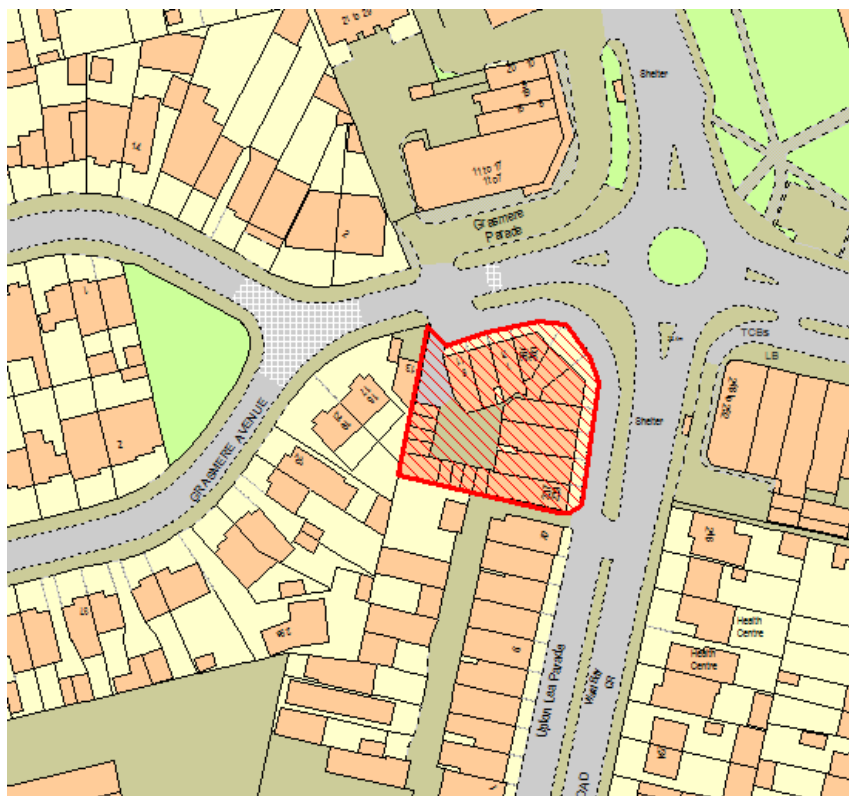


Registration Date:	23-Sep-2024	Application No:	P/17853/001
Officer:	Shivesh Seedhar	Ward:	Upton Lea
Applicant:	SKHH Ltd	Application Type:	Major
		13 Week Date:	23 December 2024
Agent:	Miss Melissa Hack, Danks Badnell Architects Ltd Kings Stables, 3-4, Osbourne Mews, Windsor, Berks, SL4 3DE		
Location:	237-261 Wexham Road & 3-9 Grasmere Avenue, Slough, SL2 5JT		
Proposal:	Replace existing roof with new mansard roof with dormer windows. 3 storey rear extensions and convert existing 7no. 3 bed and 3no. 2 bed duplex flats to accommodate 7no. 2 beds, 13no. 1 bed flats, 4no. studio flats. Rendering the existing elevations, forming revised window and doors openings, addition of balconies. Replacing existing stairwells, new bin store and the addition of photovoltaic arrays with green sedum to the roof of the main building.		

Recommendation: Delegate to Planning Manager for Refusal



1.0 **SUMMARY OF RECOMMENDATION**

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

1. Ten of the proposed bedrooms would be served by poor outlook and levels of sunlight and daylight, as the windows would open up to an internal hallway and a lightwell. The windows opening up to the internal hallway would also result in a loss of privacy to future occupants, resulting in sub-standard living conditions. Therefore, the proposal would provide poor living conditions for the future occupiers of the development, failing to comply with Core Policy 4 of The Core Strategy, and the requirements of the National Planning Policy Framework 2024.
2. The applicant has failed to provide a shadow Habitats Regulations Assessment to assess the impact of the proposal on the Burnham Beeches Special Area of Conservation. The development would likely have a significant adverse effect on the Burnham Beeches Special Area of Conservation. The development would therefore be contrary to Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, advice in the National Planning Policy Framework 2024 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
3. The proposed development would fail to provide a suitable level of car parking for the location given the evidence of car parking ownership levels and existing parking stress around the site. Furthermore, the proposal has failed to demonstrate that there would be adequate provision within the site for the loading, unloading and maneuvering of service vehicles clear of the highway. The resulting additional on-street car parking and lack of loading space would exacerbate existing on-street parking problems, leading to the obstruction of visibility splays, access, footways and turning heads. This would result in an unacceptable impact on highway safety. No mitigation is proposed and there is no obvious mitigation for recommendation. Therefore, the development is contrary to Slough Borough Council Local Plan Policy T2, Slough Core Policy 7 and NPPF Paragraphs 115, 116 and 117.
4. The site is located within Flood Zone 2 and the submitted flood risk assessment has failed to provide a sequential test. The flood risk assessment has also failed to ensure that flood risk is not increased elsewhere as a result of the three storey rear extension, the residual risks of flooding, and means of safe escape as set out in Paragraph 181 of the NPPF. Given this, it is considered that the proposal would fail to meet the requirements of Core Policy 8 of the Core Strategy and the National Planning Policy Framework 2024.

5. No legal agreement has been entered into by the applicant, by way of a Section 106 agreement, for off-site infrastructure made necessary by the development including funding for education, affordable housing, the mitigation of impacts on Burnham Beeches Special Area of Conservation. As such, the application is contrary to policies 4, 7, 9 and 10 The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106), advice in the National Planning Policy Framework 2024 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

1.2 In line with the current scheme of delegation, this application is to be determined at Planning Committee, as it is an application for a major development comprising more than 10 dwellings.

PART A: BACKGROUND

2.0 Proposal

2.1 The application proposes the following:

- Construction at the rear of the property of a three-storey extension.
- Extend the existing ridged roof by an increase in height to form a mansard roof to accommodate additional residential accommodation.
- Internal changes to the existing accommodation which currently comprises of 10 flats (7no. 3 bed duplex flats and 3no. 2 bed duplex flats).
- Extensions to create a further 14no. residential units. In total 24 flats (7no. 2 bed flats, 13no 1 bed flats and 4no. studios).
- Provide cycle and bin/recycling facilities.
- External refurbishment of the existing building, to include balconies.

3.0 Application Site

3.1 The application site lies in a designated shopping parade on the southwestern corner of the Wexham Road and Grasmere Avenue/Mirador Crescent roundabout.

3.2 The site currently contains a parade of retail units at ground floor and 10 no. maisonette flats on the first and second floors, comprising of 7 no. 3 bed duplex flats and 3 no. 2 bed duplex flats. A garage/storage/service court is located to the rear of the site, together with a two-storey detached building used as an office.

3.3 Adjacent to the site to the north lies a block of flats over shopping, which was extended with a mansard roof addition by the same developer and set of architects under SBC ref: P/01028/035 granted planning permission on 9th August 2018.

3.4 On the site's western boundary lies a two-storey, detached commercial premises, with two-storey, semi-detached dwellinghouses beyond in Grasmere Avenue.

- 3.5 To the south facing Wexham Road, is a two-storey block of commercial premises, with a rear service road leading to various outbuildings used for storage.
- 3.6 Directly opposite, to the east, lies a three-storey block with flats and shopping.
- 3.7 The application premises, together with the mixed retail/flatted blocks to the north, south and east, have service access/parking roadways to the front.
- 3.8 The site lies outside the Town Centre and is not in a Conservation Area. The site would be located within Upton Lea Parade which is a designated neighbourhood centre. There are no designated heritage assets in the vicinity. The site would lie within Flood Zone 2.

4.0 **Relevant Site History**

- 4.1 P/17853/000 - Replace existing roof with new mansard roof with dormer windows. 3 storey rear extensions and convert existing 7no. 3 bed and 3no. 2 bed duplex flats to accommodate 7no. 3 bed, 3no. 2 bed duplex flats and 10 additional units (2no. studio flats & 8no. 1 bed flats). Recladding existing elevations, forming revised window and doors openings, addition of balconies. Addition of 2 storey bay window to Northeast elevation. Replacing existing stairwells, new bin store.

Approved with conditions – 27 March 2020
Not implemented and expired.

- 4.2 The planning permission adjacent to the site to the north is similar to the proposed application and is set out below:

Grasmere Parade

P/01028/035 – Replace existing mansard roof with new mansard roof to accommodate 9no.2 bed duplex flats, and 2no.1 bed flats. Conversion of existing 10no. duplex flats into 9no 1 bed flats and 1no. studio flat. Infill existing inverted southeast corner to 1st floor, 2nd floor and re-cladding of existing elevations and re-formation of existing windows and door, and addition of balconies. Replace existing stairwells at the rear of each end of the building with enclosed stairwells. Cycle store to the rear of the site (part retrospective).

Approved with conditions – 9 August 2018

5.0 **Neighbour Notification**

- 5.1 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 09/10/2024. The application was advertised as a major application in the 18/10/2024 edition of The Slough Express through a press notice.

5.2 The public consultation expired on 31/10/2024. One objection has been received in relation to the application, expressing disagreement with any construction around the retail units as there are concerns in the coverings of displays which could impact sales. Officers have assessed this element within the planning assessment.

6.0 **Consultations**

6.1 **Local Highway Authority**

Introduction

This document provides the Local Highways Authority (LHA) consultation response to application no. P/17853/001 at 237 – 261 Wexham Road, SL2 5HZ.

Summary of Recommendation

The LHA would recommend refusal of the application due to the lack of car parking proposed which is required based on Slough Local Plan Policy T2 to prevent an impact on road safety. The proposed 14 dwellings would result in an additional 12 – 21 vehicles parked on the surrounding roads, exacerbating existing car parking problems on surrounding streets where there are no parking restrictions. Future residents would be forced to park blocking the footway or in junction visibility splays to the detriment of highway safety (due to existing high levels of car parking).

It is noted that Slough's Parking Policy does allow for Nil parking provision in designated shopping areas and Grasmere Parade is defined as a shopping area.

However, Slough Local Plan Policy T2 states that '*Residential development will be required to provide a level of parking appropriate to it's location and which will overcome road safety problems, protect the amenities of adjoining residents and not result in an adverse visual impact upon the environment*'.

Site visits indicate there are high levels of existing car parking with vehicles already parking on the pavement and in visibility splays. Therefore, future residents would also be forced to park in an unsafe manner. The application is also contrary to NPPF Paragraphs 116 and 117 which state that applications for development should not have '*An unacceptable impact on highway safety and should minimise the scope for conflicts between pedestrians, cyclists and vehicles*'.

On-Street Car Parking (Site Visit Photos)

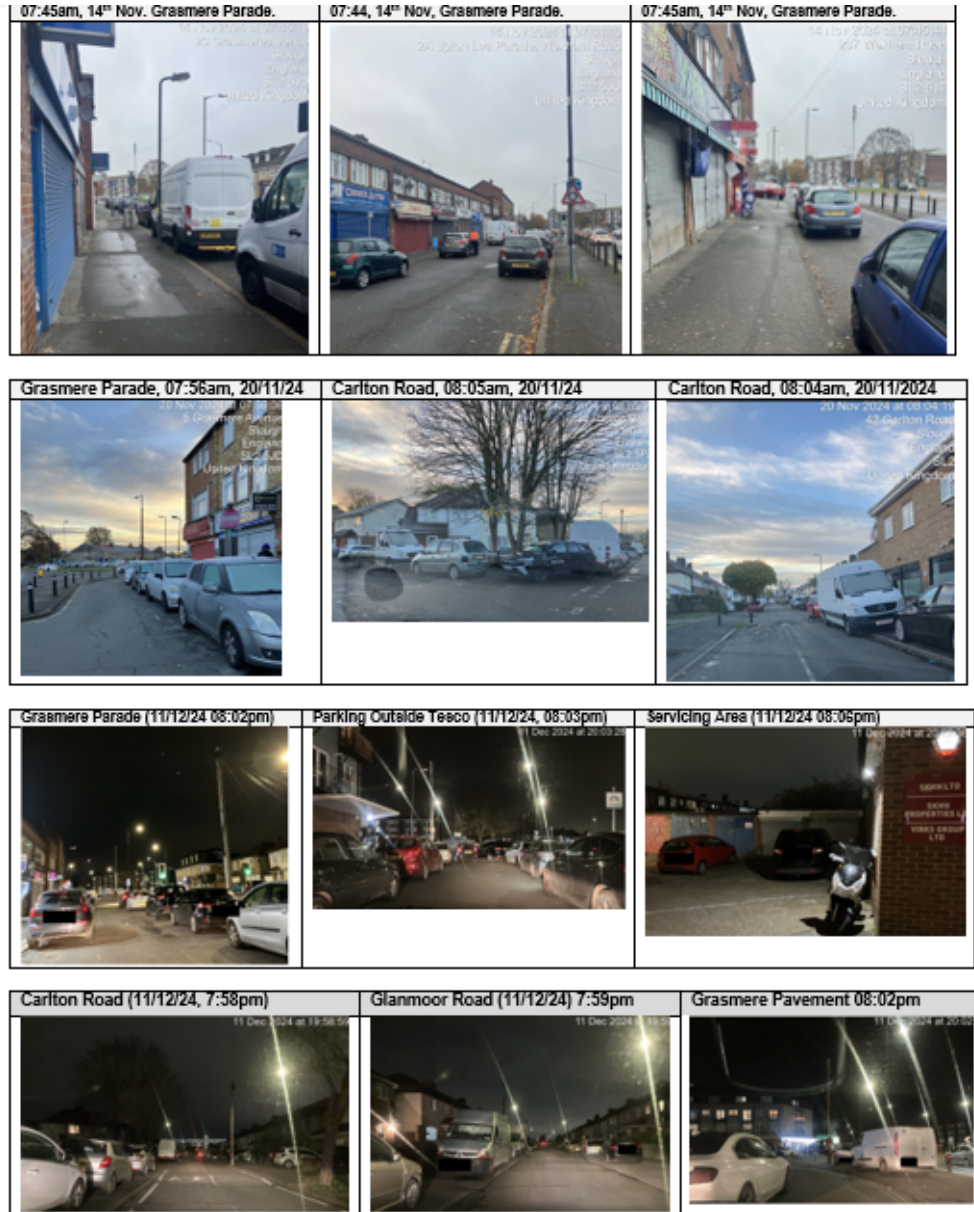
Three site visits have been completed to observe on-street car parking at 07:45am on 14th November 2024, 8am on 20th November and at 8pm on 11th December.

At 07:45am there were high levels of on-street parking within the 1-hour free parking bays despite the majority of the shops being closed (as shown by the shuttered shops). Therefore, it appears the vehicles parking in the free parking bays are not customers associated with the shops. On the 8am site visit cars

at the shopping parade were covered in frost, indicating they had been parked overnight by residents.

During all three site visits, high levels of on-street parking were observed on Grasmere Parade, Grasmere Avenue, Carlton Crescent and Glanmoor Road with vehicles parked on the pavement and blocking junction visibility splays.

The site visit photos are provided below:



Car Ownership Data

The LHA have analysed car ownership data from the 2021 Census. The 2021 Census shows in Slough 016A there was an average of 0.85 cars/vans per flat and 1.48 cars/vans for all dwelling types.

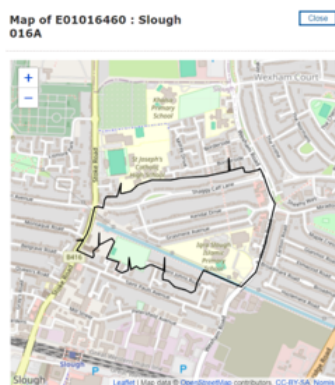
Slough 016A is the census area which surrounds 237 – 261 Wexham Road.

If 0.85 – 1.48 cars per dwelling were replicated at the proposed development, then the proposed development would result in an additional 12 – 21 cars or vans parked on the surrounding road network, which would exacerbate existing on-street parking problems to the detriment of safety.

The 2021 Census data is provided in the table below:

Car Ownership 2021 Census Slough 016A (Flats Only)			
Category	Flats	Percentage of Flats	Cars or Vans
No Cars or Vans	33	38.4%	0
1 Car or Van	33	38.4%	33
2 Cars or Vans	20	23.3%	40
Totals	86	100%	73
Cars Per Flat		0.85	

Car Ownership 2021 Census Slough 016A (All Dwellings)			
Category	Dwellings	Percentage of Households	Cars or Vans
No Cars or Vans	91	16.1%	0
1 Car or Van	205	36.3%	205
2 Cars or Vans	174	30.8%	348
3 Cars or Vans	95	16.8%	285
Totals	565	100%	838
Cars Per Dwelling		1.48	



Accessibility by Sustainable Travel Modes

The site is not considered suitable for all residents to live without owning a car due to the distance from Slough Railway Station and Slough Town Centre.

237 Wexham Road is located 1600m (23 minutes' walk) from Slough Railway Station. Outside the 800m the CIHT) advise people will walk to reach a railway station ((*Planning for Walking and Cycling, 2015*).

The nearest bus stops are 21m and 120m from the site on Wexham Road (Mirador Crescent Stops). These stops are served by the No. 6 which provides an hourly service to Wexham Court, Slough Town Centre, Cippenham and Maidenhead. The No. 83, No. 107 and No. 583 provide bus services to Harrow Market, Amersham, Uxbridge and Slough Town Centre.

The stops are within the 400 metres (5 minutes) deemed acceptable walking distance to a bus stop by Chartered Institute of Highways and Transport (CIHT) in their document: '*Planning for Walking and Cycling, 2015*'.

Cycle Parking

SBC would require the provision of short-stay cycle stands on the site frontage. None are proposed. The Slough Developer's Guide requires the provision of

short-stay visitor cycle parking for flatted developments of 10 dwellings or more.

The LHA are satisfied the long stay storage meets the requirements of the SBC Developers Guide 2008) in providing 1 secure and covered cycle space per dwelling. The bike store shown on the proposed site plan provides 12 Sheffield stands which would provide storage for 24 bicycles for 14 dwellings.

Deliveries, Servicing and Refuse Collection

The application does not demonstrate suitable turning space within the red line for a long wheelbase van to unload/deliver. This means that delivery vans would need to stop blocking the freeflow of traffic on the service road, Grasmere Avenue or Wexham Road in order to make deliveries to the proposed dwellings. No swept paths have been submitted demonstrating space for delivery vehicles to turn.

As shown in the site visit photos provided earlier in this report, car parking has been observed to the rear of the shops which means there would not be space for delivery vehicles to unload and turn clear of the public highway. The application is also contrary to Paragraph 117 of the NPPF which states that '*Applications for development should allow the efficient delivery of goods, and access by service and emergency vehicles*'.

Summary and Conclusions

The LHA would recommend that planning permission be refused for the reason(s) given below:

Reason for Refusal: Car Parking

The development fails to provide a suitable level of car parking appropriate for the location and expected car ownership levels. If permitted the development is likely to lead to additional on street car parking and would exacerbate existing on-street parking problems which would result in the obstruction of visibility splays, obstruction of access, obstruction of footways and obstruction of turning heads to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2, Slough Core Policy 7 and NPPF Paragraphs 115, 116 and 117.

Reason for Refusal: Delivery Vehicle Loading and Unloading

The applicant has not included adequate provision within the site for the loading, unloading and manoeuvring of service vehicles clear of the highway. The development if permitted would lead to the stationing of vehicles on the highway and to vehicles reversing onto or off of the highway to the detriment of public and highway safety. The development is contrary to Paragraphs 115, 116 and 117 of the National Planning Policy Framework.

6.2 Crime Prevention Design Advisor

Thank you for consulting Thames Valley Police in relation to the above planning application. I have reviewed the submitted documents and crime statistics for the area and the following comments are provided to ensure the application meets the requirements of;

- The National Planning Policy Framework 2024 paragraph 96(b); which states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".

The existing and proposed shared rear courtyard arrangement makes it difficult to provide a secure environment, particularly for the residential properties. Safer Places – The Planning System and Crime Prevention, notes: *'Crime and anti-social behaviour are more likely to occur if building and private communal spaces have a large number of sides exposed to the public realm.'*

As proposed/existing, the rear courtyard is effectively open to public access, and the sites' location, with shops at ground floor, raises the potential for unwarranted access, antisocial behaviour and opportunity for crime, particularly with no proposed active surveillance of the space (other than the office). The side elevation of the building at the entrance to the courtyard also presents a blank frontage. Blank frontages can present the opportunity for crimes such as graffiti, antisocial behaviour or inappropriate loitering.

For the above reasons, it is recommended that the courtyard is secured via electronically controlled gates for both pedestrian and vehicular access. The gates should be located at the front elevation of the building, so no recessed areas are created. Providing a secure line at the front fascia of the building assists with providing surveillance from the public realm, wayfinding (including visitors and trades including postal services) and provides a clear and obvious divide between public and private areas.

Even with the introduction of a gated access at the fascia line, the southwest side elevation would benefit from windows to improve natural surveillance of the area. The courtyard area should also be well lit. Bollard lighting is not an appropriate lighting method and should be avoided. Not only can they be damaged by reversing vehicles, more critically they do not provide sufficient light at the right height to aid facial recognition and reduce the fear of crime. It also does not deter crime and antisocial behaviour.

Details should be provided on how access into the space would be controlled and managed, recognising the different uses of the space from a commercial and residential perspective. Refuse collection and secure access for postage and deliveries will also need to be considered.

It is noted that a number of doors are proposed to be double leaf. A double door system which requires one leaf to lock into the other can be difficult to secure adequately. It is recommended that all doorsets are single leaf and all communal doorsets (including doors to bin and cycle stores) should be to a minimum standard of LPS 1175 Issue 7 SR2 or Issue 8 B3.

The proposed access to the flats is noted and is an improvement on the security of the current situation. However, noting comments above, I would recommend that should planning permission be granted, an access and security strategy is conditioned on any planning permission which would include details of:

- **Access control into the courtyard:** As noted above
- **Access control for resident's area:** Access control measures for residents and visitors: Unrestricted access to the apartments must not be possible, and residential access should be controlled by a two-way audio visual system with remote access controls. No trade buttons should be present (as confirmed in the Planning Statement).
- **Postage and Deliveries:** Postal services must not have unrestricted access to private communal areas. The submitted Planning Statement states "Post-boxes will be externally fixed secure by design approved units within the stairwell". It is not clear from this statement whether post boxes are external, or within the communal stairwell/lobby (which would then require secure access by postal service/deliveries). In any case, as noted above, the strategy for postage and deliveries will need to be considered in relation to the access control to the courtyard.
- **Compartmentation:** Proposals for compartmentation of the building so that residents only have access to parts of the building that they need to, as offenders have the potential to be both external and internal to the development. Secure lobbies should also be extended to each floor to enable effective compartmentation
- **Lighting of courtyard area:** as noted above.
- **CCTV:** a CCTV system cannot address all aspects of security, but it can form an invaluable element within a comprehensive security strategy as long as the specification and installation meet the users Operational Requirement
- **Details of Window and Door security specification:** as noted above.

6.3 Thames Water

WASTE:

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "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://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C02%7CShivesh.Seedhar%40slough.gov.uk%7C06397b96f4ea4308c26308dd057aa65f%7C5b68e17be5f9469eb0cfbed4fb97f95b%7C0%7C0%7C638672746505242490%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOiIwLjAuMDAwMCIslIAiOiJXaW4zMiliIkFOLjoiTWFPbCIslldUJjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=1Xc9DMWYvISwYu1tDp1cst%2FX0mCuWpk1pRCA1kqE8Zo%3D&reserved=0> 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

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://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C02%7CShivesh.Seedhar%40slough.gov.uk%7C06397b96f4ea4308c26308dd057aa65f%7C5b68e17be5f9469eb0cfbed4fb97f95b%7C0%7C0%7C638672746505263875%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOljoiwTFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=TTf5X97cqVYc rBLCCPVOgkf%2FvnDcBkUFuHc0qcwTW4%3D&reserved=0>

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. 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://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fhelp%2Fhome-improvements%2Fhow-to-connect-to-a-sewer%2Fsewer-connection-design&data=05%7C02%7CShivesh.Seedhar%40slough.gov.uk%7C06397b96f4ea4308c26308dd057aa65f%7C5b68e17be5f9469eb0cfbed4fb97f95b%7C0%7C0%7C638672746505274281%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIIAiOiJXaW4zMilslkFOljoiwTFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=kqibEKoaKC9N7Q9yqjTHuXrJAIsxzyoIMb970sciGdl%3D&reserved=0>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C02%7CShivesh.Seedhar%40slough.gov.uk%7C06397b96f4ea4308c26308dd057aa65f%7C5b68e17be5f9469eb0cfbed4fb97f95b%7C0%7C0%7C638672746505283706%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIslIAiOjJXaW4zMilslkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=x fAsLIBrVtp2I7CiVrYTqx%2FXKGMlu1Pa2nMbndz2TIA%3D&reserved=0>

Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater

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.

6.4 **Natural England**

OBJECTION - FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES - DEVELOPMENT WITHIN 5.6 KILOMETRES OF BURNHAM BEECHES SPECIAL AREA OF CONSERVATION (SAC) WITHIN 5.6 KILOMETRES

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

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

6.5 **Resilience and Enforcement**

I have looked at the plans, the development appears to be transforming the property from 10 Maisonettes to 24 Apartments with no additional parking facilities. As Vinay has highlighted, this is likely going to cause an outward issue with additional parking being taken up in shop spaces intended for customers and in surrounding residential roads.

From the proposed plans I don't believe the allocated commercial bin storage provision is large enough to accommodate the 8 or 9 businesses here which

include food outlets which regularly produce a large amount of waste. The plans only illustrate space for 4 x 1200l containers. If each shop has its own trade waste container (which it is required to by law) this will not be enough provision.

Do we know what the external stores are to be used for? We need to ensure these stores are properly secured to prevent unauthorised access and that the flats have the same type of security to prevent rough sleeping and ASB. Looking at the design layout for the apartments many of the sleeping areas back onto living areas. This is due to 1-bedroom flats backing onto studios etc.

I can see how they have tried to make the most of the space but this obviously causes some issues with the transfer of noise and room usage. If they intend to have sleeping arrangements neighbouring living areas they must ensure that adequate sound proofing is done to prevent noise transference or this will lead to nuisance complaints.

As at least one of the existing properties is a fast food outlet, have they shown how this will be managed and how existing flues will be redirected? I cannot see anything from the drawings to include any flue or extraction system for the fast food unit. The flue will need to be installed to prevent nuisance such as smells and noise. Case Officers comment: It is considered this element could be secured via condition.

Further comments:

OBSERVATIONS

Issue 1 - Construction Phase

Noise, dust and vibration from the construction phase may affect occupiers of nearby premises. I suggest the following planning condition is attached to any planning permission granted:

Condition - Control of environmental effects: major redevelopment

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

- (i) control of noise*
- (ii) control of dust, smell and other effluvia*
- (iii) control of surface water run off*
- (iv) site security arrangements including hoardings*
- (v) proposed method of piling for foundations*
- (vi) construction working hours, hours during the construction phase when delivery vehicles taking materials are allowed to enter or leave the site.*

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

REASON: *In the interests of the amenities of the area.*

Issue 2 - Noise

Occupiers of properties nearby to the new development can suffer excessive noise problems due to the construction of new buildings. I suggest that the following planning condition is attached to any planning permission granted requiring a noise insulation scheme to limit noise transmission:

Condition - Hours of construction

No construction work shall take place outside the hours of 08:00 - 18:00 hrs Monday to Friday, 09:00 - 13:00 hrs on a Saturday and no working at all on Sundays or public holidays.

REASON: In the interests of the amenities of the area.

Issue 3 – Refuse

On site refuse storage

No development shall take place until details of on-site secure refuse storage (including any open air storage facilities and means of preventing unauthorised access) for waste material awaiting disposal have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

REASON: To prevent unauthorised waste disposal or fly tipping and to ensure adequate and accessible facility exists for waste.

6.6 **Environmental Air and Noise**

I can't see a noise or AQ assessment for this application. I am less concerned about AQ, but I think a noise assessment should be prepared as this development will be introducing new receptors to road traffic noise.

6.7 **Environment Agency**

Through our regulatory responsibilities, the Environment Agency is aware that the STW at SLOUGH is not complying with its current permit limits. Upgrades and/or improvements need to be undertaken there in order to make the STW fit for purpose.

Any development connecting to SLOUGH STW may lead to a deterioration of the water environment in Roundmoor Ditch and Boveney Ditch. This will be contrary to the advice and guidance in paragraph 180 (e) of the NPPF and the Thames River Basin Management Plan, and is of grave concern to the Environment Agency.

This planning application is for development we do not wish to be consulted on.

Case Officer Note: the environment agency's comments in relation to the sewage treatment works as slough (STW) relate to the STW apparently not complying with its current permit limits and is a matter for the environment

agency to deal. The Environment Agency have sited that any development “may” lead to a deterioration of the water environment in Roundmoor Ditch and Boveney Ditch. The Environment Agency has not confirmed the proposal ‘will’ a deterioration of the water environment in Roundmoor Ditch and Boveney Ditch and have not objected to the proposal. The permit issue in relation to STW has been passed onto our environmental team for information purposes.

6.8 **Lead Local Flood Authority**

We would advise that there is **sufficient information** available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

We consider that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding.

Surface Water Drainage

Construction shall not begin until/; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Slough”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

SuDS As Built and Maintenance Details

Prior to first occupation, 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. 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.

Informative

Please note that the comment on the acceptability covers only submissions for the proposed surface water drainage scheme for the development.

We ask to be re-consulted on this requested surface water drainage information. We will provide you with bespoke on formal re-consultation.

6.9 **Urban Design Advisor**

Comments have been provided by the Urban Design Advisor throughout the scheme.

6.10 **Ecology Advisor (WSP)**

Officers comment: With respect to the survey results, it should be noted that two survey reports have been undertaken as a part of the submitted report.

Validity of ecological information

The ecological survey and assessment (Arbtech Ltd) were undertaken within the past 12 months. The surveys undertaken followed accepted methodologies and guidance, as referenced within the ecological reports.

Designated sites

One designated site is located within 2km of 1 designated site (Herschel park (Inr) – urban - ~1880m to the southwest). No impacts to this designated site are likely. The pea does not report on impact risk zones for sites of special scientific interest (SSSI IRZS). The site is understood to result in an increase in residential housing units. The SSSI URZS indicate that there is potential for the proposed development to have a harmful effect on terrestrial sites of special scientific interest (SSSIs). As such Natural England should be consulted for advice on the nature of the potential impacts and how these might be avoided or mitigated.

Habitats & flora

The following habitats were recorded: developed land sealed surface and buildings. No greenspace or undeveloped land is recorded. No degradation of habitats on site appears to have occurred post 2020.

Species

Bats

A preliminary roost assessment undertaken by Arbtech Ltd found one building ('building b1') to have low potential due to potential roosting features of raised tiles and ripped roof lining.

A single dusk emergence survey was undertaken on 28/05/2024 with no emergence recorded. The survey was in accordance with best practice (BCT guidelines, Collins et al 2023).

No key foraging or commuting habitats were identified by Arbtech Ltd and the value of site to foraging and commuting bats is likely to be limited due to levels of lighting and lack of on-site habitats.

A low impact lighting strategy should be prepared prior to commencement to be secured by condition.

Birds

All British birds' nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended.

A pre-works check should be undertaken for nesting birds and where nesting birds are recorded a 10m buffer should be maintained until the young are fledged. This can be secured via condition.

Biodiversity net gain

The application site is exempt, through the 'de-minimis exemption', from the requirement to demonstrate a 10% biodiversity net gain, as no habitats with a distinctiveness greater than 0 are present on site.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current version of the National Planning Policy Framework (NPPF) was published on 12th 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. The

weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

The National Planning Policy Framework 2024 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2024, the Local Planning Authority cannot demonstrate a Five-Year Land Supply. Therefore, when applying Development Plan Policies in relation to the distribution of housing, regard will be given to the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2024 and refined in case law.

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

- Limited
- Moderate
- Considerable
- Substantial

Planning Officers have considered the revised National Planning Policy Framework 2024 which has been used together with other material planning considerations to assess this planning application.

7.2

National Planning Policy Framework (NPPF) 2024:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- 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 and Built Environment
- Core Policy 10 – Infrastructure
- Core Policy 12 – Community Safety

Adopted Saved Policies in the Local Plan (2004)

- H14 – Amenity Space
- EN1 – Standard of Design
- EN3 – Landscaping
- EN5 – Design and Crime Prevention
- S1 – Retail Hierarchy
- T2 – Parking
- T8 – Cycling Network and facilities

Supplementary Planning Documents and Guidance

- National Planning Practice Guidance
- Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010
- Slough Borough Council Developer’s Guide Parts 1-4
- Proposals Map 2010
- 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

7.3 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.

7.4 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.

7.5 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 below in this report.

7.7 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 the site falls outside of the 5.6km catchment area from this site and therefore no impacts are apparent on this area.

7.8 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Crime Prevention and Design
- Highways and Parking
- Drainage & Flood risk issues

- Affordable Housing and Infrastructure
- Biodiversity Net Gains and Ecology
- Air Quality and Environmental Noise
- Contaminated Land
- Equalities Considerations
- Making Effective Use of Land
- Viability and Vitality of the Centre
- Planning Balance

PART B: PLANNING APPRAISAL

8.0 Principle of Development

8.1 The application proposes a three-storey rear extension, increase in height of the building through a mansard floor and the enclosure of the stairwells and deck access arrangements to provide an additional 14 residential flats.

8.2 Paragraph 124 of the National Planning Policy Framework 2024 (NPPF) promotes the 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. Paragraph 125 d) of the NPPF also notes that planning policies and decisions should amongst other things promote and support the development of underutilized 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). This is reflected within Core Policies 1 and 4 which seek high density non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is expected to be predominantly family housing.

8.3 The site would be located within Upton Lea Parade which is a designated neighbourhood centre within the retail hierarchy as set out in Policy S1 of the Local Plan. As noted above, the application site comprises flats over shops and there are similar developments opposite to the north and to the east. The character of this area is one of relatively high-density flats within a neighbourhood centre and in accordance with the Glossary of terms set out in the Core Strategy the site is in an urban area. As per the previous planning approval (P/17851/000), it is accepted that flats would be an appropriate housing type on this application site given it would not result in a loss of family housing.

8.4 Having regard to the NPPF 2024 and the Local Development Plan, there are no objections to the principle of residential flatted development on this site.

9.0 Housing Mix

9.1 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.

- 9.3 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.
- 9.4 This minimum number has been exceeded already but the 6,250 requirement has been superseded by the subsequently introduced requirement to use Objectively Assessed Housing Need for housing figures. This results in approximately 11,400 as a housing need figure for the Core Strategy plan period. By April 2026 it is currently estimated that there will be a 1,300-home shortfall. And current estimates based on preparation for the proposed new Local Plan indicate a 6,000 to 7,000 shortfall over a new plan period.
- 9.5 As a result, 11,400 is the housing target that the application should be considered against rather than the published Core Strategy target of 6,250.
- 9.6 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. As such, the policies in the Adopted Development Plan which relate to housing supply are treated as out of date. In accordance with Paragraph 11 of the National Planning Policy Framework (inc. footnote 8), the most important 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.
- 9.7 The existing accommodation comprises 7no. three-bedroom and 3no. two-bedroom flats. The proposal would convert existing 7no. 3 bed and 3no. 2 bed duplex flats to provide 7no. 2 beds, 13no. 1 bed flats, 4no. studio flats (14 additional units, 24 units overall). The proposal would make a small contribution to the supply of housing within this part of Slough. Given that that the tilted balance is engaged, this contribution would in principle attract some positive weight in the planning balance.
- 9.8 With regard to the mix, one of the aims of National Planning Policy is to deliver a wide choice of high-quality homes and to create sustainable, inclusive and mixed communities. This is reflected in Core Strategy Policy 4. The Local Housing Needs Assessment for RBWM, Slough & South Bucks (October 2019) suggests in table 39 the following percentage mixes are needed within Slough:

	1 bed	2 bed	3 bed	4 bed
Market	5	19	57	20

- 9.9 It is noted that over half of the units would be 1 bed or studio units, and there would be a loss of all the 3 bed units (7 in total) and no 3 bed units provided. Of the units, 29% of the units would be 2 bed units.
- 9.10 Although the proposals are not fully consistent with all elements of the Council's Core Housing policies in terms of mix, type and location, the weight given to Core Policies 3 and 4 is tempered due to the broadly out-of-date nature of the policies and due to the substantially higher housing needs for

Slough as calculated by the Housing Needs Test. The lack of a 5-year housing supply triggers the need to apply the tilted balance in the NPPF (as set out in Paragraph 11). When have regard to the loss of existing 3 bed units to be replaced with a larger quantum of units at the mix proposed limited positive weight is applied in the planning balance.

10.0 **Design and impact on the character and appearance of the area**

10.1 In relation to achieving well-designed and beautiful places, Paragraph 131 of 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.

10.2 Further to this, Core Policy 8 of the Core Strategy sets out that in terms of design, all development should:

- a) *Be of 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.*

Policy EN1 of the Adopted Local Plan states that all 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/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses.

10.3 The proposed design would involve the erection of a three-storey extension to the rear and the erection of a mansard roof, which would increase the height of the building overall by approximately 0.9m. Balconies are to be provided to front elevation facing Grasmere Avenue. The rear extension would help to facilitate for internal access and circulation space to provide internal access to the flats from ground floor level, and the provision of 14 additional units. In terms of materials, the planning statement sets out that brickwork will be used to match the existing brickwork, and standing seam zinc cladding is proposed to be used to the roof.

10.4 The proposed design would be in keeping with the character and appearance of the area, noting that the proposed would match the design, bulk and scale of the mansard roof extension that has been granted permission and implemented adjacent to the site to the north at Grasmere Parade (P/01028/035). With respect to the appearance, the mansard roof would be set back from the main elevations and include appropriately sized dormer windows. The form and scale would respect the proportions of the existing building. the proposed dormer roof would be an acceptable addition, noting similarly approved roofs adjacent to the site, and previously approved on this application site (P/17853/000) under the current development plan. Given this, and the above, it is considered that the additional height of the building would

not be harmful to the street scene and it would not be overbearing on the neighbouring premises.

10.5 The refurbishment of the appearance of the building would alter its character, noting the provision of balconies to 18 of the 24 units, and changes to the fenestration and their alignment. However, the scheme would introduce a modern and vibrant style to uplift the character of the building specifically and the area generally. Overall, it is considered that the change is an enhancement. The proposed materials would be acceptable and in keeping with the character and appearance of the area, however, it is noted that if the application were to be approved.

10.6 The proposed rear extension would not impact on the street scene and would be only partially visible in views from further to the west. The overall change in the bulk and massing of the property would not be harmful to the character and appearance of the area.

10.7 *Conclusion*

The proposal will result in a development that will be visually compatible with the wider area through a comprehensive redevelopment. There will be a visual prominence to the development but not one that is out of character or has an adverse impact but would complement the character and appearance of a prominent street corner. Therefore, the proposed design and impact of the development would comply with Policy EN1 of the Local Plan, Core Policy 8 of the Core Strategy, and the National Planning Policy Framework. Neutral weight is applied to the planning balance.

11.0 **Impact on the amenity of the neighbouring occupiers**

11.1 Paragraph 135f of the National Planning Policy Framework requires planning decisions to ensure 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.

11.2 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.

11.3 The existing building is separated from any immediate neighbours and residential dwellings by service access roads off Wexham Road to the south and off Grasmere Avenue to the west. As a result, there is a degree of separation that means that there are no immediate adjoining structures to the main application premises.

11.4 The immediately adjacent premises (to the east) have blank flank walls. The proposed change in height and massing at roof level through the proposal would not have any harmful impact on the amenities of the adjacent occupiers.

11.5 There would be over 30 meters separation from the site to the nearest residential properties. The proposed arrangement of window openings would not impact on the degree of privacy for the adjacent occupiers. No daylight and

sunlight assessment has been provided, however, given the above, it is considered by Officers that there would be no issues with overshadowing, daylight or sunlight to the occupiers of the neighbouring properties.

11.6 Based on the above, and subject to conditions, the proposal is considered to comply with the relevant requirements of Core Policy 8 of The Core Strategy, Policy EN1 of The Local Plan for Slough, and the requirements of the National Planning Policy Framework.

12.0 **Living conditions for future occupiers of the development**

12.1 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.

12.2 Core Policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."

12.3 The application would propose a newly enclosed access core to the residential units from the ground floor, which is considered to provide adequate circulation however, there would be a loss of privacy, given that 10 of the bedrooms within the proposed flats would open up to the hallway circulation space. Residents and visitors would be coming and going and actively look into these rooms or they would have curtains drawn 24/7 hours of the day which would result in sub-standard living conditions. This would be considered to result in a harmful loss of privacy to future occupiers. Officers do have concerns with this main access being from the rear of the site, however existing access is gained via the rear. As such this impact can be minimized by condition to ensure the access is as safe and as well-lit as possible. This is discussed further in the *Crime Prevention and Design* section of the report.

12.4 The dwellings and flats all meet and exceed the national space standards for the size of units proposed, which is acceptable in planning terms. Six of the 24 units would be provided with their own private amenity space by way of balconies. This does not contribute to a good standard of amenity for the future users.

12.5 No sunlight and daylight report has been provided to assess the illuminance and sunlight levels of the internal rooms of the proposed development. It is noted from Officers that 10 of the bedrooms (3 on ground floor, 3 on first floor, 3 on second floor and 1 on third floor) would not have access to adequate natural sunlight or daylight, as these bedrooms would open to the newly created internal hallway, and three of the bedrooms would open to a lightwell. It is considered by Officers that these rooms would be provided with poor access to sunlight and daylight, and be provided with poor outlook, given they would look onto a lightwell and an internal hallway. This is considered by Officers to provide poor living conditions for the future occupiers of the development.

12.6 Based on the above, the proposal would provide poor living conditions for the future occupiers of the development and fail to comply with Core Policy 4 of The Core Strategy, and the requirements of the National Planning Policy Framework. Moderate adverse weight is applied in the planning balance.

13.0 **Crime Prevention and Design**

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

13.2 Currently access to the flats is provided to the rear by two open sets of steps that give alternative routes to an open deck at first floor level. Each of the ten maisonettes has their front door at deck level.

13.3 The proposals involve the provision of an enclosed stair core, which would provide private access to the future residents. No details are provided to set out how access from Grasmere Avenue for non-residents and car access, however the planning statement does set out that the building and cycle store would be accessible via key-fob access. A number of windows are provided to the upper levels which open to the hallway circulation space.

13.4 Comments provided by the CPDA from Thames Valley Police have been provided. The comments have highlighted the following concerns:

- The rear courtyard would be open to public access, and the sites location, with shops at ground floor, raises the potential for unwarranted access, antisocial behaviour and opportunity for crime, particularly with no proposed active surveillance of the space (other than the office). The side elevation of the building at the entrance to the courtyard also presents a blank frontage. Blank frontages can present the opportunity for crimes such as graffiti, antisocial behaviour or inappropriate loitering.
- Details should be provided on how access into the space would be controlled and managed, recognising the different uses of the space from a commercial and residential perspective. Refuse collection and secure access for postage and deliveries will also need to be considered.

13.5 In addition to this, comments have been provided by SBC's Urban Design Advisor, citing that the back of house entrance is currently poor in terms of the pedestrian environment around the entrance. Whilst it is noted that the proposed scheme would represent an improvement from the existing scenario on site, by enclosing the stairwell and access to flats internally and would offer some positive weight, and that the flats are currently accessed from the rear, the uplift in the number of units would mean that a rear access to flats would be inappropriate for a development of this size. This is further detailed below.

13.6 Officers consider that the proposed access to the residential units to the rear of the site given its secluded access, would be poorly surveilled, lacking from active natural surveillance to the rear, particularly at ground floor level. It is also noted that the retail unit on the northwest corner and east would have its service access to the rear in close vicinity to the residential access. Whilst this is similar to the existing situation, it is noted that currently the site provides a

poor pedestrian environment, and the increase of 14 units to the site would further increase the impacts of this, particularly given that there are some back of house service areas for the retail units at ground floor level. Furthermore, the rear of the site would have unfettered access from vehicles and non-residents from Grasmere Avenue. It is considered that these issues would fail to adequately deter crime and anti-social behaviour and result in a poor pedestrian environment for occupiers of the flats. Notwithstanding the above, it is accepted by Officers that this situation was approved via planning application P/17853/000 in 2020 under the current development plan. Given this, it is not considered that it would be appropriate for this to result in a standalone reason for refusal.

- 13.7 Based on the above, whilst the proposal would not fully comply with Core Policies 8 and 12 of the Core Strategy. Policy EN5 of the Slough Local Plan and the National Planning Policy Framework, it is noted that the proposal would be an improvement from the current situation on site, and an improvement to the scenario that was deemed acceptable and granted planning permission under the previous scheme that was approved under the current development plan. As such, neutral weight is applied in the planning balance.

14.0 **Highways and Parking**

- 14.1 Paragraph 115 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritized taking account of the vision for the site, 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 through a vision-led approach.

Paragraph 116 of the NPPF states 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 117 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.

14.2 Core Policy 7 of the Core Strategy sets out that there will be no overall increase in the number of parking spaces permitted within commercial redevelopment schemes unless this is required for local road safety or operational reasons. Maximum restraint will be applied to parking for residential schemes in the town centre. In the rest of the Borough, the level of parking within residential development will be appropriate to both its location and the scale of the development and taking account of local parking conditions, the impact upon the street scene and the need to overcome road safety problems and protect the amenities of adjoining residents.

14.3 Policy T2 of The Adopted Local Plan for Slough 2004 sets out that:

Within all developments that attract an increase in the number of trips, the level of on-site parking provision for the private car will be restricted to a maximum level in accordance with the principles of the Integrated Transport Strategy.

No increase in the total number of car parking spaces on-site will be permitted within commercial redevelopment schemes.

Additional on-site car parking provision will only be required where this is needed to overcome road safety problems, protect the amenities and operational requirements of adjoining users, and ensure that access can be obtained for deliveries and emergency vehicles.

Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems, protect the amenities of adjoining residents, and not result in an adverse visual impact upon the environment.

14.4 As part of the application, layout plans have been provided as a part of the scheme. SBC Highways have been consulted as a part of this application, with their comments discussed below.

On street car parking, car ownership and sustainable modes of transport

14.5 SBC Highways officers have conducted 3 visits to site to observe on-street car parking at three different times of the day across 7.45am on 14th November, 8am on 20th November and 8pm on 11th December. As noted in the Highways comments, the area experiences high levels of on-street car parking within the 1-hour free bays in front of the shops at 7.45am despite many shops being closed, and the visit at 8am, cars on the parade had frost, indicating these had been left overnight. It is also noted through all site visits that there were high levels of car parking on Grasmere Parade, Grasmere Avenue, Carlton Crescent and Glanmoor Road with vehicles parked on the pavement and blocking junction visibility splays. It is noted that there are parking restrictions

to the parking bays within this parade are in place of a maximum of 1 hour car parking (no return within an hour) between the hours of 8am-7pm, Monday to Saturday.

- 14.6 It is also noted that the area has a high level of car ownership when analysed against census data for the region as indicated in the map within the Local Highway Authority consultation response set out in paragraph 6.1 of this report, where flats would have approximately 0.85 spaces per flat. Based on the census data, the proposed additional 14 flats would likely generate 12 additional cars, vans parked on the surrounding roads.
- 14.7 Furthermore, the site is not considered suitable for all residents to live without owning a car due to the distance from Slough Railway Station and Slough Town Centre. However, it is noted that there are bus stop services 21m and 120m from the site providing services to Wexham Court, Slough Town Centre, Cippenham, Maidenhead, Harrow Market, Amersham, and Uxbridge.
- 14.8 The Developers Guide Transport and Highway Guidance for the area has a nil-car parking provision in shopping areas. Local Plan Policy T2 and Core Policy 7 of the Core Strategy sets out that residential development will be required to provide appropriate levels of car parking to its location and to overcome road safety problems to protect the amenities of adjoining residents. Furthermore, the National Planning Policy Framework 2024 requires 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 14.9 Having regard to the existing situation which has now experiences severe parking stress since the previous approval was granted, the proposal which would likely generate a parking demand for a further 12 cars would result unacceptable impact on highway safety. This conflicts with a key requirement of the National Planning Policy Framework which advises development refused in such scenarios.
- 14.10 It is noted this is in conflict with the Developers Guide Transport and Highway Guidance which sets out a nil parking requirement in shopping areas. However, the National Planning Policy Framework was published after the Developers Guide. Furthermore, Local Plan Policy T2 and Core Policy 7 requires residential development to provide a level of parking appropriate to its location which will overcome road safety problems.

As such, when considering the above, the proposal would be in conflict with Policy T2 and Core Policy 7 of the Core Strategy, and the NPPF. There is no immediately obvious mitigation which would be effective in addressing the harm.

Cycle Parking

- 14.11 No short stay cycle spaces have been provided on site. Officers note that the Slough's Developers Guide would require the provision of short-stay visitor parking for developments of 10 dwellings or more.

The bike store shown provides 12 Sheffield stands which would provide storage for 24 bicycles for 14 dwellings. This would meet requirements set out in the Developers Guide which sets out that 1 secure and covered space per dwelling would be required.

Deliveries, Servicing and Refuse Collection

- 14.12 As indicated by SBC Highways, it has not been sufficiently demonstrated that there would be suitable turning space for delivery vans to maneuver on site. This would potentially lead to delivery vehicles stopping along Grasmere Avenue or Wexham Road to make deliveries, blocking the free flow of traffic. Given this, and the current high levels of car parking on site, there would not be sufficient space provided for deliveries to take place on site, or sufficient turning clearance.



It is also noted that from officer's visit to site that delivery/servicing vans have been parking across verges despite bollards being in place on site as shown in the above image. Given this, it is considered that a net increase of 14 residential units would exacerbate the issues raised above, as there would be a net increase in this type of activity on site.

Conclusion

- 14.13 In having regard to the above and the comments received from the Local Highway Authority, it is considered that the development would fail to provide a suitable level of car parking for the location given the evidence of car parking ownership levels and existing parking stress around the site. Furthermore, the proposal has failed to demonstrate that there would be adequate provision within the site within the site for the loading, unloading and maneuvering of service vehicles clear of the highway. Should the development take place on site, the additional on-street car parking generated from the development and lack of loading space would exacerbate existing on-street parking problems which would result in the obstruction of visibility splays, obstruction of access, obstruction of footways and obstruction of turning heads to the detriment of highway safety. This would result in an unacceptable impact on highway

safety. No mitigation is proposed and there is no obvious mitigation for recommendation. Therefore, the development is contrary to Slough Borough Council Local Plan Policy T2, Slough Core Policy 7 and NPPF Paragraphs 115, 116 and 117. Considerable adverse weight is applied in the planning balance.

15.0 **Drainage and Flood Risk**

15.1 The site is located in Flood Zone 2, where the probability of flooding is between a 1 in 100 year and 1 in 1000-year chance.

15.2 The National Planning Policy Framework (2024) states in Paragraph 172 that:

All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test. Having regard to the NPPG the sequential test is required but the exception test is not required.

Paragraph 181 states that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

15.3 Core Policy 8 of The Slough Local Development Framework, Core Strategy, Development Plan Document 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.

15.4 No sequential test has been submitted as a part of the submission. The National Planning Practice Guidance sets out that the sequential test should

be applied to major and non-major developments proposed in areas at risk of flooding, but will not be required where:

- The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).
- The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.
- The application is for a development type that is exempt from the test.

The application is not within an allocated site and not been identified as an area of low risk from all sources of flooding. Part of the site would also fall within Flood Zone 2. Therefore, it is considered by officers that a sequential test would be required.

15.5 With respect to Paragraph 181 of the NPPF, officers have addressed each point of this passage below:

a) all living areas sit above ground floor level, therefore, it is considered that the most vulnerable areas of the development would not be at risk from flooding,

b) as above, all living areas sit above ground floor level, therefore, it is considered that the flats would be appropriately flood resistant and resilient,

c) Following review of the flood risk assessment submitted, the Lead Local Flood Authority and Thames Water have raised no objections subject to conditions, and as a result, there are no objections in planning terms subject to appropriate conditions to secure the SuDS drainage scheme. The Environment Agency were also asked for their comments in relation to the scheme and have responded that they do not wish to be consulted on the proposal,

d) it has not been sufficiently addressed by the applicant that that any residual risk can be safely managed,

e) it has not been demonstrated by the applicant where safe access and escape routes are located which is considered to be required, with these access areas of the site appearing to fall within Flood Zone 2.

15.6 The three-storey rear extension proposed to provide internal circulation and access to the flats would have potential to increase the flood risk to surrounding buildings as a result in the increase in footprint as the proposed extension could lead in the displacement of flood waters. No information has been provided by the applicant to demonstrate that this situation would not occur.

15.7 Notwithstanding the above, the proposal in this instance would result in the expansion of the building and increase of 14 dwellings on site which could increase the likelihood of flooding as a result of the development. The flood risk assessment has failed to provide a sequential test which is considered by officers to be required, given the site is located within Flood Zone 2. The

application has also failed to address potential for flooding elsewhere to surrounding areas as a result of the three storey rear extension. Furthermore, the application has failed to address the residual risks of flooding and means of safe escape as set out in Paragraph 181 d) and e) of the NPPF. Given this, it is considered that the proposal would fail to meet the requirements of Core Policy 8 of the Core Strategy and the NPPF. In accordance with Paragraph 11(i) of the National Planning Policy Framework, this would constitute a strong reason for refusal.

16.0 **Affordable Housing and Infrastructure**

16.1 The proposals entail a total of 24 units, however given that there are 10 units currently on site that would be involved in the redevelopment the proposal would result in an additional 14 new dwellings. As such, the scheme would trigger affordable housing and educational contributions under the Council's policies.

16.2 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.

16.3 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provide the three tests for planning obligations, which are repeated by the National Planning Policy Framework. It provides that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

- 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.

The tables below outline how each of the obligations would meet the three tests listed above and relevant legislation and policies.

Affordable Housing

16.4 Core Policy 4 of the Slough Core Strategy sets out that for all sites of 15 dwellings (gross) or more will be required to provide 30% and 40% of the dwellings as social rented along with other forms of affordable housing. The proposal would entail the provision of 24 units in total (resulting in a net increase of 14 additional units). The application is liable to affordable housing provision and education contributions because although the site currently comprises 10 flats, they would be provided at a different completely different mix and therefore these are new homes.

16.5 A Viability Assessment was not accompanied with and therefore the full affordable housing contribution is required. As set out in the Slough Developer's Guide Part 2 (2017), other than for developments of 15 to 25 homes referred to above financial payments in lieu of building new affordable homes will not normally be accepted. Payments (also known as commuted sums) will only be accepted in exceptional circumstances i.e. when the Council considers it will be a benefit compared to new homes being built by a

developer. The amount of any financial contribution will be negotiated and based upon a figure considered equivalent to affordable housing on site.

16.6 The application proposes 24 new units in total being of the following mix:

- 7no. 2 bed flats,
- 13no 1 bed flats and
- 4no. studio flats.

16.7 No on-site affordable housing units are offered as a part of the proposal. The Planning statement does not set out any provisions for a commuted sum. As set out in the Developers Guide, as the number of units would fall between 15-25 homes, it is considered that commuted sums would be acceptable. Officers calculate this s, to be as follows:

- 17 x 1 bed units equates to 71% of 24 units (£215,979.87)
- 7 x 2 bed units equates to 29% of 24 units (£112,616.57)

16.8 This would provide a total sum of £328,596.44 which would be required, should the development be approved, and subject to agreement of the heads of terms and of a Section 106 agreement.

Burnham Beeches Special Area of Conservation

16.9 Unlike the affordable housing and education, financial contribution for Burnham beeches is applied to net additional units. As such, and subject to a shadow habitats regulations assessment which has not been submitted a contribution of £7,980 (£570 per dwelling x 14 units) would likely be required as part of an appropriate mitigation package to overcome Natural England objections to the scheme, and are necessary to rule out any adverse effects on the integrity of the SAC from the impacts of the development, given the site is within a 5.6km radius of Burnham Beeches. Officers consider this request to be fair and reasonable and in keeping with the Conservation of Habitats and Species Regulations 2017 and Mitigation Strategy re new residential development and protection of Burnham Beeches adopted October 2022. However as noted, a shadow habitats regulations assessment has not been submitted and no offer has been put forward by the applicant.

Education

16.10 On the basis of the below mix, the following contributions would be required, in line with the table from Section 4 of the Developer Contributions and Affordable Housing (Section 106) Developers Guide Part 2:

Number. of Bedrooms	Early Years	Primary	Secondary	Post 16	SEN	Total
Houses						
1 bedroom house	£106	0	0	0	£36	£142
2 bedroom house	£376	£5,345	£2,022	£506	£504	£8,753
3 bedroom house	£376	£6,316	£4,298	£1,517	£675	£13,182
4 or more bedroom house	£517	£10,365	£9,859	£2,275	£1,170	£24,187
Flats						
1 bedroom flat	£165	£648	0	0	£90	£903
2 or more bedroom flat	£270	£2,753	£758	£758	£288	£4,828

- 17 x 1 bed flats, (£903 x 17 = £15,351)
- 7 x 2 bed flats, (£4,828 x 7 = £33,796)
- Total = £49,147

16.11 The provisions are required towards education as the proposal would be for more than 15 dwellings and would be necessary to mitigate against the impact of the development on local school places which are in a shortfall in the borough. It is considered that the requested provision would be in line with the Developers Guide Part 2.

Conclusion

16.12 As no heads of terms have been provided at this stage, this would result in an additional reason for refusal.

17.0 **Biodiversity Net Gains and Ecology**

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

17.2 Paragraph 187 of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment and requires development to protect and enhance sites of biodiversity.

17.3 Core Policy 9 relates to the natural environment and also requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.

17.4 With respect to considerations of development on the Burnham Beeches Special Area of Conservation (SAC), it is noted that the site falls within the 5.6km catchment area from this site.

Ecology

- 17.5 The applicant has submitted a Preliminary Ecological Appraisal and Roost Assessment and Bat Emergence and Re-Entry Survey (BERS) as a part of this application. No Habitat Regulations Assessment has been provided. The Appraisal set out the following:

Habitat and plants - On site habitats. Works likely to have a minimal impact on biodiversity, as current site has a low value habitats present.

Bats

- The proposed development may lead to an increase in the amount of current lighting of surrounding habitats. This may disturb commuting bats.
- Recommendations: One bat emergence survey is required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in the building.

Birds

- Whilst no nesting birds were found on site the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.
- Recommendations: At least a 3-5m buffer should be created between any machinery and any active nests until the young have fledged. The installation of one bird box at the site will provide additional nesting habitat for birds.

- 17.6 Following the above findings, a BERS has also been submitted. The survey results set out that there is a likely absence of roosting bats, and no bats or evidence of bats has been found. In terms of impact, it was concluded that bats are unlikely to be roosting within the existing building. The survey recommended that a low impact lighting strategy will be adopted for the site during and post-development.

- 17.7 The consultation comments concluded that conditions should be secured for a low impact lighting strategy, and for a pre-works check should be undertaken for nesting birds and where nesting birds are recorded a 10m buffer should be maintained until the young are fledged. On this basis there would be no adverse impacts from the development in respect of habitat impacts.

- 17.8 With respect to the Burnham Beeches Special Area of Conservation, as set out in paragraph 2.4 of the Slough Mitigation Strategy SPD that:

Under Habitat Regulations the Council as local planning authority has to take account of the impact of new development on Burnham Beeches as a Special Area of Conservation. Large new developments cannot be approved without a Habitat Regulations Assessment having been carried out to determine what impact new development might have on Burnham Beeches. And the Council has to be satisfied, through an Appropriate Assessment, that development can go ahead without a significant environmental effect on the Beeches either alone or in combination with other projects. National Planning Policy Framework para. 175 and Core Strategy Policy 9 (Natural and Built

Environment) are also relevant to this matter in terms of protecting natural habitat and biodiversity.

As such, as set out in Paragraph 1.8 the mitigation package is as follows:

- Applies to developments of 10 or more dwellings (net)
- Within 5.6 km of Burnham Beeches boundary
- Total value of mitigation projects £980,600
- Value of developer contribution to be equivalent to £ 570/dwelling
- To be spent on specified mitigation projects and associated long term maintenance.
- Projects specified in this Strategy are at Upton Court Park.
- The specified projects mapped on appendix 2 are in summary:
- Create a continuous walking and cycling route in park.
- Central wetlands restoration (core area, margins and access)
- New seating and bins (on walking routes)
- Interpretation boards (re wetland biodiversity)

17.9 As the site would fall within the Burnham Beeches SAC radius of 5.6km. a Shadow Habitats Regulations Assessment (sHRA) is required to determine whether there would Likely Significant Effect. Mitigation measures will be necessary to rule out adverse effects on integrity. It is noted that no sHRA has been submitted.

Natural England have been consulted on the application and have stated that they raise an objection as a result of the above. As such, an additional reason for refusal has been added.

17.10 *Biodiversity Net Gains*

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.

17.11 A BNG statement has been submitted, stating that the site would be under the “de minimis” threshold for exemption as there are negligible levels of on-site habitat and hedgerow on site at present. Officers agree that the site would be exempt from BNG as there are no on-site priority habitats, and there is less than 25sqm of other onsite habitats and less than 5m of onsite linear habitats.

17.12 Notwithstanding the above, given the absence of a sHRA, the development would therefore be contrary to Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, advice in the National Planning Policy Framework 2024 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. In accordance with Paragraph 11(i) of the National Planning Policy Framework, this would constitute a strong reason for refusal

18.0 **Air Quality and Environmental Noise**

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. Proposals should not result in unacceptable levels of air pollution. Paragraph 199 of the National Planning Policy Framework requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.

18.2 The site is not located within or close to an air quality management area and does not result in a use which would generate significant air quality issues.

18.3 No Noise Assessment has been submitted as a part of this application. Should the application have been recommended for approval, officers would have requested the provision of this as a part of the application. SBC Environmental Noise and Air Quality have been consulted as a part of this application. Whilst Officers have not shared major concerns in terms of air quality, given the existing residential uses on site, a noise assessment would have been required to demonstrate the impact on new receptors to road traffic noise.

18.4 SBC Resilience and Enforcement have also been consulted as a part of this application. Through their consultation responses, concerns have been raised with:

- The uplift in the number of units and its impact on additional car parking being taken up on shop spaces on the parade.
- The allocated bin provisions would not be large enough to accommodate the businesses at ground floor level.
- External stores and flats would need to be secured to prevent unauthorized access, rough sleeping and anti-social behaviour.
- Many of the sleeping areas back onto living areas. Adequate sound proofing will be required to prevent noise transference.
- No information has been provided to show how existing flues to any fast food outlets will be redirected.

18.5 It is considered by officers that some of the above could be resolved through the provision of additional information and conditions. Notwithstanding the above, officers have not requested further information at this time, as it is not considered that this would be sufficient enough to address officer concerns and overturn the remaining reasons for refusal.

19.0 **Contaminated Land**

19.1 The proposed rear extensions to the existing building would result some excavation work to be required. Whilst no comments have provided by SBC Contaminated Land, it is considered by officers that conditions could be secured if required for further survey work.

20.0 **Equalities Considerations**

20.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (e.g.: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

20.2 The proposal would be required to meet with Part M of the Building Regulations in relation to access by those needing wheelchair access.

20.3 It is considered that there will 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 e.g.: 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 has the potential to cause nuisances to people sensitive to noise or dust. However, measures under other legislation covering environmental health should be exercised as and when required.

20.4 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.

21.0 **Making Effective Use of Land**

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

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.

Paragraph 125 of the NPPF sets out that planning policies and decisions should promote and support the development of underutilized 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).

21.2 The proposal would seek to renovate and upgrade the existing flats whilst also providing 14 additional flats above this parade of shops. Whilst this would meet some of the aims set out in Paragraph 125 of the NPPF, the proposal would provide sub-standard accommodation for future occupiers, result in an unacceptable impact on highway safety, flood risk, and fail to demonstrate an acceptable impact on the Burnham Beeches Special Area of Conservation. As such, the proposal would fail to comply with local design policies and standards, against the aims of Paragraph 125 of the NPPF.

22.0 **Viability and Vitality of the Shopping Centre**

22.1 Paragraph 90 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre

22.2 Policy S1 of the Local Plan sets out that all new retail proposals should comply with the sequential test in order to maintain, enhance and protect the following retail hierarchy. Development proposals (over and above those already identified within the Plan) which are located outside of the town centre or district centre must demonstrate the need for any additional retail floorspace. Development proposals which adversely affect the shopping centres listed will not be permitted. The site would fall into Upton Lea Parade and is designated as a neighbourhood centre.

22.3 An objection has been received in relation to the application, citing concerns with the impact of construction of flats above the shops. It is not considered that the provision of flats in this location would not significantly adversely affect the vitality and viability of the neighbourhood centre, given this is an existing use on site. Whilst it is accepted by Officers that there would be some impact through construction works of the proposal to the retail units, it is considered

that this impact would be temporary and would not justify a reason for refusal. As such, it is not considered by Officers that the proposal would have a harmful impact on the viability and vitality of the neighborhood centre.

23.0 **Planning Balance**

23.1 The application has been evaluated against the Local Development Plan and the National Planning Policy Framework 2024 (NPPF) and the Local Planning Authority (LPA) has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

The report identifies that the proposal would not comply with Core Policies 4, 7, 8, and 9 of the Core Strategy and Local Plan Policy T2 which are all the relevant policies in determining this application. On this basis the proposal would not comply with the local development plan.

23.2 The LPA cannot demonstrate a Five-Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing, as set out in Paragraph 11 of the NPPF and refined in case law, should be applied.

23.3 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 24 flats at the mix provided (14 additional residential units) and when given consideration the mix to be replaced, the proposal should be afforded limited positive weight.

The following adverse impacts were identified:

- Ten of the proposed bedrooms would be served by poor outlook and levels of sunlight and daylight, as the windows would open up to a hallway and a lightwell. Therefore, the proposal would provide poor living conditions for the future occupiers of the development. This should be afforded **moderate adverse weight**.
- The application fails to provide a suitable level of car parking on site that would be appropriate for the location which currently experiences high levels of on-street car parking and car ownership. Insufficient information has been provided to demonstrate that there is adequate provision for the loading, unloading and maneuvering of service vehicles on the site within obstructing the highway. This should be afforded **considerable adverse weight**.

In addition to the above, the applicant has failed to assess the application against the sequential test within the Flood Risk Assessment to demonstrate that the proposal would not increase the risk of flooding and failed to address potential for flooding elsewhere to surrounding areas as a result of the three storey rear extension. Furthermore, the application has failed to address the residual risks of flooding and means of safe escape as set out in Paragraph 181 d) and e) of the NPPF. This would result in a strong reason for refusal.

The application has failed to provide a Habitats Regulations Assessment to assess the impact of the proposal on the Burnham Beeches Special Area of Conservation. The development would likely have a significant adverse effect on the Burnham Beeches Special Area of Conservation. This would result in another strong reason for refusal.

23.4 Therefore, in coming to a conclusion, Officers have given due consideration to the benefits of the proposal. When having regard to the loss of existing 3 bed units to be replaced with a larger quantum of units at the mix proposed, and the absence of affordable housing, limited positive weight is applied in the planning balance. However, given the considerable adverse impacts raised, it is considered that the proposal has demonstrably adverse impacts that would greatly outweigh the benefits of the scheme in the planning balance.

23.5 On the basis of the arguments above, it is considered that the identified adverse impacts would significantly and demonstrably outweigh the identified benefits of the current scheme when assessed against the policies in the Local Development Plan and the National Planning Policy Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

23.6 In addition, when having regard to paragraph 11 d i) of the Framework, there are two strong reasons for refusing the development.

23.5 Having considered the relevant policies and planning considerations set out above, it is recommended the application be refused for the reasons set out below.

24.0 **PART D: RECOMMENDED REASONS FOR REFUSAL**

1. Ten of the proposed bedrooms would be served by poor outlook and levels of sunlight and daylight, as the windows would open up to a hallway and a lightwell. The windows opening up to the internal hallway would also result in a loss of privacy to future occupants, resulting in sub-standard living conditions. Therefore, the proposal would provide poor living conditions for the future occupiers of the development, failing to comply with Core Policy 8 of The Core Strategy, Policy EN1 of The Local Plan for Slough, and the requirements of the National Planning Policy Framework 2024.
2. The applicant has failed to provide a Habitats Regulations Assessment to assess the impact of the proposal on the Burnham Beeches Special Area of Conservation. The development would likely have a significant adverse effect on the Burnham Beeches Special Area of Conservation. The development would therefore be contrary to Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, advice in the National Planning Policy Framework 2024 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
3. The proposed development would fail to provide a suitable level of car parking for the location given the evidence of car parking

ownership levels and existing parking stress around the site. Furthermore, the proposal has failed to demonstrate that there would be adequate provision within the site for the loading, unloading and maneuvering of service vehicles clear of the highway. The resulting additional on-street car parking and lack of loading space would exacerbate existing on-street parking problems, leading to the obstruction of visibility splays, access, footways and turning heads. This would result in an unacceptable impact on highway safety. No mitigation is proposed and there is no obvious mitigation for recommendation. Therefore, the development is contrary to Slough Borough Council Local Plan Policy T2, Slough Core Policy 7 and NPPF Paragraphs 115, 116 and 117.

4. The site is located within Flood Zone 2 and the submitted flood risk assessment has failed to provide a sequential test. The flood risk assessment has also failed to ensure that flood risk is not increased elsewhere as a result of the three storey rear extension, the residual risks of flooding, and means of safe escape as set out in Paragraph 181 of the NPPF. Given this, it is considered that the proposal would fail to meet the requirements of Core Policy 8 of the Core Strategy and the National Planning Policy Framework 2024.
5. No legal agreement has been entered into by the applicant, by way of a Section 106 agreement, for off-site infrastructure made necessary by the development including funding for education, affordable housing, the mitigation of impacts on Burnham Beeches Special Area of Conservation. As such, the application is contrary to policies 4, 7, 9 and 10 The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106), advice in the National Planning Policy Framework 2024 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.