

Registration Date:	04 April 2024	Application No:	P/04670/015
Officer:	Alex Harrison	Ward:	Cippenham Green
Applicant:	Mirenpass Ltd	Application Type:	Major
		13 Week Date:	4 July 2024
Agent:	Mr. Barrie Stanley, H & A Architects 74 Stanhope Road, Uxbridge, London, UB6 9EA		
Location:	17-31 Elmshott Lane, Slough, Berkshire, SL1 5QS		
Proposal:	Revised outline planning application with all matters reserved for the demolition of existing retail/residential buildings. Construction of part single storey, part two storey, and part three storey plus mansard building, over basement, consisting of associated parking at basement level, retail/storage at ground floor level and the formation of 16 no. three-bedroom flats, 18 two-bedroom flats and 35 one-bedroom flats, including 30% affordable housing on site, at first, second, and mansard floor levels. Associated landscaping and realigned access to Elmshott Lane.		

Summary of Recommendation: Delegate to the Planning Manager to Refuse



1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application was deferred from the Planning Committee meeting of 27 November 2024 to allow for proactive and engaged discussions to take place in respect of design matters with respect to reason for refusal. In spite of attempts to arrange a meeting none took place with the applicant subsequently refusing to meet following the issuing of an appeal decision at 39-43 Elmshott Lane, as discussed from para 4.15 of this report.
- 1.2 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be refused.
- 1.3 Under the current constitution, this application is to be determined at Planning Committee, as it is an application for a major development comprising more than 10 dwellings and that has received more than 10 objections from separate neighbouring properties.

The application is recommended for refusal for the following reasons:

1. The proposed development would, by virtue of its scale and massing dictated by the number and mix of housing, would result in a visually dominant and overbearing development which would result in a development that is not in keeping with character and appearance of the local area to its severe detriment. The proposal is therefore contrary to the National Planning Authority Framework 2023, National Design Guide, policies EN1 of the Local Plan for Slough March 2004 and policies Core Policy 1, Core Policy 4 and Core Policy 8 of the Local Development Framework Core Strategy 2008.

2. In absence of a completed legal agreement securing financial obligations and highways works, the development would have an unmitigated and unacceptable impact on the Burnham Beeches Special Area of Conservation and would fail to provide suitable car club provision, education and open spaces contribution and onsite affordable housing provision. The development would therefore be 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 2023 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

PART A: BACKGROUND

2.0 Proposal

- 2.1 The application seeks outline planning permission to demolish the existing buildings on site and a redevelopment to provide new retail units at ground floor level with 69 flats above. Demolition will result in the loss of 13 existing flats meaning that the proposal will result in a net gain of 55 dwellings. A basement is proposed which is shown to indicate 126 spaces with 100 spaces

provided for retail visitors and 26 spaces provided for the proposed residents.

2.2 All matters are reserved for future consideration which means the determination is to consider the principle of the development proposed at this scale. For clarification the reserved matters amount to the following:

- Landscaping
- Means of Access
- Appearance
- Scale
- Layout

The application includes a number of plans that are submitted as indicative proposals to give an indication of how development may look. These are material considerations in the determination of the application.

2.3 Since the original submission the following additional information has been provided

- Flood Risk Assessment and Drainage Strategy
- Signed Unilateral Undertaking
- Shadow Habitat Regulations Assessment

3.0 Application Site

3.1 The site is located on the eastern side of Elmshott Lane and measures approximately 0.5 hectares in area. To the north of the site is Cippenham Baptist church and to the east are terraced, two storey residential properties. To the west, opposite the proposed site, is Cippenham Primary School and Cippenham Library. Cippenham Primary School is locally listed. To the south there are commercial units with flats above.

3.2 There are two buildings on the site both of which are two storeys in height. There are commercial units on the ground floor with residential flats above. In total there are 13 residential units existing on the site

3.3 At ground floor level there are nine commercial units with various uses (Class E uses). The largest commercial unit occupied as a convenience supermarket which is located within the building on the southern part of the site. On the eastern side of the site is a car park accessed from Elmshott Lane.

3.4 The site is wholly within the designated Shopping Centre on Elmshott Lane.

4.0 Relevant Site History

4.1 The following applicaiotns amount to the planning history of the site:

P/04670/001

Demolition of two bungalows; development of site with 4 shop units (334 sq m) 5 office units (468 sq m) & 3 no 2-bed flats (0.202 ha)

Approved July 1983

P/04670/002

Change of use of ground floor from retail shop to office for building society
Approved November 1983

P/04670/003

Change of use of ground floor unit 6 from retail shop to office for estate agency
and building society agency (75 sqm)
Refused October 1983. Appeal dismissed February 1984.

P/04670/004

Change of use from retail shop to office for dual use as building society agency
& insurance brokers office. (75 sq m)
Approved May 1984

P/04670/012

Change of use from a1 (shops) to a3 (restaurant cafe)
Approved October 2006

P/04670/013

Outline planning application with all matters reserved for the demolition of
existing retail/residential buildings. Construction of five storey building and
basement consisting of associated parking at basement level, retail/storage at
ground floor level and the formation of 34 no. two-bedroom flats and 85 no.
one-bedroom flats at first, second, third and fourth floor levels. Associated
landscaping and realigned access to Elmshott Lane.
Refused 17 September 2018
Appeal dismissed 18 December 2019

Illustrative plans shown below of the scheme:





P/04670/014

Revised Outline planning application with all matters reserved for the demolition of existing retail/residential buildings. Construction of three storey plus mansard building, over basement, consisting of associated parking at basement level, retail/storage at ground floor level and the formation of 9 no. three-bedroom flats, 19 no. two-bedroom flats and 56 no. one-bedroom flats at first, second, and mansard floor levels. Associated landscaping and realigned access to Elmshott Lane

Refused 11/12/2020

Appeal Dismissed 12/05/2022.

Illustrative plans shown below of the scheme:

FOR ILLUSTRATIVE PURPOSES ONLY

SBC PLANNING
RECEIVED - 02.09.2020



FRONT (WEST) ELEVATION TO ELMSHOT LANE
SCALE-1:300 @ A3
DATE 12/12/2019
DRAWING NO. P/12 Rev B

HERITAGE & ARCHITECTURE
CHARTERED ARCHITECTS
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 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1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 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1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 21



- 4.2 The previous appeal decision forms a material consideration with this application. The application P/004670/014 proposed a development on this site comprising of 84no flats with retail units at ground floor level with a basement car park and will be referred to as the second scheme. This decision is appended to this report in full.

The application was considered by Members at the Committee meeting of 09/12/2020 and was determined to refuse for the following reasons:

1. The proposed development would, by virtue of its density, scale and mass, would result in a development of an unacceptably high density outside of the town centre, with a mix that would not help to achieve a sustainable, inclusive and mixed community, which would result in a development that is not be in keeping with character and appearance of the local area to its severe detriment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and policies CP1, CP4 and CP8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.
2. The proposed development, by virtue of the scale and mass of building, would result in an unacceptable loss of amenity to neighbouring residents at 33 Elmshott Lane by way of an overbearing character and loss of outlook. The proposal is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.
3. The proposed development would, by virtue of the housing mix proposed, fails to provide a housing mix that would meet the recommended mix of the Strategic Housing Market Assessment 2016 and would therefore not contribute towards achieving a sustainable, inclusive and mixed community. The proposal also fails to provide an appropriate level of affordable housing as part of the scheme. The

development would therefore be contrary to the objectives of the National Planning Authority Framework and Policies 4 and 10 Local Development Framework Core Strategy 2008.

4. In the absence of a completed legal agreement securing financial obligations and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure and would fail to make an acceptable contribution towards, local affordable housing stock. The development would therefore be contrary to the objectives of the National Planning Authority Framework and Policies 4 and 10 Local Development Framework Core Strategy 2008

4.3 The applicant appealed the decision which was dismissed by the Planning Inspectorate. In forming their decision the Inspectorate made the following conclusions:

Planning Balance

80. In the absence of a 5YHLS, the tilted balance as advocated under paragraph 11 should apply.
81. The scheme would deliver 70 additional dwellings in a sustainable location. In the context of a significant shortfall in housing, I give the provision of housing considerable weight.
82. The scheme would deliver a range of social, economic and environmental benefits which together I also attribute considerable weight.
83. The proposed development would cause significant harm to the character and appearance of the area. Notwithstanding that the scheme proposes to deliver some affordable housing, it would fail to make adequate provision for affordable housing in accordance with policy requirements. Furthermore, it has not been secured through a section 106 agreement. Given the need for affordable housing, I attribute significant weight to the failure to make this provision. The scheme would fail to deliver a suitable housing mix and moderate harm would arise from this. These harmful factors are matters that carry very substantial weight and importance in the planning balance.
84. The absence of harm to the living conditions of adjoining neighbours is a neutral factor in the balance.
85. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

86. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

The full decision has been appended to this report as appendix 1.

4.4 In coming to this decision the Inspector found significant harm to the character of the area through introducing a 4 storey building on the site that would appear 'significantly larger and bulkier than surrounding development...' (para 14). The Inspector dismissed an argument that the scale matched nearby Charlot Mews on Bower Road stating that the building would be 'more substantial due to its extensive width, plot coverage and flat roof. This would make it appear

much more bulky than this neighbouring development.’ (para 15) The Inspector also stated that Charlcot Mews is not immediately visible on Elmshott Lane and does not form the character along this road. ‘*The presence of this building on an adjacent street, does not therefore alter my view that the proposed development would appear visually dominant and overbearing within the Elmshott Lane streetscene, unrelated to its context and harmful to the character and appearance of the local area.*’ (Para 16). This impact is what was determined to cause significant harm to the character and appearance of the area.

- 4.5 Also, of note the Inspector concluded that there would not be an adverse impact from the view from properties on Patricia Close and Charlcot Mews.
- 4.6 The Inspector also concluded that the previously proposed housing mix (9 no. three-bedroom flats, 19 no. two-bedroom flats and 56 no. one-bedroom flats) would not be appropriate, stating...’ It seems to me that with a disproportionate number of 1-bed units and a significant shortfall in larger units, the scheme would make a limited contribution towards creating mixed and inclusive communities.’ (para 38).
- 4.7 Therefore, the Council considers the first reason for refusal was upheld.
- 4.8 In respect of impact to neighbouring residents as set out in the second reason for refusal, the Council identified harm to the amenity of the occupier of 33 Elmshott Road through loss of light and overbearing character. The Inspectorate did not agree with this and concluded that there would not be unacceptable harm to amenity. No harm to other residents was identified and the second reason for refusal was not upheld.
- 4.9 The appeal submission included a signed unilateral undertaking proposing affordable housing and infrastructure contributions aimed at addressing the third and fourth reasons for refusal. In short, the undertaking did not provide policy compliant affordable housing and did not provide viability evidence to demonstrate why. The affordable housing provision was subsequently not accepted by the Inspector.
- 4.10 The legal undertaking secured contributions towards education, highway works, recreation and travel plan and this was accepted by the Inspector. However due to the inadequate affordable housing provision, reasons 3 and 4 were in effect upheld.
- 4.11 Due to the Council’s lack of demonstrable 5-year housing land supply, the planning balance is engaged as shown in para 4.3. It is noted that the harm from the previous scheme were significant enough to outweigh a net gain of 70 flats which were given considerable weight as part of proceedings.
- 4.12 In respect of highways matters, no reason for refusal was included in this respect. The issue of parking and highways impacts has been previously considered by the Planning Inspectorate at an earlier appeal for another scheme at the site (P/04670/013). This was a scheme that proposed 119 flats at the site and will be referred to as the first scheme. The application was also refused on four grounds relating to impacts on the character of the area, residential amenity, highways and parking, drainage, affordable housing and infrastructure contributions and housing mix/density.

- 4.13 In considering highway impacts for this notably larger development, the Planning Inspector considered the impact on parking and the highway as part of the first appeal. The Inspector noted that Elmshott Lane was subject to a 20mph speed limit and has speed humps and that visibility was acceptable. The Inspector noted an increased in traffic to and from the site by visitors but concluded that *'most of these would be undertaken by walking, cycling and/or public transport, which would be supported by a travel plan/sustainable travel information pack'*. The Inspector found the previous parking levels to be acceptable and had no objection to loading arrangements and therefore did not uphold the Council's reason for refusal.
- 4.14 This is a material consideration for highways and parking matters going forward. Given the conclusions of the first scheme by the Inspector, there were no objections raised on highways grounds in determining the second scheme as the reduced scale of development meant that there would be a reduced highways impact by comparison.
- 4.15 Since the decision to deferral from the November Committee, the Council has received the Planning Inspector's (ref: APP/J0350/W/24/3346602) decision for an appeal close to the site at 39-41 Elmshott Lane to the south of the application site. This application was originally refused at the Committee meeting of 31 January 2025 on grounds relating to design and parking.
- 4.16 Following a hearing, the appeal was allowed on 20 January 2025, granting permission at the site for its redevelopment to provide commercial floorspace at ground floor level and 13 residential units in a building comprising 3 and 4 storeys as shown in the image below. This application for consideration references the proposal in its plans. The appeal decision is appended to this report as Appendix 2.



- 4.17 When considering issues of scale and streetscene impact determined...the Inspector stated that *'while Elmshott Lane is largely low level, taller buildings are visible, particularly that of Charlot Mews, alongside which the proposal would be experienced. Given the proximity of this building, with fourth floor roof accommodation, the four storey element of the proposal, while notable, would not read as jarring.'*
- 4.18 In terms of streetscene the Inspector concluded that *'...The proposal would increase the level and massing of built form at the site, in a prominent corner*

plot, with a central four storey element at the junction....The central four storey element of the proposal would be flanked at either side by townhouses, which would be set back and step down to 3 storeys along Bower Way and two storeys along Elmshott Lane. This would respond to the scale of immediately adjacent development and provide a smooth visual transition in this regard. The articulation of the street-facing elevations of the proposal would reduce its overall prominence and assist with its assimilation in the streetscene. In addition, the fourth storey of the proposal would be a mansard roof. This would be set back and finished in contrasting materials to ensure subservience to the main building.'

4.19 In respect of parking impact, the Inspector concluded that the appeal proposal would not have an adverse impact even though there was no parking provided as the appellant provided survey evidence that the surrounding streets could occupy the demand. In terms of highways impact the Inspector raised no objections on the basis that there would be an overall reduction in transport movements when comparing the proposed uses to the existing garage operations and that congestion in the area, notably at the end of the school day is a temporary impact which did not suggest a prevalence of highway or pedestrian safety concerns in the immediate area.

4.20 Due to the closeness of this site to the current application site the appeal decision is material consideration that will be given appropriate weight in considerations. It does not, taken in isolation, set a precedent for development in the area, both developments are materially different and each application should be determined on its own merits.

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 on 24/04/2024 and a press advert was published on 26/04/2024.

5.2 21 letters have been received from residents raising the following, summarised issues:

- Proposal is an overdevelopment of the site and is out of character with the village and area.
- Plans show a comparison building that does not have planning permission at 39-41 Elmshott Lane.
- There is limited parking space in the area with vehicles currently parking illegally and the proposal will make this issue worse.
- Poor bus service in the area. Parking and traffic concerns.
- Proposal is too high and expansive compared to its surroundings.
- Poor environment created via an underground car park.
- Reduction in number of individual shops.
- Area needs 3 bed homes rather than smaller units.
- Concern new residents will use the adjacent Baptist Church carpark for parking and they will have to install measures to stop this.
- Safety concerns of children at the school and a dangerous junction.
- Privacy impact on 59, 61 Patricia Close.
- Reduction of light to 'immediately adjacent houses in Patricia Close'. Loss of light to 61 Patricia Close.
- Overlooking impact to 59 Patricia Close.
- Risk of structural damage to 59 Patricia Close as a result of basement

construction.

- Local infrastructure cannot accommodate the proposed growth.
- Increased vehicles mean increased pollution.
- Increased population will increase antisocial behaviour and crime.
- Concerns raised over waste management from the development.

In addition to this a petition was received, signed by 116 signatories. The petition raised objections to the scheme on the grounds of harmful impact to the character of the area, design, high density of development and poor housing mix, reference to previous appeal decisions for this site and neighbouring sites, poor parking provision and safety concerns of children at the school and a dangerous junction.

6.0 Consultations

6.1 Local Highway Authority

Vehicle Access

The LHA have no objection to the proposed vehicle access arrangements on Elmshott Lane. Elmshott Lane is subject to a 20mph speed limit outside the site and benefits from good visibility in each direction. A visibility splay of 2.4m x 25m is required by Manual for Streets which appears achievable based on the submitted site plan and observations made on site.

The main site access measures 5.4m – 6.45m on the proposed site plan which is wide enough for two vehicles to pass each other. There is suitable turning space within the site for vehicles. Therefore, the site access geometry will not require vehicles to reverse out onto the public highway.

Collision data shows that no collisions causing injury have been recorded on Elmshott Lane in the vicinity of the site access during the most recently available 5-year period.

A Section 278 agreement with the LHA will be required for the formation of the vehicle access junction and creation of the car club bay on Elmshott Lane. A Road Safety Audit by an independent Road Safety Auditor will be completed at this stage of the design.

The NPPF Para 115 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Access by Sustainable Travel Modes

Burnham Railway Station is located 600m (9 minutes' walk) from the site. This is considered an acceptable walking distance by the Chartered Institute of Highways and Transportation which advises that people will walk up to 800 metres to access a railway station, reflecting its greater perceived quality and the importance of rail services.

Direct rail services to key employment destinations including Reading, Maidenhead, Liverpool Street and Canary Wharf are available as summarised in the table below:

Destination from Burnham	Journey Time	Frequency (Peak Hour)
Reading	20 – 22 minutes	4 per hour
Maidenhead	5 – 6 minutes	4 per hour
Slough Town Centre	3 - 4 minutes	6 per hour
Hayes and Harlington	13 – 14 minutes	4 per hour
Southall	21 – 30 minutes	6 per hour
London Paddington	32 - 39 minutes	6 per hour
Bond Street	35 – 42 minutes	7 per hour
Farringdon	40 – 47 minutes	6 per hour
London Liverpool Street	43- 50 minutes	6 per hour
Canary Wharf	49 – 56 minutes	6 per hour

A walking distance of 400 metres is deemed acceptable by the Chartered Institute of Highways and Transport (CIHT) within their document: *'Planning for Walking and Cycling, 2015'*.

The nearest bus stops to the site are 230m (3 minutes' walk) on the A4 Bath Road (Everitt's Corner). The A4 bus provides 4 buses per hour to Cippenham, Slough Town Centre, Tesco Extra, Colnbrook, Langley and Heathrow Central Bus Station. The number 6 provides 1 bus per hour to Maidenhead, Slough Trading Estate and Wexham.

The site is situated within walking distance of Cippenham Library, Cippenham School, Haybrook College, Cippenham Nursery School, Pure Gym, Halfords Cycle Store, One Stop, a butchers, barbers, Vivasayi Supermarket, M&S Food and various takeaways.

The Chartered Institute of Highways and Transportation also advises that: *'Walking neighbourhoods typically characterised as having a range of facilities within 10 minutes' walking distance (Around 800 metres)'*.

Car Club Bay

The application offers the creation of a car club bay on Elmshott Lane which could be utilised by the council's car club scheme. Research has shown that 1 car club vehicle on average reduces car club ownership by 22 vehicles (CoMoUK Annual Car Club Report 2022).

Residential Car Parking

The LHA would have no objection to the proposed development due to the proposed number of car parking spaces on site. The proposed parking ratio has previously been accepted by PINS at appeal.

Drawing No. P-07-Rev.A displays 26 car parking spaces for the 69 flats proposed which would provide 0.37 car parking spaces per flat. Therefore 63% of residents at the proposed development would be required to live car free.

The number of spaces exceeds the number required by Slough's Parking Standards given the site is entirely situated within the defined Elmshott Lane Shopping Centre area, where Nil car parking is allowed for residential

developments. The site benefits from excellent access via public transport and a car club bay (as outlined above) which would support some residents in living a car free lifestyle.

Elmshott Lane is subject to double yellow lines outside the proposed development site and there are no opportunities for residents to park on-street and any on-street parking would be subject to enforcement action.

Furthermore, Transport Officers have recommended the inclusion of a car parking management plan if planning permission is granted in order to ensure spaces are efficiently used for residents and provision is maximised.

Retail Car Parking

100 car parking spaces are proposed for the retail aspect of the proposed development. The applicant has confirmed that this parking will remain 'pay and display' as per the existing car park on site. The 100 car parking spaces would serve 1,886sq.m of Retail Use which is provided within 4 separate retail units.

This also exceeds the requirements of the adopted Slough Parking Standards which allow Nil Car Parking unless there is a shortfall.

The 100 spaces also exceed the maximum of 94 car parking spaces which would be required by the adopted Slough Car Parking Standards at a ratio of 1 space per 20sq.m for a 'Existing Business Area' or 'Predominantly Residential Area' were applied.

Table 5 - Vehicle and Cycle Parking Standards

	Town Centre Commercial Core Area	Rest of Town Centre	Existing Business Areas	Shopping Area	Predominantly Residential
A1 Shops					
Car Spaces	Nil	Nil	Min. 1 to 30m ²	Nil unless shortfall	Min 1 to 30m ²
Lorry Spaces	c.o.m.*	c.o.m.	c.o.m.	c.o.m.	c.o.m.
Cycle spaces	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²	Min. 1 to 125m ²
A1 Superstores					
Car Spaces	Nil	No overall increase	Max. 1 to 20m ²	Nil unless shortfall	Min. 1 to 20m ²
Lorry Spaces	Min. 1 to 500m ² up to 2,000m ² , then 1 to 1,000m ²	Min. 1 to 500m ² up to 2,000m ² , then 1 to 1,000m ²	Min. 1 to 500m ² up to 2,000m ² , then 1 to 1,000m ²	Min. 1 to 500m ² up to 2,000m ² , then 1 to 1,000m ²	Min. 1 to 500m ² up to 2,000m ² , then 1 to 1,000m ²
Cycle spaces	Min. 1 to 350m ²	Min. 1 to 350m ²	Min. 1 to 350m ²	Min. 1 to 350m ²	Min. 1 to 350m ²

Blue Badge

Two (7.6%) of the 26 parking spaces for residents would be marked for the use of blue badge users. Five of the 100 parking spaces for retail users are marked for use of blue badge users.

Inclusive Mobility (2021) recommends 5% of parking spaces are designed to an accessible standard with a 1200mm access strip at residential and retail developments. DfT data released in March 2023 showed that 4.6% of the UK population (2.57 million people) hold a valid blue badge.

Electric Vehicle Parking

SBC would require all 26 car parking spaces to be fitted with active EV Chargers. The Slough Low Emissions Strategy (2018 – 2025) requires the provision of EV Charging Points for new dwellings with allocated parking.

The National Planning Policy Framework Paragraph 112 requires applications for development to: *'Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations'*.

Cycle Parking

The LHA have no objection to the 114 cycle storage spaces shown on the proposed site plan which is provided in a secure and covered store within the basement car park. Further details of the exact stand type should be secured by planning condition if permission is granted.

The Slough Developers' Guide – Part 3: Highways and Transport (2008) requires the provision of 1 secure and covered cycle parking space per dwelling to encourage the uptake of cycling within the borough.

Deliveries, Servicing and Refuse Collection

The applicant has submitted swept path analysis drawings which demonstrate a 16.5m long articulated vehicle can turn within the site, using the main vehicle access. Swept paths have also been provided which demonstrate a 7.17m long Rigid Truck can use the eastern vehicle access and turn within the site.

The SBC refuse collection vehicle would be required to stop kerbside and bins would be wheeled from internal stores to the kerbside on collection day.

SBC Highways and Transport are satisfied that delivery vehicles can turn within the site and will not need to be stationed on the public highway whilst deliveries to the proposed development are completed.

Construction Impact

If planning permission is granted, then the Local Highways Authority require the applicant provide a Construction Management Plan (CMP) which details control measures for construction and construction routes for traffic. The CMP can be secured by planning condition.

Summary and Conclusions

The LHA have no objection to the proposed development on highways and transport grounds.

6.2 **Thames Water**

Raised no objections, subject to conditions.

6.3 **SBC Environmental Officer**

No comments received to date.

6.4 **Lead Local Flood Authority**

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

Our information requirements in support of an Outline application are outlined in our document Local Standards and Guidance for Surface Water Drainage in document:

<https://www.slough.gov.uk/planning/planning-permission-approval-needed/2>

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. Further details of the proposed drainage system must be included. This includes, but is not limited to, the following:
 - a. Calculation of existing greenfield runoff rates from the site area.
 - b. As the site is currently greenfield, evidence that surface water discharge from the proposed development will not exceed existing greenfield runoff rates.
 - c. Calculations demonstrating the proposed attenuation has sufficient volume to contain a number of return periods, up to and including the 1 in 100 year, for a range of storm durations, from 15 minutes up to 10080 minutes.
 - d. Further details of the attenuation proposed, including depths and volumes.
 - e. An operation and maintenance plan, including details of every aspect of the proposed drainage system, and details of who will be responsible for the maintenance.
 - f. An exceedance plan demonstrating that flooding will not be routed towards buildings in the event of the proposed drainage system failing.

Overcoming our concerns

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above.

We ask to be re-consulted on this requested surface water drainage information. We will provide you with bespoke comments within 21 days of receiving a formal re-consultation. We cannot support the application until adequate surface water drainage information has been submitted.

6.5 **Natural England**

Following the submission of a revised Habitat Regulations Assessment:

I can confirm to you that as long as the applicant is complying with the requirements of Slough's policy requirements for the Burnham Beeches SAC (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) at Upton Court Park for all net increases in residential accommodation, Natural England has no objection to this application. It is Slough Borough Council's responsibility as the competent authority to ensure there is sufficient capacity for mitigation at this SANG.

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 20 December 2023. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant sections of the NPPF are outlined below. 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, which is consistent with the statutory test in section 38(6) as above. The weight to be attached to the key Development Plan policies, and an assessment of the proposal against them, is set out within this report.

7.2 National Planning Policy Framework 2023 and National Planning Policy Guidance:

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 12: Conserving and enhancing the historic environment

The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008

- Core Policy 1 – Spatial Strategy
- Core Policy 3 – Housing Distribution
- Core Policy 4 – Type of Housing
- Core Policy 6 – Retail, Leisure and Community Facilities
- Core Policy 7 - Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural, built and historic environment
- Core Policy 10 – Infrastructure
- Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Polices)

- EN1 – Standard of Design
- EN3 – Landscaping Requirements

- EN5 – Design and Crime Prevention
- H9 – Comprehensive Planning
- H13 – Backland/Infill Development
- H14 – Amenity Space
- T2 – Parking Restraint
- T8 – Cycle Network and Facilities
- T9 – Bus Network and Facilities
- OSC15 – Provision of Facilities in new Residential Developments
- S1 – Retail hierarchy
- EN17 – Locally listed buildings

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- 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)
- DEFRA Local Air Quality Management Technical Guidance TG (16)
- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

7.3 The Proposed Spatial Strategy (Nov 2020)

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

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

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

7.4 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.

7.5 Planning (Listed Buildings and Conservation Areas) Act 1990

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

8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

- Principle of development
- Housing Mix
- Design and impact on the character of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Transport, highways and parking
- Tree and ecology
- Flooding and drainage
- Infrastructure and affordable housing
- Burnham Beeches Special Area of Conservation
- Equalities considerations
- Neighbouring Objections
- Planning balance

9.0 **Principle of development**

9.1 Given the absence of a five-year housing land supply, the Local Planning Authority must undertake an exercise in judgement in determining the appropriate balance of considerations as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2023 taken as a whole. It is required to assess whether the proposed development is sustainable as defined by the NPPF 2023.

9.2 Paragraph 123 of the NPPF (2023) states 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. The proposal seeks to optimise brownfield land and it should be noted that there will not be any net loss of housing provision on the site.

9.3 Core Policy 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document states that in urban areas outside the town centre, new residential development will predominantly consist of family

housing. The Berkshire Strategic Housing Market Assessment has identified the need for family housing which reflects the disproportionate number of flats which have been completed in recent years as a result any development within the urban area should consist predominantly of family housing. The proposal is for 69no. flats which do not constitute family housing. The site is considered to be located in a sustainable location as it benefits from access to public transport, education, retail, employment and community facilities.

- 9.4 The site contains 13 residential units as existing, all of which are flats. The principle of flats at the site is established through the existing site circumstances. Furthermore, the Inspectors decision on the refused second scheme determined that the site would not be suitable for traditional family housing but can accommodate family households through larger flats.
- 9.5 The Inspector also noted that there is an expectation under the National Planning Policy Framework (NPPF) that proposals such as this will come forward on previously developed land and that the current iteration of the NPPF puts great emphasis on making effective use of underutilised or previously developed land.
- 9.6 The site is a recognised local shopping centre which is safeguarded under planning policy. The proposal consolidates the retail floorspace to fewer units and the bottom line is that the shopping area retains a retail offering which makes it acceptable in light of Core Policy 6. Neighbouring comments have been received over the loss of individual smaller units which is noted and certainly unfortunate however this circumstance is not unacceptable in planning terms. It is acknowledged that the Planning Inspector has previously given positive weight to the view that the proposal would renew the shopping parade in providing modern premises and facilities within the neighbouring shopping centre and secure the ongoing provision of day-to-day services for the local community. This matter is still apparent.
- 9.7 It is therefore considered that the redevelopment of the site is acceptable as a matter of principle. The acceptability of the application submitted will be dependent on the consideration of its individual merits which follow.

10.0 Housing Mix

- 10.1 Both previous schemes proposed unacceptable housing mixes with an overprovision of 1 bed units being the principal reason.
- 10.2 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 largely reflected in local planning policy in Core Strategy Policy 4.
- 10.3 The recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

	1 bed	2 bed	3 bed	4 bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

10.4 The proposed scheme would provide the following mix:

One Bed Units – 35 (50% of mix)
Two Bed Units – 18 (26% of mix).
Three Bed Units – 16 (24% of mix)

For comparison purposes the dismissed second scheme provided 67% 1-bed units, 23% 2-bed units and 9% 3-bed units while the dismissed first scheme proposed 71% 1-bed units and 29% 2-bed units

10.5 Some flexibility can be exercised in relation to the table in 10.3 depending on the location of development and the characteristics of the surroundings. However, in this instance the high percentage of one-bedroom units is not acceptable. In terms of the existing stock, 4 three-bedroom flats are being lost as part of the proposal but there are 9 equivalent units proposed as part of the application, which amounts to a net gain in the larger units. However, in light of the table above, the proposed residential mix does not reflect the requirements of the SHMA.

10.6 It has already been made clear by the Planning Inspector that a mix of 1 and 2 bed units would *'do little, if anything, to meet the aims of LP Policy CP4 in providing family housing or to satisfy the objective of creating mixed and balanced communities.'*

10.7 As with both previous schemes at the site the proposal leans heavily on the provision of 1-bed units. The mix is improved in comparison to the dismissed schemes. Some weight is given to the characteristics of the site and its designation as a neighbourhood shopping area. This would entail that flats are the appropriate housing type for this site. The SHMA mix at para 10.3 applies broadly to all development and it is not unreasonable to conclude that a scheme of flats would not generate demand for 4 bed units for example.

10.8 The proposed housing mix continues to not be in accordance with the SHMA and proposes an over-reliance on small 1-bed units. This is an adverse impact that is considered as part of the planning balance.

11.0 Design and impact on the character of the area

11.1 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.

Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.

11.2 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.*

11.3 This is an outline planning application with matters of appearance, layout and scale reserved for subsequent approval. The application has included a limited number of illustrative plans, including floorplans and elevations, which serve to illustrate the potential character and appearance of a future scheme. Whilst this information is helpful to consider, given the scale of the proposal, (alongside the appeal history of the site), there is limited information to provide comfort that the proposal would overcome earlier concerns raised by officers and the earlier appeal decisions. For a scheme of this nature, the approach of many applications in outline form, would be to include details such as parameter plans, design codes and detailed a design and access statements to guide the form, character and appearance of development which would allow for further control of any future reserved matters application submissions by the Local Planning Authority. In this instance none of these details are provided and the design and access statement accompanying the application, mainly seeks to explore how the scheme would resolve the earlier appeal decisions.

11.4 The site is in a prominent location on Elmshott Road and is highly visible from the surrounding streetscene/public realm. The proposal would also be highly visible from the residential properties located to the east of the site on Patricia Close and from the flats to the south and church to the north, as well as being highly prominent in relation to the adjacent school and library. The residential character of the area (Patricia Close, Washington Drive etc) is a mix of single storey and two storey dwellings. On Patricia Close the buildings are two storey terraces. The closest dwellings on Washington Drive are bungalows. Chalcott Mews is located close to the site and is 3-4 storey structure. However, this height of development is not typical in the surrounding area and sits more as an exception rather than an example of typical scale, the Inspector concluding *“that Charlcot Mews is not immediately visible on Elmshott Lane and does not form the character along this road.”* (para 15). The school opposite the site is predominantly single/two storey and the library is single storey.

11.5 Both dismissed appeals made reference to schemes that were more bulky than anything else in the area when viewed along Elmshott Lane. With the more recent appeal inspector commenting:

‘The proposed building would be substantially larger than the existing development both along Elmshott Lane and in the surrounding residential streets. It would extend across much of the width of the Elmshott Lane frontage at a height of 4-storeys, stepping down to a single-storey building adjacent to its boundary with 33 Elmshott Lane (No 33). 14.

The proposal would be reduced in height compared to the previously dismissed scheme and the top floor would be set back from the front elevation. It would nevertheless appear significantly larger and bulkier than surrounding

development although to a lesser extent than that previously proposed.

... the proposed development would appear visually dominant and overbearing within the Elmshott Lane streetscene, unrelated to its context and harmful to the character and appearance of the local area. ‘

The indicative elevations for this proposal show a streetscene that is characterised by two buildings that vary between 1 and 4 storeys, (featuring a mansard style roofscape). Along the Elmshott Lane frontage, the main U-shaped block as presented within the illustrative scheme, shows a building stepping-up from 1 to 3 storeys to the southern portion of the site before rising to a large 4 storey block. This block then reduces in scale towards its central portion to 2 storeys; before rising again to 4 storeys. The secondary block to the north of the steps up from 3 storeys at the boundary to a 4 storey block, (again featuring a mansard style roof). The rear wings of the proposal are indicated as being 4 storeys, dropping to 2 as the wing projects to the east. At ground floor level the building would retain a similar approach to site coverage across the Elmshott Lane frontage, (albeit omitting the upper-level bridge link the two blocks), and the degree of set-back from the back of the existing kerbline along this extent would be similar to the earlier appeal proposals.



Comparison of earlier dismissed appeal scheme, (Appeal Dismissed 12/05/2022), (top) to current proposals, (bottom), Western elevation to Elmshott Lane

- 11.6 As can be viewed in the streetscene elevations presented above, whilst the current proposals serve to break the monolithic, horizontal scale of the appeal scheme, (particularly when viewed in eastward facing views from the forecourt of Cippenham Library, and Elmshott Lane) the proposals would, through provision of their mansard-style roofscapes, be taller, bulkier, and visually dominant in other views. This is particularly the case when appreciating the development in wider views along Elmshott Lane. In many of these views, the stepped massing and mansard style treatment of the blocks would coalesce in these views, adding to the perception of bulk of the scheme.

Officers note that the application initially included a streetscene elevation of the proposal in relation to surrounding buildings, specifically highlighting a

comparable height to a previous application submitted to the south at 39-41 Elmshott Lane, (application reference: P/00595/004). This referenced application was refused by Members at the Committee meeting of 31 January 2024 on the grounds of parking and design. It is currently subject to a planning appeal and, at the time of considering this application, no decision has been made on that appeal and therefore there is no consent at the site. The appeal scheme should, at the time of considering this application be given no weight. In this context, the applicant was advised to remove this proposal from the proposed streetscene, however they remain visible on drawings. The matter was also raised by neighbouring residents. The applicant was also asked to remove a number of non-existent trees that are shown as part of the proposed elevations, and are not anticipated to be delivered by the development, but they also remain.

- 11.7 The proposed plans are indicative and limited in nature. However, as with the previous applications, these details can be given appropriate weight in assessing the application as it shows how the applicant suggests the site could accommodate the scale and density of development proposed. The height and bulk of the development shown is notably reduced from both previous schemes that failed at appeal. The consideration is whether or not the amended scheme address the significant adverse impacts that were previously identified by the Council and upheld by the Planning Inspector.
- 11.8 To reiterate the Inspector previously concluded that the scale and height of development meant that it would *'would appear visually dominant and overbearing within the Elmshott Lane streetscene, unrelated to its context and harmful to the character and appearance of the local area'*. It should also be reiterated that the Inspector gave little to no weight to Charlot Mews as a comparable development that sets a precedent. In considering the recent appeal decision at 39-41 Elmshott Lane, this site is further from the application site than Charlot Mews but would have a visual relationship from viewpoints on the Lane itself. The appeal site also has a different context from that of the current proposal, occupying a prominent corner plot. The allowed appeal at 39-41 Elmshott Lane does not set a precedent for wider development in the area although it is a material consideration. The prevalent scale of development, in the area remains 2-2.5 storeys, the allowed scheme adds a contrasting character to the wider Elmshott Lane character.
- 11.9 The proposal continues to propose a building with effectively 4 storey elements which is still a scale and height of built form that is atypical on Elmshott Lane. The top floor is provided within a mansard roof style structure, which includes a pitch of roof and proliferation of dormer windows; which would appear visually dominant and overbearing in the streetscene of Elmshott Lane and the surrounding context. The character of the area is clearly defined by a mixture of 2 to 2.5 storey buildings. The scale and height of the proposal therefore sees the introduction of buildings of a scale, massing and height that continue to be unrelated to the character and appearance of the area.

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11.10 It is therefore considered that the proposal continues to have an adverse impact on the character and appearance of the area. This third iteration of a redevelopment proposal at this site continues to propose 4 storey buildings which run contrary to the established character. The applicant has stated that the Council has been inconsistent in its approach to scale in this area, citing a number of sites, including Charlot Mews and 39-41 Elmshott Lane as examples of comparable scale in the immediate vicinity. The report has already considered the relationship with these developments, and the fact that the earlier Inspector was clear in concluding that the former site does not define the character of Elmshott Lane and that the latter was refused by Members. The Council has been consistent in its conclusions that the scale of development at this site harms the character and appearance of the area. The other sites referred to by the applicant are afforded little weight as they are not in the immediate area and are not part of the character of Elmshott Lane.

A point for the 39-41 Elmshott Lane appeal decision (ref: APP/J0350/W/24/3346602) was that the Inspector noted that the proposal

incorporated numerous setbacks and materials changes to break up the bulk and provide a smooth visual transition of scale and bulk across the site. The indicative elevations do not achieve this providing no such setbacks, limited breaks in bulk and no variations in bulk and appearance. The site remains one that is a redevelopment opportunity and following the previous deferral the Council had intended to work proactively with the applicant to address the design issues that have been identified and unfortunately this has not been possible and therefore the proposal returns to Members as originally proposed.

- 11.11 The illustrative plans show a number of new large mature trees on Elmshott Lane that appear to be shown on the plans as being on the public footway and, in one instance on the road itself. These are not existing trees and these mature trees would be required to be secured via a contribution towards public realm and agreement with the Highways Team to assess whether or not they would be acceptable in the footway in this location. In essence, the trees appear to limit the visual impact of the development and provide a form of screening of the vast scale and mass of the proposed development. It is acknowledged that this is an outline application with all matters reserved but a reasonably substantial and prominent development would be required to be delivered the mix of units as stated in the description of development. The tree coverage, outside of the applicant control to be delivered demonstrates the harmful impact that the proposal would have on the streetscene. The red line area does not include the footway and therefore the trees shown should be disregarded as part of considerations. A number of trees on the other boundaries of the site are shown. Again, none of these are existing and heights and densities do not appear to be informed by any professional landscaping detail or illustrative landscape strategy. Furthermore, the design and access statement accompanying the application does not include detail of these landscape features in any credible manner. Furthermore, for mature trees to adequately grow, a suitable below ground root area needs to be kept clear of any landscaping for the of the trees to survive, it is reasonable to consider that landscape screening will be provided as part of any reserved matters proposal, but the scale and density of planting as proposed would not be guaranteed based upon these details.
- 11.12 In terms of the retail element of the proposal, there are no objections to the proposed development in respect of the floorspace provided and the number of units, even though these are reduced. The proposal will retain retail units in the designated shopping area which is acceptable in policy terms. If the proposal were to have been acceptable, detailed designs would need to ensure suitable shopfront proposals are included as part of the reserved matters.
- 11.13 The proposal therefore is considered to due to its, scale, massing and appearance be visually dominant and overbearing; having a significantly adverse impact on the character and appearance of the area, contrary to the NPPF, National Design Guide, and Core Policies 1, 4 and 8 of the Core Strategy and retained Policy EN1 (standard of design) of the Local Plan. The impact will be considered as part of the planning balance later in this report. The recent decision at 39-41 Elmshott Lane is considered as part of the assessment and does not set a precedent for the scale and bulk of development proposed here.

12.0 Impact on amenity of neighbouring occupiers

- 12.1 Paragraph 135 of the National Planning Policy Framework requires planning

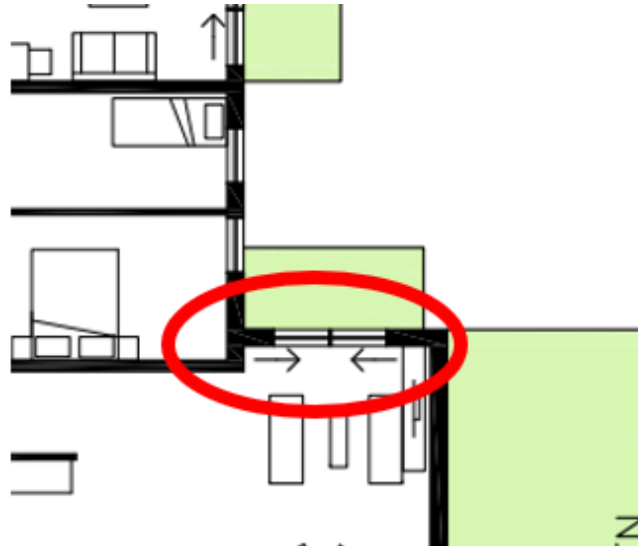
decisions to ensure developments create places with a high standard of amenity for existing and future users. Core Policy 8 requires new development proposals to reflect a high standard of design and to be compatible with and / or improve the surroundings in terms of the relationship to nearby properties.

- 12.2 As stated already the Planning Inspector did not uphold the Council's previous refusal reason on the second scheme, concluding there was no adverse harm to this property. The first scheme was refused specifically citing a harmful impact to No's. 19, 21, 23, 25, 27, 59, 61, 63 and 65 Patricia Close and Charlot Mews in general and the Inspector did not uphold this reason either. This is a material consideration for this application.
- 12.3 The indicative proposals show the same separation distances would be established with No. 33 Elmshott Lane and, taking account of the Inspector's conclusions, there is not considered to be any harm to amenity as a result.
- 12.4 In respect of its relationship with other existing neighbouring properties, the extent of impact is either the same or has been reduced when compared to the first scheme. The distances between the indicative built form of the development and other neighbouring properties in the area are essentially the same as the first scheme which established relationships that the Planning Inspectorate have deemed to not be harmful. The revised scheme also reduces the impact on other neighbouring properties to an extent, as a result of reducing the scale of the building proposed.
- 12.5 It is acknowledged that there have been a number of objections received on the grounds of harm to neighbouring amenity through loss of privacy, light, outlook from a number of neighbouring residents. These comments are acknowledged, and it is considered that the redevelopment of the site will result in change to experiences of residents in respect of the site however these impacts have been considered by the Planning Inspectorate previously who concluded that there would be no adverse impact that would warrant a reason for refusal. The proposal here is of a lesser scale and therefore the impact would be no greater than previously considered and the scale and projection of the rear elements of the scheme are that same as previously proposed. The Council has to accept that the Inspector's conclusions are a material consideration which carry substantial weight and is unable to raise objection as a result.
- 12.6 Therefore, the revised scheme, taking into account the previous conclusions from the Planning Inspector, is not considered to result in a significant adverse impact on neighbouring amenity that would amount to a sustainable reason to refuse planning permission and the scheme is therefore not considered to be contrary to Core Policy 8 of the Core Strategy 2006-2026.

13.0 Living conditions for future occupiers of the development

- 13.1 The National Planning Policy Framework 2023 states that planning should create places with a high standard of amenity for existing and future users.
- 13.2 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.*"
- 13.3 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards – nationally described space standard 2015.

- 13.4 Detailed designs are a reserved matter however there are indicative floorplans that show some of the units in full layout. The detail on the plans appear to show that rooms will be served by windows and received natural light. What is not clear is whether or not the units will receive suitable levels of natural daylight and sunlight. There are a number of north facing windows with the development that abut projecting walls which are unlikely to achieve suitable levels in accordance with the BRE's Site Layout planning for daylight and sunlight: A guide to good practice. The extract from the plans below shows a highlighted window which is north facing and next to a projecting wall.



If a proposal were to progress to detailed designs, it is anticipated that this arrangement is unlikely to result in suitable amenity levels and it is noted that multiple units have this arrangement. However this is a reserved matter and not for detailed consideration with this application. If an outline consent were to be achieved at the site the detailed designs that are reserved matters would need to ensure that acceptable amenity standards are met.

- 13.5 Based on the above, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

14.0 Transport, highways and parking

- 14.1 The National Planning Policy Framework states that planning should seek to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 115 of the National Planning Policy Framework states that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'.

- 14.2 The application forms a major application but has not been submitted with a Transport Statement or Transport Assessment. Additional information was

requested by Officers into transport impacts but the applicant declined to provide it. A request for a site meeting was also made but also declined.

- 14.3 The application has access and layout as a reserved matter and therefore the plans submitted are indicative. However, it is a requirement for outline consents to show how a scheme will be accessed in principle even if the details forms a reserved matter. The scheme proposes a basement car park which is shown to indicate 126 spaces with 100 provided for retail visitors and 26 provided for the proposed residents. Access is gained directly from Elmshott Lane The same access also provides a route for retail service vehicles to the rear of the site.
- 14.4 From a highways and parking perspective the position of the applicant is that the previous appeal decisions have concluded this matter. Both appeal decision did not raise any objections on highways grounds and took into account the impact of parking, access and the provision of basement parking.
- 14.5 The previous Inspector's conclusions are a material consideration with this application and one that should be given significant weight in deliberations. The Highways Officer's comments have been made taking account of these conclusions and raised no objections.
- 14.6 In terms of car parking the Highways Officer notes that 26 spaces are provided at a ratio of 0.37 spaces per dwelling and therefore 63% of units would be car-free. As the site is fully within a designated Shopping Area the parking standards are 0 and the proposal therefore is, in effect, an overprovision. The objections from residents on parking grounds are noted however Officer's consider that the previous Inspector's conclusions mean that no objection can be raised. The parking ratio is improved in comparison to the previous application (by virtue of a reduction in unit numbers) and therefore it is considered that an Inspector would not find adverse impacts on this revised arrangement. It is also noted that the provision of 100 retail spaces is an overprovision of 6.
- 14.7 In respect of the access this has also not been the subject to concluded harm from an Inspector and remains the same as previously proposed and is therefore acceptable. A basement car park in this location is unusual but this does not make it unacceptable in planning terms.
- 14.8 The Highways Officer has accepted the offer of the applicant to provide a car club bay at the site but notes that a S278 agreement will be required to implement it, along with the other highways works to create the access. It will be necessary for the applicant to designate the car club bay as public highway so that the Council can manage and maintain it as part of its borough wide fleet. This can be secured through a S106 agreement as it is not included as part of the submitted Unilateral Undertaking.
- 14.9 There has been neighbouring objection to the scheme on the grounds that increased vehicles will cause safety issues for children at the school opposite. The scheme will result in an increase in traffic however this has previously been concluded to not result in adverse impacts. The previous proposals that were considered by Inspectors were done with similar objections being raised. While an impact will be apparent the proposal is not considered to result in a dangerous impact to footway users in the area. Should the scheme have been acceptable the applicant would have been required to enter into a S278 agreement to ensure highways works are constructed to standard and this

would have included measures to ensure the safety of footway users.

- 14.10 Based on the above, and the conditions set out below, the proposal is not considered to be contrary to Core Policy 7 of the Core Strategy, saved Policies T1, T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF

15.0 Trees and Ecology

- 15.1 Paragraph 186 of the NPPF 2023 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused.
- 15.2 There are no existing trees on site and therefore no loss. The indicative plans include areas for structural landscaping which will provide new species at the site. Therefore, there would be a gain in landscaping as a result of the development.
- 15.3 In respect of Ecology, no details have been submitted. Details were requested in light of the introduction of Biodiversity Net Gain (BNG) legislation. The applicant responded to state that the site is exempt from BNG as there is no existing habitat at the site on the basis it is fully developed with no landscaping on site. No details are provided to demonstrate this and the BNG standard metric has not been completed. Having visited the site and reviewed the aerial photographs from the baseline date of 30 January 2020, it is evident that there is no soft landscaping at the site and there would therefore be less than 25sqm of on-site habitat, making the proposal exempt from BNG requirements.
- 15.4 The indicative plans show soft landscaping as part of the proposed development and it is anticipated that the scheme can deliver 10% gain in biodiversity regardless, as a matter of principle.
- 15.5 In spite of the lack of information submitted with the application it is considered that there are no objections on Ecology and Landscape grounds.

16.0 Flooding and Surface Water Drainage

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal. The Lead Local Flood Authority (LLFA) has raised objection due to the lack of drainage information submitted with the application. The application is for Major Development and is required by legislation to include a Flood Risk Assessment and Drainage Strategy.
- 16.2 The applicant has submitted a Flood Risk Assessment and Drainage Strategy dated March 2019. The LLFA has been consulted on the revised information and Members will be updated via the Amendment Sheet.
- 16.3 It is noted that Thames Water raise no objections.

17.0 Infrastructure and Affordable Housing

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

other forms of affordable housing.

- 17.2 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.
- 17.3 The application is liable to affordable housing provision and financial contributions, it was not accompanied with a viability assessment.
- 17.4 Without prejudice, in accordance with the Developers Guide, this scheme results in the following contributions being sought:

Affordable Housing

The application proposes 69 units. Of these units 21 are proposed as affordable housing units equating to 30% of the residential aspect of the development which aligns with the requirement set out in the Developer's Guide for developments on this scale. The proposed tenure mix for affordable housing is as follows:

- 11no 1-bed flats
- 5no 2-bed flats
- 5no 3-bed flats

In terms of tenure the split will see 53% of units provided as social rent and 47% as intermediate.

The housing mix is considered to be acceptable in planning terms. The Council has a notable shortage of affordable housing, and the provision of such units will have to be considered a benefit of the development that is afforded considerable positive weight.

Education

In accordance with the Developer's Guide and on the basis of the housing mix proposed, the following contributions towards education will be required:

1-bed flats – 35no x £903	= £31,605
2-bed flats – 18no x £4,828	= £86,904
3-bed flats – 16no x £4,828	= £77,248

Total	= £195,757
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The applicant has agreed to make this payment which would be used to address the impacts arising from the development and fund expansion and improvement of local catchment area schools including Cippenham School.

Recreation/Open Space

The application proposes a contribution of £300 per new unit towards the provision of new or enhanced recreation facilities off-site, making a total contribution of £20,700 to address the impacts arising from the development.

Highways

Highways Officers have identified a requirement for part of the site to be dedicated as public highway. Specifically, it is the area of the site that proposes a car club bay. Dedicating this area as public highway will allow for the management and maintenance of the car club bay by the Council. This is considered to be necessary to make the scheme acceptable in planning terms.

17.5 The application included a signed Unilateral Undertaking which committed to the obligations relating to affordable housing, recreation and education. As it was submitted with the application it has not included a way to secure the car club bay as part of the public highway.

17.6 Based on the information assessed, such obligations are required to ensure the proposal will have acceptable impacts. The obligations would comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:

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

17.7 The inclusion of affordable housing and education contributions are acceptable as they accord with the Developer's Guide relating to infrastructure contributions which makes it acceptable in light of Regulation 122. The applicant proposes a recreation contribution of £300 per dwelling. The scheme proposes small amenity space provision for residents and the contribution would be used to fund enhancements to existing public open spaces in the area. The contributions offered are therefore acceptable in light of Regulation 122

17.8 In terms of the contributions identified from the Highways Officer, the dedication of the car club bay as part of the public highway is required to ensure the bay is managed and maintained as part of the Councils borough wide provision. This is required to realise the provision of the bay and is necessary to make the scheme acceptable in planning terms. It is not secured through the submitted undertaking.

18.0 **Burnham Beeches Special Area of Conservation**

18.1 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.

18.2 Paragraph 186 of the NPPF 2023 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged,

especially where this can secure measurable net gains for biodiversity. Core Policy 9 of the Core Strategy relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough.

- 18.3 Regulation 61 of The Conservation of Habitats and Species (Amendment) Regulations 2017 (as amended), requires the local planning authority to make an appropriate assessment of the implications of a particular proposal, alone or in combination with other plans or projects on any likely significant effect on a European Site designated under the Habitats Directive
- 18.4 Evidence put forward within the Footprint Ecology report 'Impacts of urban development at Burnham Beeches SAC and options for mitigation: update of evidence and potential housing growth, 2019' recognises that new housing within 5.6km of the Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.
- 18.5 The site is located approximately 3.6km (as the crow flies) from the Burnham Beeches Special Area of Conservation (SAC) and therefore falls within the potential 5.6 km development impact zone as proposed within the evidence base carried out by Footprint Ecology.
- 18.6 The Local Planning Authority are currently working with Natural England to produce a Supplementary Planning Document to support a tariff-based mitigation strategy for all new housing applications within 5.6km of the SAC. However, this is yet to be agreed, and therefore each application needs to be considered on its own merits.
- 18.7 The applicant submitted an initial Habitat Regulations Assessment as requested by Officers which concluded that the proposal would not result in any adverse impact on the SAC. Natural England raised objection to this due to it being contrary to the conclusions of the Footprint Ecology report. Failure to address the objection would, in planning terms, amount to a reason to refuse planning permission. The applicant then submitted an addendum Assessment that acknowledges the findings of the Footprint Ecology report and acknowledges the requirement for mitigation to address the impacts of the proposal. Mitigation takes the form of a financial contribution of £570 per dwelling which is used towards ecological enhancements at Upton Court Park.
- 18.8 Natural England have raised no objections subject to securing the mitigation payment through legal agreement. The applicant's signed undertaking submitted with the application does not include this mitigation payment and therefore the objection from Natural England stands. Given the adverse impacts of the proposal in design terms and there having been no accepted meeting from the applicant, it was not requested that a revised Undertaking be drafted in the interests of not putting the applicant to unnecessary costs.

19.0 **Equalities Considerations**

19.1 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 (eg: 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).

19.2 The proposal would provide 69 dwellings on the site which will be built to Building Regulation standards, these provisions are considered appropriate and would comply with local and national planning policies.

19.3 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, including those with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People 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 can be incorporated into the construction environmental management plan to mitigate the impact and minimise the extent of the effects. This is secured by condition.

19.4 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.

20.0 **Neighbouring Objections**

20.1 The report is considered to have addressed the majority off objection points raised as a result of this application. There are a number of outstanding comments that are addressed below.

20.2 Objection was received on the grounds of additional strain being put on existing infrastructure. These comments are noted however any acceptable proposal would seek to secure contributions towards infrastructure to mitigate impacts. In respect of healthcare, the objections are noted however the Council is currently working on its locality strategy for healthcare provisions and as such, is not currently able to identify any additional

major projects which development could contribute towards at this stage. The strategy for the locality which will set out the provision for new GP/healthcare provisions will provide an evidence base to inform the wider emerging Local Plan process which will ensure that the planned growth in housing will be catered for by the provision of services.

20.3 The objection from the adjacent Baptist Church is noted. The proposal would not give any consent to access other private land and this would be a management issue for the site occupiers.

20.4 Objection was raised on the ground that the proposed basement could affect structural integrity of neighbouring buildings. There is no requirement to provide evidence to prove this and the construction matters are a Building Regs issue. It is considered that, as a matter of principle a basement can be provided without compromising neighbouring buildings or land.

21.0 **Planning Balance**

21.1 The application has been evaluated against the Local Development Plan and the National Planning Policy Framework 2023 (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.”

21.2 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.

21.3 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 69 residential units (net gain of 56 units) in a sustainable location should be given substantial positive weight.
- The provision of compliant affordable housing should also be given substantial positive weight, especially when acknowledged that it includes family homes in the mix.
- The Planning Inspectorate has previously identified that the scheme would deliver a range of social, economic and environmental benefits that have been afforded considerable positive weight. This is still considered to be apparent with this current proposal.

The following impacts were identified:

- The proposal continues to result in significant adverse harm to the character and appearance of the area through introducing a scale, massing and appearance of development which is more visually dominant and overbearing; which is afforded substantial negative weight.
- The proposal does not provide a full complaint housing mix and even with flexibility applied due to the site not being suitable for family housing, the continued over-reliance on small units is an adverse impact that is afforded moderate negative weight.

21.4 In balancing the benefits against the impacts, Officers are of the view that the continual insistence of the applicant to provide development at a larger scale than the prevailing character of the area, in a prominent location, coupled with the poor housing mix would result in harm that is not outweighed by the benefits identified. The benefits of housing provision on the scale proposed are the reason for the adverse impacts identified. It is subsequently considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

22.0 **PART C: RECOMMENDATION**

22.1 Officers acknowledge that the site represents a redevelopment opportunity and that a mixed-use development which makes efficient use of the site would be acceptable in principle. Officers still consider that the right development should be located in the right locations. Officers initially sought to work proactively with the applicant in respect of finding a way to progress a scheme at this site but were regularly met with resistance when asking for additional information. It is noted that a Habitats information has been submitted through the course of the application but this is an exception. In light of resistance when seeking further information in respect of highways and information on the plans, and supporting design information, Officers considered that it would not be pertinent to continue discussions in respect of scale and design and that the application should be determined as submitted. The applicant did not engage in pre-application discussions for the proposal, and this would have highlighted the issues at an early stage which could have been addressed. Officers have been proactive in seeking clarification and further information, however as the number of units is included within the description of the development for an outline application, with all matters reserved, the indicative scale and mass shown would not be able to be reduced without impacting the delivery of the proposed unit numbers.

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

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

1. The proposed development would, by virtue of its scale and massing dictated by the number and mix of housing, would result in a visually dominant and overbearing development which would result in a development that is not in keeping with character and appearance of the local area to its severe detriment. The proposal is therefore contrary to the National Planning Authority Framework 2023, National Design Guide, policies EN1 of the Local Plan for Slough March 2004 and policies Core Policy 1, Core Policy 4 and Core Policy 8 of the Local Development Framework Core Strategy 2008.

2. In absence of a completed legal agreement securing financial obligations and highways works, the development would have an unmitigated and unacceptable impact on the Burnham Beeches Special Area of Conservation and would fail to provide suitable car club provision, education and open spaces contribution and onsite affordable housing provision. The development would therefore be 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 2023 and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

INFORMATIVES

1. Plans

The development hereby refused was submitted with the following plans and drawings:

- (a) Site Location Plan; Dated 02/04/2024; Recd On 04/04/2024
- (b) Drawing No. P.03 Rev C; Undated; Recd On 04/04/2024
- (c) Drawing No. P.04 Rev C; Undated; Recd On 04/04/2024
- (d) Drawing No. P.06 Rev B; Undated; Recd On 04/04/2024
- (e) Drawing No. P.07 Rev A; Undated; Recd On 04/04/2024
- (f) Drawing No. P/08 Rev C; Undated; Recd On 04/04/2024
- (g) Drawing No. P/09 Rev C; Undated; Recd On 04/04/2024
- (h) Drawing No. P/10 Rev D; Undated; Recd On 02/08/2024
- (i) Drawing No. P/11 Rev C; Undated; Recd On 04/04/2024
- (j) Drawing No. P/12 Rev D; Undated; Recd On 02/08/2024
- (k) Drawing No. P/13 Rev A; Undated; Recd On 04/04/2024
- (l) Drawing No. P/14; Undated; Recd On 04/04/2024
- (m) Drawing No. P/01 Rev B; Undated; Recd On 01/05/2024
- (n) Streetscene CGI, unreferenced and undated; Recd on 13/05/2024
- (o) Design and Access and Planning Statement 3 (including appendices); Dated 17/03/2024; Recd On 04/04/2024
- (p) Addendum to Design and Access and Planning Statement 3 (including appendices); Dated 17/03/2024; Recd On 01/05/2024
- (q) Signed Deed of Unilateral Undertaking; dated 22/05/2024; Recd 24/05/2024
- (r) Flood risk Assessment and Drainage Strategy from Matrix; Dated 03/2019; Recd On 25/07/2024
- (s) Shadow Habitats Regulations Assessment from Cass Design Consultants Ltd; dated 10/2024; Recd 18/10/2024

2. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework. The applicant did not submit for pre-application advice which would have highlighted issues prior to an application being submitted. The Council has acted proactively though the application regardless of this, allowing for other issues to be addressed prior to making its determination.

