal

- 2.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 as amended. Section 73 allows for applications to be made for permission to develop without complying with a condition or vary conditions previously imposed on a planning permission. The Council can grant such a permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original conditions should remain.
- 2.2 In this instance the applicant has sought to apply for permission under section 73 to vary a previously approved scheme at the site which was granted by Members under reference: P/10913/028 following a resolution to approve at the Committee meeting of March 2023 with the decision notice issued on 13 December 2023.

The original approval granted consent at the site for:

Roof extension to construct a fourth and fifth floor to accommodate 45no. self-contained flats (22no. 1-bedroom and 23no. 2-bedroom flats), with associated parking and refuse/recycling storage.

The proposed variation is to raise the height of the building by 1.5m compared to the approved plans.



2.3 The applicant advised that the 'construction methodology' required adaption to allow the internal units [meaning units in the existing building below] to be completed before the construction of the roof. As such, the revised methodology would retain the existing roof and allow the PD units to be separate from the roof extension, hence allowing lower floors to be occupied.

2.4 The originally approved application was submitted with the following technical content:

- Planning Statement
- Daylight/Sunlight Report
- Planning Statement
- Design and Access Statement
- Sustainability and Energy Statement
- Transport Statement
- Fire Statement
- Viability assessment
- Habitat Regulations Assessment

3.0 Application Site

3.1 The application relates to a Town Centre office building set over four floor levels with car parking/ancillary facilities set in the lower ground level. The property is on the corner of Windsor Road and the High Street.

3.2 It is a brick-built construction with prominent projecting curved elements comprising blockwork and glazing. From Windsor Road and the High Street the top floor (3rd floor) is set back and predominantly glazed and clad, showing a variation in external treatment. The rear of the building is more uniform in appearance comprising brick faced elevations with an unvaried façade dominated by evenly provided glazing.

3.3 Pedestrian access to the site would be gained from a principal entrance on Windsor Road and an entrance on the corner of Windsor Road and the High Street and a further entrance on the High Street. Vehicular access is gained to the rear via Buckingham Gardens leading to a basement car park providing paces over two lower levels.

3.4 Given the size of the site being less than 1 hectare, together with the fact that it is not within a critical drainage area and that it lies within Flood Zone 1, no Flood risk assessment is required.

4.0 Site History

4.1 The following applications are the most relevant to the proposal:

P/10913/000

Demolition of existing buildings & erection of mixed use development to include offices with ancillary basement car parking, hotel with restaurant/bar, leisure & retail(A3) units & provision of replacement surface level car park (amended plans 03/10/2000).

Approved 16/02/2001

F/10913/019

Prior approval for change of use from Class B1(a) offices to Class C3 to create 89 residential units, ranging from studios, 1 bed and 2 bed units.

Prior Approval; Granted 13/05/2023

F/10913/020

Prior approval notification for a change of use from commercial, business and service (Class E) to residential (class C3) (8 flats (2x 2 bedroom and 6 x 1 bedroom)).

Approved 01/12/2023

F/10913/021

Creation of new window openings at the rear and like-for-like replacements of certain existing windows to provide openable casements.

Approved 23/11/2023

P/10913/022

Creation of new window openings to the rear of the site together with like for like replacement of certain existing windows to the front and rear elevations to provide openable casements for ventilation of new flats.

Approved 15/12/2023

P/10913/024

Erection of timber fencing and new landscaping to existing rear courtyard to create private and communal amenity space for new flats.

Approved 21/3/2022

F/10913/027

Prior approval notification for a change of use from commercial, business and service (Class E) to residential (Class C3) (9 flats (1x 2 bedroom, 6x 1 bedroom and 2x studios).

Prior Approval granted 07/04/2022

P/10913/028

Roof extension to construct a fourth and fifth floor to accommodate 45no. self-contained flats (22no. 1-bedroom and 23no. 2-bedroom flats),with associated parking and refuse/recycling storage.

Approved 13/12/2023

P/10913/029

Replacement of revolving doors with glazed double doors together with new intercom and down lighting.

Approved 03/08/2022

P/10913/031

Advertisement consent to display illuminated lettering in three positions, located between the ground floor and first floor.

Details approved 28/11/2022

P/10913/033

Submission of details pursuant to condition 1 (Cycle parking) & 2 (Refuse and Recycling) of planning permission F/10913/027 dated 07/04/2022.

Approved 24/10/2023

P/10913/034

Submission of details pursuant to condition 3 (materials), 10 (Noise assessment), 23 (Air Quality) & 24 (Drainage) of planning permission P/10913/028 dated 13/12/2023.

Details approved 8/05/2024

P/10913/035

Submission of details pursuant to condition 9 (Construction and environmental management plan) of planning permission P/10913/028 dated 13/12/2023.

Under consideration

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

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

The originally approved application ref P/10913/28 provided a further 45 units, amounting to 143 flats overall.

5.0 Neighbour Notification

- 5.1 Due to the development being a major application, in accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), site notices were

displayed outside the site on 29/07/2024 The application was advertised in the 09/08/2024 edition of The Slough Express.

5.2 No letters from neighbouring residents have been received.

6.0 Consultations

6.1 Given the variation proposed, which only relates to the height of the building, it is not considered that consultation is required with any other external or internal consultees.

7.0 Policy Background

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current version of the National Planning Policy Framework (NPPF) was published in December 2023. 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 sections of the NPPF are outlined below as are the relevant policies in the Development Plan, which is the starting point of an assessment of the application, which is consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

7.2 National Planning Policy Framework 2023:

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

Slough Local Development Framework Core Strategy 2006-2026
Development Plan Document policies, December 2008:

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

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

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

Other Relevant Documents/Statements

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

7.3 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 sets out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough.

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

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues.

7.4 National Planning Practice Guidance (NPPG)

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

7.5 Fire Safety Provisions - DLUHC Guidance - Fire safety and high-rise residential buildings (from 1 August 2023)

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

7.7 Equality Act

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

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

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

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

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

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

7.10 Planning (Listed Buildings and Conservation Areas) Act 1990

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

8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

- Principle of Development
- Supply of housing
- Design and impact on the character and appearance of the area
- Landscape
- Impacts on neighbouring residential amenity
- Impacts on amenity of future occupiers of the development
- Transport, highways and parking
- Drainage
- Energy and sustainability
- Air quality
- Crime prevention
- Affordable housing and infrastructure
- Habitat impacts
- Equalities considerations
- Neighbour representations
- Presumption in favour of sustainable development

9.0 **Principle of Development**

9.1 As outlined in section 2 of this report an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.

- 9.2 The principle of development was established through the original granting of planning permission under ref P/10913/028. The applicant can apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended). Section 73 of the Act can be used, amongst other things, to approve amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.
- 9.3
- 9.4 This material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.
- 9.5 The guidance is now contained in the Department for Levelling Up, Housing and Communities' National Planning Practice Guidance. Amongst other things the guidance states that a material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved. Relevant and recent case law on this matter indicates that the section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development. It should also be noted that the proposals do not seek to amend the description of development, which cannot be secured by way of an application under section 73.
- 9.6 The submission of the section 73 application does not give an opportunity to reassess the previously determined proposal.
- 9.7 In this instance the proposed variation is to increase the height of the extension by an additional 1.5m to allow for the conversion of the lower floors without affecting the existing building. There is no increase in unit numbers overall and the external changes relate to a 1.5m increase in height and a corresponding raising of the windows within the proposed elevations. Therefore, in principle, the development is considered to be of the same nature as originally approved and the principle of making the application is acceptable as provision is made for it within the section 73 1990 Act. In terms of Biodiversity Net Gain, this application is exempt from the statutory requirements given the original permission was granted before 12 February 2024, when the 10% net gain became mandatory.
- 9.8 In accordance with the section 73 procedure, the variation of condition 2 pursuant to the extant planning permission would necessitate the need to issue a new planning permission with the time limit remaining the date of the original planning permission (dated 13 December 2023). The new planning permission would have a new reference number and its own set of conditions set out in in the report below.

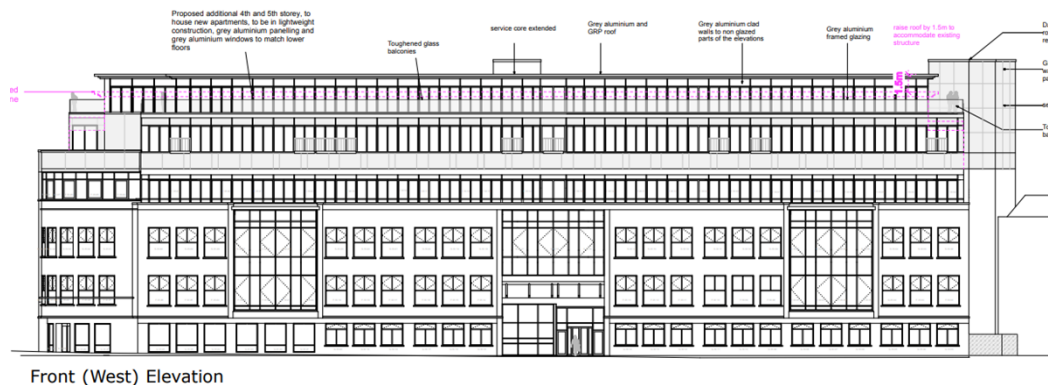
10.0 Supply of Housing

- 10.1 There is no alteration to the supply of housing through this variation

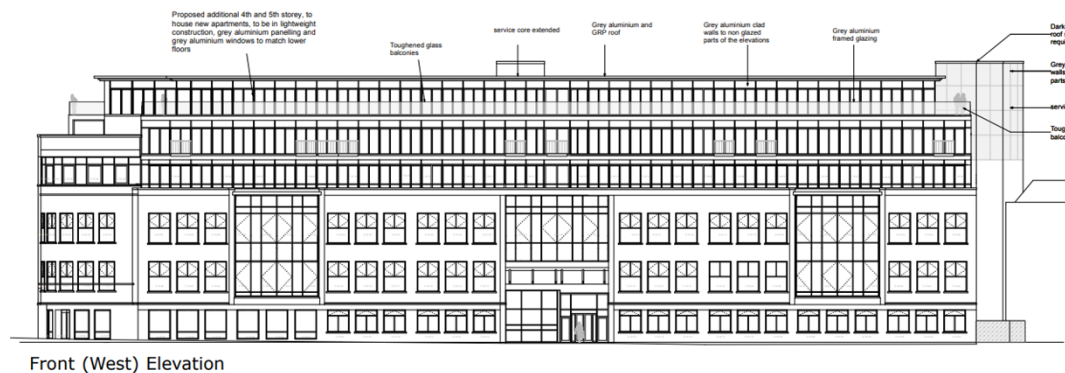
11.0 Design and Impact on Appearance and Character of the area

- 11.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.2 The proposed variation will have an impact on design and the character of the area. The previous design considerations are relayed below:
- “The proposed additional of two storeys to the building will significantly increase the scale and bulk of the building. The resultant scale of the building will relate well to the immediate character of the area. The scale, at 5 storeys, will be reflective of the height of Observatory House, the Travelodge building and the development of flats currently under construction to the south (now completed). It is also comparable to the height of The Moxy to the north. It is higher than buildings to the north of the site on The High Street and also to the immediate west and immediate south, but the difference in scale is not significant to the extent that the building would sit out of character in this area.*
- 11.3 *The impact of the increased scale is mitigated somewhat by setting back the proposed storeys from the front of the building. At street level this will greatly reduce the visual prominence of the resultant building. From a massing point of view, the set back reduces any visual bulkiness from the scheme and aid the assimilation of the proposal into the streetscene. The height and massing of the proposal are considered to be acceptable in planning terms.*
- 11.4 *In respect of detailing and visual appearance the principal elevations, north and west, are designed to reflect the appearance of the top floor of the existing building in this location. It sets a contrast to the lower floors which is considered acceptable as it reads as a lighter addition to the heavier lower floors, creating an acceptable relationship. The aluminium grey finish is considered to be acceptable in principle and ancillary materials are considered complementary.”*
- 11.5 The increase in height of 1.5m will result in a higher building but it is considered that the overall visual impact will be regarded as negligible. The increased height will be faced in aluminium cladding to match the design detail of the original extension. The images below show the proposed (top) compared to the originally approved (below):

Proposed:



Approved:



- 11.6 The scale of the proposal is still considered to be appropriate for the location and will be comparable to the scale of other buildings in the vicinity. It would not result in a building that is overly prominent in the streetscene.
- 11.7 On the basis of the considerations above the scheme is still considered to be acceptable in light of policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF. The impact will be appropriately weighted as part of the planning balance.
- 12.0 **Landscaping**
- 12.1 There is no change to landscaping as a result of the proposal.
- 13.0 **Impact on neighbouring amenity**
- 13.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for

- all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.
- 13.2 There are neighbouring properties to the west of the site on the opposite side of Windsor Road, sitting on the floors above the ground floor businesses. The proposed increase in height of the building would result in the additional floors and the associated windows serving the new residential units sitting 1.5m higher than in the approved scheme. However, this is not considered to increase any overlooking impacts due to their elevation position and set back nature. The setback nature also reduces the impact of the bulk of the proposal and the increased height would not be considered overbearing for these neighbours when considering existing bulk.
- 13.3 To the north there are residential units above ground floor level at Maple House on the other side of the High Street. The separation caused by the High Street in this location provides suitable distance between the two buildings. The additional height will not result in adverse impacts and there are no objections regarding overlooking or loss of light to these neighbouring units.
- 13.4 To the west of the site there are some units above ground floor level at 100A High Street. There are no principal windows on the elevation that faces the application site and no adverse impact as a result. To the south of this building there are a number of units above ground floor level at Brisbane Court and The Village and there are units that face the application site. There are suitable separation distances between the scheme and units at The Village (varying between approx. 18 and 27 metres) but there is a close relationship with Brisbane Court at approx. 12 metres. The plans show that at the area of the close relationship there would be no proposed windows facing the neighbour and therefore no overlooking impact. The increased height from this proposal will be apparent from the units but the set-back nature of the design will mean there would not be a significantly adverse impact on amenity compared to the existing circumstance.
- 13.5 To the south there is a residential block recently completed which will have a suitable separation distance of approx. 39 metres. In respect of directly facing windows from the northern outlook. There are closer windows with an indirect relationship and the positioning is such that there are no concerns over amenity impacts.
- 13.6 As a result of the above assessment, the proposal is considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan. This will be considered as part of the planning balance.

14.0 Living conditions for future occupiers of the development

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants

of land and buildings. There are no alterations internally to consider so no change in respect of occupier amenity.

15.0 Highways and Parking

- 15.1 The National Planning Policy Framework states that planning should seek to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 115 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
- 15.2 The site is in the town centre where zero parking is acceptable for residential schemes and the original proposal allocated 52 spaces to the development, providing at least one space for each unit. Cycle parking is provided through the previously approved 248 spaces in the building which is acceptable.
- 15.3 The original application included securing highways works through a legal agreement to improve access to and from the site. The proposed variation to the approved scheme does not raise any highway or parking issues
- 15.4 The proposal remains compliant with Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

16.0 Drainage

- 16.1 There is no change to drainage arrangements as a result of this proposal, drainage details have been approved via condition on application ref: P/10913/034.

17.0 Energy and Sustainability

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

designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

17.2 The application included an energy and sustainability statement. The statement advises that with the inclusion of a number of sustainable technologies as part of the development the scheme can achieve a CO2 reduction of 37% due to a 'fabric-first' approach and airsource heat pumps providing domestic hot water. The proposals also seeks to achieve water savings that are beyond the Building Regulations requirements and these proposals can be secured by condition.

17.3 This approach is not affected by the current application and can still be secured by condition.

18.0 **Air Quality**

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

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

18.4 No objection was originally raised by Environmental Quality subject to conditions which are not affected by this application.

19.0 **Crime Prevention**

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

19.2 The previous application was approved with a condition requiring an SBD accreditation be achieved and this new proposal does not affect this.

20.0 **Affordable Housing and Infrastructure**

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

20.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to

supply all reasonable and necessary on-site and off-site infrastructure improvements.

- 20.3 The original application was approved with a Section 106 agreement that secured the following:

Contribution	Amount offered
Education (overall)	£66,626.40
Slough Car Club (Highways)	£22,500
Affordable Housing	£125,623.60
Recreation	£20,250

The agreement also secured a viability review mechanism, Burnham Beeches mitigation payment and highways works.

- 20.4 The current application would not jeopardise securing these obligations as, if approved would be subject to the obligations in the original Section 106 agreement.

21.0 Habitat Impacts

- 21.1 There is no change in units provided and no change in impact on the Burnham Beeches special Area of Conservation as a result. Mitigation was secured through S106 agreement which will still be required.

22.0 Fire Safety

- 22.1 The original application incorporated fire safety measures as the building exceeded 18m in height. These are not compromised as a result of the current proposal as there are no internal alterations proposed, other than the floors sitting 1.5m higher within the building envelope.

23.0 Neighbour Representations

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

24.0 Equalities Considerations

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

- 24.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 24.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.
- 24.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.
- 24.5 Throughout the report associated with the original grant of planning permission, regard was 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. These have been rolled forward into this S73 application. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 24.6 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings and none have been proposed. Access from the public footway to the building is considered appropriate and units can be safely accessed directly from the disabled parking spaces at the rear via a lift.
- 24.7 In relation to the car parking provisions, the plans do not show the provision of disabled spaces although there are a number of spaces that are closely located to the lift entrances which can be utilised. A condition is proposed to require adjustments to the basement parking layout to provide such spaces.

24.8 It is considered that there would be temporary (but limited) adverse impacts upon all individuals with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction would have the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This could be secured by condition should the scheme be acceptable.

24.9 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

25.0 Presumption in favour of sustainable development

25.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

25.3 The original planning balance consideration is set out below:

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

- The provision of 45 residential units in a sustainable location should be given positive weight although this weight is reduced through an unfortunate housing mix proposing a heavy reliance on 1 bed units which does not accord with the Council’s recommended housing mix. It is recommended that this benefit be given considerable positive weight.*
- As confirmed though the viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. While this is not an adverse impact, it is not one that is considered to be positive either. An off-site contribution is proposed which can be given moderate positive weight.*

- *The mitigation payment towards Upton Court Park improvements is a positive aspect that can be given moderate weight due to the payment being a legislative requirement. The impact on habitats is noted as being significant but mitigation proposals have been agreed with and therefore this is considered to be a neutral impact.*
- *The application includes the provision of some financial contributions towards infrastructure and these are considered to be positive benefits that should be given moderate weight.*
- *The parking provision is considered to be a moderate positive impact given the location of the site.*

25.4 *This proposal does present a balanced case. The significant benefits of housing provision and while there is a noted viability issue with the proposal, the deficit is not considered to be significant and the contributions proposed, while accepted, are unfortunate in that they do not include on site affordable housing provision. On balance the benefits are considered to outweigh the identified impacts and the proposal should be regarded as sustainable development.”*

25.4 The planning balance is still considered to be pertinent and the previous decision is a material consideration that is given significant weight in this deliberation. There is no change in circumstance that would suggest the balance tilt in any other way and the proposal is still considered to amount to sustainable development.

26.0 Conditions

26.0 The granting of planning permission for this application would result in a production of a new decision notice which would repeat all previous conditions. A variation to the original condition 1 (time limit) shall be applied as a S73 application cannot grant a new 3 year implementation period for a scheme. This condition will be varied to reflect the original approval date and is drafted in the section below.

26.1 The applicant has had conditions approved in respect of the following on their original approval:

- Condition 3 – External materials
- Condition 10 – Noise assessment
- Condition 23 – Air quality
- Conditions 24 – Drainage

To save having to replicate these conditions again the applicant has submitted the approved details as part of this scheme so that these conditions can be amended to reflect the approved details, saving any need to resubmit.

27.0 PART C: RECOMMENDATION

27.1 Having considered the relevant policies of the Development Plan set out below, it is recommended the application be delegated to the Planning Manager to grant planning permission.

28.0 PART D: CONDITIONS

Time limit

28.1

1. The development hereby permitted shall be commenced before 13 December 2026.

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

Approved Plan

2. Approved Plans

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

- (a) Site Plan Rev B, Undated, Recd On 24/08/2022
- (b) Drawing Number PL507 Rev A, Undated, Recd On 24/08/2022
- (c) Drawing Number PL1301 Rev G, Dated 06/2024, Recd On 02/07/2024
- (d) Drawing Number PL1302 Rev H, Dated 06/2024, Recd On 02/07/2024
- (e) Drawing Number PL1304 Rev E, Dated 06/2024, Recd On 02/07/2024
- (f) Drawing Number PL1303, Dated 06/2024, Recd On 02/07/2024
- (g) Drawing Number PL1305 Rev E, Dated 06/2024, Recd On 02/07/2024
- (h) Drawing Number PL1306 Rev E, Dated 06/2024, Recd On 02/07/2024
- (i) Drawing Number PL1309 Rev A, Dated 06/2024, Recd On 02/07/2024

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 Development Plan.

3. External Materials

The development hereby approved shall be undertaken in accordance with drawing numbers P1028 2 DET102-1 Rev B, dated 31/07/2023 and P1028 2 DET102-2 Rev B, dated 09/2023, received 03/12/2024 unless otherwise approved in writing by the Local Planning Authority.

REASON: To accord with details approved under ref P/10913/033 and to ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies

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

4. Secured by Design

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

REASON In order to minimise opportunities for crime and anti-social behaviour in accordance with Policy EN5 of The Adopted Local Plan for Slough 2004 and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2023.

5. Hard and Soft landscaping

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

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

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

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

6. Landscape management plan

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

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

7. External Site Lighting

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

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

8. Balconies

None of the units hereby approved shall be occupied until details have been submitted to, and approved in writing by the Local Planning Authority of proposed balcony/terrace amenity screens to be installed as part of the development. The details shall include locations of the screens and their appearance and the works shall be carried out in accordance with the approved details and be in place prior to the first occupation of the development.

REASON To minimise loss of privacy to occupiers of adjoining properties and those of the proposed development in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

9. Construction and Environmental Management Plan

No development shall begin until details of a scheme (Construction and Environmental Management Plan) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. 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, site office and wheel cleaning facilities during the construction period.
- b. 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.
- c. Delivery hours and working hours. Deliveries shall be made outside peak hours of 0800 – 0900 and 1700 – 1800, and outside of 1430 – 1530 where the development is located in proximity to a school.
- d. Extent of construction hoardings / fencing and details of security arrangements on site.
- e. 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.
- f. Vehicle routing plan for HGVs. HGVs shall avoid weight restrictions and AQMAs and local schools at collection/drop off time.
- g. Details of dust control measures and wheel washing facilities to be provided on site.
- h. Confirmation of whether any abnormal loads will be required for the construction or demolition. If so, the LHA must be notified of any abnormal loads at the following location: <https://www.slough.gov.uk/licences-permits/abnormal-loads/1>.
- i. (i) control of noise; (ii) control of dust, smell and other effluvia, (iii) control of surface water run off, (iv) site security arrangements including hoardings

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

REASON: In the interests of the amenities of the area in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance set out in the National Planning Policy Framework (2023).

10.Noise Assessment

The development hereby approved shall be undertaken in accordance with the Environmental Noise Assessment from Sharpes Redmore ref 2120638, dated 05/02/2024, received 03/12/2024 and the works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To accord with details approved under ref P/10913/033 and to ensure existing and future residents are not subjected to unacceptable levels of pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

11. Mechanical Filtered Ventilation

In accordance with the details submitted pursuant to Conditions 10 and 23, should mitigation be required, prior to the occupation of any residential unit hereby approved, details of the proposed system of Mechanical Filtered Ventilation (including proposals for overheating mitigation) within each flat shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in full accordance with the approved details prior first occupation and retained as such at all times in the future. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

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

12. Glazing/Ventilation

In accordance with details submitted pursuant to Condition 10, should mitigation be required, none of the residential units hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) Specifications of the proposed windows and glazed door installations. The details shall demonstrate that the proposed windows/glazed doors ensure that internal noise levels in line with BS8233:2014 are not exceeded
- b) Details of the proposed mechanical ventilation including details of ventilation noise outputs along with a noise assessment in accordance with any mitigation in accordance with ProPG: Planning and Noise Guidance and BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.
- c) If the proposed system of ventilation does not include temperature control, an overheating assessment must be submitted that sets out specific mitigation measures to ensure residents will not be subject to overheating in the residential units hereby approved.

The development shall then be carried out in full accordance with the approved details prior to first occupation of the development hereby

approved. Each Mechanical Ventilation unit shall then be used and maintained in accordance with the manufactures requirements for the lifetime of the development.

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

13.No additional windows

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

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

14.Access

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

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development, in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

15.Car Parking

Prior to the development hereby approved first being brought into use, 45 no. car parking spaces shall be provided and made available for use in connection with the residential development and maintained for the parking of cars thereafter. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON: In the interests of ensuring that the use benefits from satisfactory car parking provision in the interests of the amenities of the area in accordance with Core Policy 7 of the Slough Local Development

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

16. EV Charging

Prior to the first occupation of each unit, the residential car parking provision for the unit shall be provided, to include a 1 electric vehicle charge point per dwelling – and a total of 45 electric vehicle charging points. The residential electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

17. Cycle Parking

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

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

18. Bin Storage

No part of the development shall be occupied commence until bin storage has been provided on the ground floor in accordance with the approval plans and the standards set out in the Slough Developers Guide.

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

19. Sustainable development

The development hereby approved shall be implemented to fully include the proposals and measures set out in the Energy and Sustainability Statement produced by Future Planning and Development, dated April 2022 unless otherwise agreed in writing with the Local Planning Authority.

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

20. Foul Water Drainage

The development hereby approved shall not be first occupied until confirmation has been provided that either:-

- a. Foul water Capacity exists off site to serve the development, or
- b. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
- c. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development.

21. Surface Water Drainage

No development shall be occupied until confirmation has been provided that either:-

- a. Surface water capacity exists off site to serve the development or
- b. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or
- c. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development.

22. Change of use to lower floors

No material operation in the works comprised in the approved development shall be carried out unless or until the schemes approved under the Local Planning Authority reference F/10913/019 (dated 13/05/2023), and either F/10913/20 (dated 01/12/2023) or F/10913/027 (dated 07/04/2022) has been implemented. No part of the approved development shall be occupied unless or until the developments approved under Local Planning Authority reference F/10913/019 (dated 13/05/2023), and either F/10913/20 (dated 01/12/2023) or F/10913/027 (dated 07/04/2022) have been first occupied.

REASON: to ensure the existing offices are not retained as part of the use of the land in the interest of residential amenity, parking, and servicing, and to comply with Core Policies 7 and 8 of the Core Strategy, Local Plan Policies EN1 and T2, and the requirements of the National Planning Policy Framework.

23. Exposure Assessment

The development hereby approved shall be undertaken in accordance with the Air Quality Exposure Assessment from Redmore Environmental ref 6990r1, dated 31/08/2023, received 03/12/2024 and the works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To accord with details approved under ref P/10913/033 and to ensure future residents are not subjected to unacceptable levels of air pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

24. Drainage

The development hereby approved shall be undertaken in accordance with the Sustainable Drainage Assessment from GeoSmart Information Ltd ref 79979R1, dated 28/09/2023, received 03/12/2024 and the works shall be carried out in accordance with the approved details and be in place prior to first occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To accord with details approved under ref P/10913/033 and to ensure that the site is served by an acceptable drainage system in the interests of Policy 8 of the Core Strategy 2006-2026 (adopted 2008).

25. Accessible Parking

Notwithstanding the details in the approved plans, the development hereby approved shall not be occupied until revised details have been submitted to and approved in writing by the Local Planning Authority of an amended parking layout that incorporates a minimum of 5 no disabled access parking spaces in suitable locations as part of the parking provision of the building. The works shall be carried out in accordance with the approved details and thereafter be retained.

REASON: To ensure that accessible parking is required in accordance with the Council's standard and in the interests of Policy T2 of the Slough Local Plan 2004.

INFORMATIVE(S):

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

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

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

The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

The applicant must apply to the Highway Authority for the implementation of the works in the existing highway. The council at the expense of the applicant will carry out the required works.

The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.

Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 / Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.

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