

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 15 no. three-bedroom flats, 18 two-bedroom flats , 32 one-bedroom flats and 3 studio 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 Approval.



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. Since the deferral appeal decision at 39-43 Elmshott Lane, has been issued and forms a material consideration, as discussed from para 4.15 of this report.
- 1.2 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.
- 1.3 The previous reports have recommended the application for refusal on the grounds of harm to the character of the area. Since the deferral the applicant has submitted an amended proposal that has proposed alterations to the design form.
- 1.4 Having considered the relevant policies of the Development Plan along with all other material considerations set out below, and the representations received from consultees and neighbouring residents, it is recommended that, on balance, the application be delegated to the Planning Manager:

A) For approval subject to:

- (i) The satisfactory completion of a legal agreement (Section 106 Agreement) to secure on-site affordable housing, financial obligations towards education, recreation/open spaces and to mitigate the developments impact on the integrity of Burnham Beeches Special Area of Conservation, travel plan and Section 278 Highways agreement.
- (ii) Finalising conditions and any other minor changes.

OR

B) Refuse the application if the completion legal agreement has not been satisfactorily completed by 31st January 2026 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

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 68 flats above. Demolition will result in the loss of 13 existing flats meaning that the proposal will result in a net gain of 54 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 deferral of the application the applicant has submitted amended plans and CGI visual images of the development which are being considered by Members. The previously submitted plans have been superseded. The report will highlight the changes through comparison with the original submission where pertinent.

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

HERITAGE & ARCHITECTURE
CHARTERED ARCHITECTS



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
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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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, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 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 84 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 Charlcot 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 Charcot 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. Following the submission of amended plans, new site notices were posted in the area on 1 July 2025 and a new press notice was published on 4 July 2025.

5.2 Through the original consultation, 21 letters were 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.

5.3 At the time of drafting this report the latest consultation period was still running. There have been 0 further letters received.

5.4 Members will be updated via the amendment sheet of any additional letters received. The consultation period will have run its statutory course by the time the Committee sits, with it expiring on 25 July 2025.

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
M 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.

On the revised proposal:

No further comments received.

6.2 **Thames Water**

Raised no objections, subject to conditions.

On the revised proposal:

No further comments received.

6.3 **SBC Environmental Officer**

No comments received to date.

On the revised proposal:

No comments received.

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.

On the revised proposal:

No further comments received.

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.

On the revised proposal:

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

6.6 **Designing Out Crime Officer**

No comments received.

On the revised proposal:

No further comments received.

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 December 2024. Significant weight should be attached to the policies and guidance contained within the NPPF particularly where the policies and guidance within the Development Plan are out-of-date or silent on a particular matter. Relevant 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 2024 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 Policies)

- 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 2024 taken as a whole. It is required to assess whether the proposed development is sustainable as defined by the NPPF 2024.

9.2 Paragraph 124 of the NPPF (2024) 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 amended proposed scheme would provide the following mix:

One bed studio – 3 (4% of mix)
One bed Flats – 32 (47% of mix)
Two bed Flats – 15 (22% of mix)
Three Bed Flats – 18 (27% of mix)

This is altered from the initial mix which was proposed as:

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

For further 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. In this instance the amended scheme continues to propose a high percentage of one-bedroom units which is still not an acceptable mix in light of the recommended mix. In terms of the existing stock, 4 three-bedroom flats are being lost as part of the proposal but there are 18 equivalent units proposed as part of the application, which amounts to a net gain of 14 3 bed units. The amended mix also proposes 3 no studio flats which, in principle are an undesirable housing type and are not encouraged.
- 10.6 The amended housing mix shows relative consistency with the initial submission although the number of units in total has decreased by 1. The number of 3-bed units has increased but largely at the expense of 2-bed units. Including the studio flats the number of 1-bed units has increased by 1.
- 10.7 It has already been made clear by the Planning Inspector, through the previous appeal decision, 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.'*
- 10.8 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.

- 10.9 The proposed housing mix continues to not be in accordance with the SHMA and proposes an over-reliance on small 1-bed units. This continues to be an adverse impact that will be 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 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 an illustrative scheme, which includes floorplans and elevations, which serve to illustrate the potential character and appearance of a future scheme. Throughout the course of considering this application, officers have worked with the applicant to update and supplement this illustrative material to provide a scheme which is considered acceptable from a design perspective.

- 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 Chalcott 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 floorplans and elevations for the revised illustrative scheme 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 larger 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 buildings are broken-up through provision of a vehicular access route and a more substantive set-back from the back of the kerb line to the central portion of the site. (This would be a minimum of approx. 9.5 metres from the back of kerb line). This setback would be continued at upper floor levels, with the omission of projecting balconies.



Set-back of the central portion of the scheme – at ground floor

11.6 The introduction of the setback is helpful in terms of breaking-up the form of the building and reducing the site coverage across Elmshott Lane. Given the curved nature of the existing street scene, the introduction of this setback would lead to a staggered building line, following a similar relationship to the current buildings occupying the site. Officers consider that this change to the illustrative scheme would serve to overcome the earlier appeal commentary regarding the plot coverage and visual dominance of the scheme along this stretch of Elmshott Lane.

11.7 The revisions to the scheme are coupled with changes to the illustrative design of the proposals. These revisions serve to reflect the design principles of the recent appeal decision at 39-41 Elmshott Lane.



Updated street elevation of the illustrative scheme showing compatibility with the approach of 39-41 Elmshott Lane.

11.8 As can be viewed in the streetscene elevations presented above, the proposals, as represented by the illustrative scheme, would introduce three blocks with predominantly 3 storey massing across the Elmshott Lane frontage, each of these blocks would be capped with a mansard style roofscape.



Illustrative view of the proposals from Elmshott Lane

- 11.9 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.
- 11.10 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 Charlcot 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 Charlcot 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.

- 11.11 The proposal, owing to the changes to the illustrative scheme could provide a scheme which is broken-up and scaled down along the Elmshott Lane frontage of the site. The introduction of the mansard style roofscape, would result in the tallest buildings occupying the site, having a 3 storey character and strong building parapets, which when coupled with the set-back proposed of the central element of the scheme would be compatible with the character and appearance of this section of the streetscene of Elmshott Lane and the surrounding context. Suggested conditions would be used to inform the submission of future reserved matters applications in terms of layout, massing and appearance.
- 11.12 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 deliver 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. A detailed landscaping condition will be required to provide details at a later stage.
- 11.13 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.
- 11.14 The proposal therefore is considered to be acceptable, and would represent a development which makes efficient use of previously developed land, and could bring forward a development of a scale, massing and appearance which would be complementary to the existing streetscene and local environment which would be visually compatible with the character and appearance of the area, in accordance with 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.

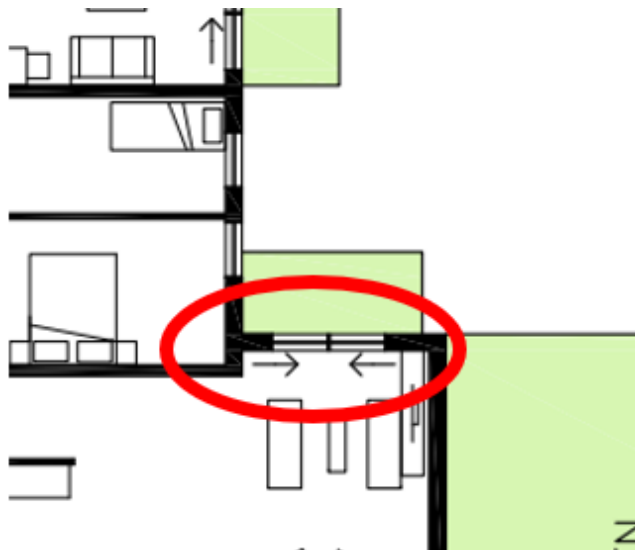
12.0 Impact on amenity of neighbouring occupiers

- 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 Charlcot 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. The revised plans submitted since deferral are not considered to have any further impact on amenity that would be regarded as being significant adverse.
- 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 2024 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 the amended plans still show indicative floorplans with rooms where it 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 116 of the National Planning Policy Framework 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

- 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. This remains unaltered as part of the amended plans.
- 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 decisions 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 Officers 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 193 of the NPPF 2024 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 68 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 – 15no x £4,828	= £72,420
3-bed flats – 18no x £4,828	= £86,904
Total	= £190,929

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 and the amounts for education and recreation related to the initial housing mix which has since altered, changing the amounts.

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 therefore a new S106 would be required.

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 193 of the NPPF 2024 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 and this has been included in the recommendation.

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 Regulation 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 68 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 does not provide a full compliant 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 The previously drafted report identified that there was an adverse impact on the character of the area through design impacts. The amended plans that have been submitted since deferral have considered to make changes to the extent that the impact is reduced. When taken into consideration align with the recently

allowed appeal at Elmshott Lane which has permitted a 4 storey residential led development which has a streetscene relationship greater than that with Charlcott Mews, the previously identified adverse impacts are now considered, on balance, to have fallen away

- 21.4 In balancing the benefits against the impacts, Officers are of the view that the applicant addressed the previous design concerns which would not result in harm to the prevailing character of the area, in a prominent location. It is subsequently considered that the impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, on balance the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

22.0 **PART C: RECOMMENDATION**

- 22.1 Officers have always acknowledged 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.

- 22.2 Having considered the relevant policies of the Development Plan along with all other material considerations set out below, and the representations received from consultees and neighbouring residents, it is recommended that, on balance, the application be delegated to the Planning Manager:

A) For approval subject to:

(i) The satisfactory completion of a legal agreement (Section 106 Agreement) to secure on-site affordable housing, financial obligations towards education, recreation/open spaces and to mitigate the developments impact on the integrity of Burnham Beeches Special Area of Conservation, travel plan and Section 278 Highways agreement.

(ii) Finalising conditions and any other minor changes.

OR

B) Refuse the application if the completion legal agreement has not been satisfactorily completed by 31st January 2026 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

23.0 **PART D: RECOMMENDED CONDITIONS**

- 23.1 DRAFT CONDITIONS:

1. Reserved Matters

Details of the following reserved matters for the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development shall include:

- a) The means of access;
- b) The layout of the development;

- c) The appearance of the development;
- d) The scale of then development; and
- e) Detailed landscaping strategy, including details of proposed maintenance or of alternative new planting.

REASON To ensure that the proposed development is satisfactory and to comply with the provisions of the Town and Country Planning (Development Management Procedure) Order 2015.

2. Timing for Reserved Matters

Application for approval of all reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority no later than the expiration of three years from the date of this permission.

The development hereby permitted must be begun not later than whichever is the later of the following dates and must be carried out in accordance with the reserved matters approved:

- i) the expiration of 5 years from the date of this permission:
- ii) or the expiration of two years from the final approval of the reserved matters referred to in Condition 1 above, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3. Parameters for development

The development/application relates to the following site:

- a) Site Location Plan shown on Drawing No.PJSA-01 01; dated 22/09/2021; Rec'd 12/10/2021

The following maximum parameters for development in terms of scale and height are set below and the detailed proposed development shall be in accordance with these:

The scale and staggered height of the proposed extension as indicated on the following plans shall not be exceeded:

- a) Drawing No.PJSA-03 04; dated 22/09/2021; Rec'd 12/10/2021
- b) Drawing No.PJSA-03 05 Rev A; dated 22/09/2021; Rec'd 12/10/2021

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

4. External Materials

No development above ground level shall take place until samples of the finishes and materials to be used in the construction of the external surfaces of

the development and external commercial and communal areas hereby approved (including, reference to manufacturer, specification details, positioning, and colour, as well as, bonding were appropriate) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Landscaping

None of the units hereby approved shall be occupied on site until a detailed landscaping and tree planting scheme and management strategy has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights of new trees and shrubs.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

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

6. Phase 1 Desk Study and Preliminary Risk Assessment

Development works shall not commence until a Phase 1 Desk Study (DS) has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM) and Preliminary Risk Assessment (PRA).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

7. Phase 2 Intrusive Investigation Method Statement

Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning

Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA C665 & C552 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

8. Phase 3 Quantitative Risk Assessment and Site Specific Remediation

Should it be required, no development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Land Contamination: Risk Management (LCRM) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

9. Phase 4 Remediation Validation

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full final Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Phase 3 condition above. In the event that gas and/or vapour protection measures are specified by the

remedial strategy, the report shall include written confirmation that all such measures have been implemented by a competent installer and then verified by a qualified independent third party/Building Control Regulator.

REASON To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

10. Boundary Treatment

No development above ground floor level shall take place until details of the proposed boundary treatment including position, external appearance, colour, height and materials of all boundary walls, fences and gates have been submitted to and approved in writing by the local planning authority. No occupation of any part of the development shall take place until the approved boundary treatment has been implemented on site. It shall be retained at all times in the future.

REASON In the interests of the visual amenity of the area and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2024.

11. Construction Management Plan

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

1. A site set up plan displaying hoarding/fencing extents, vehicle and pedestrian access points during construction, provision for storage of materials, waste and recycling facilities/areas, contractor parking, turning space for construction vehicles, unloading area for deliveries, site office and wheel cleaning facilities during the construction period.
2. Construction vehicles to comply with Euro VI Emissions Standard as a minimum and machinery to comply with Table 10 of the Low Emissions Strategy Guidance.
3. Delivery hours and working hours. Deliveries shall be made outside peak hours of 07:00 – 10:00 and 14:30 – 18:00.
4. Details of traffic management measures to control deliveries to site and pedestrian movements on footways in proximity to the site in order to minimise the impact of construction on the safe operation of the surrounding highway network.
5. Vehicle routing plan for HGVs. HGVs shall avoid Air Quality Management Areas, and local schools at collection/drop off time.
6. Details of dust control measures.
7. Confirmation of whether any abnormal loads will be required for the construction or demolition. If so, the Local Highway Authority must be notified of any abnormal loads at the following location:
<https://www.slough.gov.uk/licences-permits/abnormal-loads/1>
8. Measures for the control of noise.

9. Measures for control of surface water run off.
10. Proposed method of piling for foundations if applicable.

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

REASON In the interests of local amenity, highway safety, air quality, the preservation of natural habitats and trees in accordance with Core Policies 7, 8 and 9 of the Adopted Local Development Framework, Core Strategy 2006 - 2026, December 2008 and the requirements of the National Planning Policy Framework.

12. Crime Prevention

Prior to the commencement of above ground works, an Access and Security Strategy should be provided to demonstrate how potential for crime and anti-social behaviour has been considered and mitigated. The document should outline how:

- security in relation to postal services and deliveries would be achieved,
- security of cycle and bin stores,
- compartmentalization of the development to ensure residents and visitors have access only to those areas of the development they need to.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to reflect the guidance contained in the National Planning Policy Framework 2025.

13. Energy

No development shall take place above slab level until written details of a low or zero carbon energy scheme shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall show how the design and construction of dwellings will achieve carbon emissions (all dwellings combined) that will be 10% lower than all the dwellings combined total Target Emission Rate as calculated in accordance with the Building Regulations 2013 Part L and associated Approved Documents.

The scheme shall include (a) an energy statement listing the Target Emission Rate and dwelling emission rate of each dwelling and calculations to show the combined figures for both (b) descriptions for building fabric enhancements, building service enhancements or low or zero carbon energy generating equipment proposed to achieve the 10% carbon emissions requirement. Energy generation on site shall not be from biomass.

The scheme shall be implemented as approved and no dwelling shall be occupied until its associated low or zero carbon energy scheme measures have been installed and are operational.

REASON: In the interest of sustainable development in particular reducing carbon emissions and in accordance with policy CP8 of the Core Strategy 2008.

14. Secured By Design

No development shall take place above slab level until written details as to how the development will achieve the Secured by Design Gold Award shall be submitted to and approved by the authority. The development (and subsequent access control system) shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of that said details has been received by the Local Planning Authority.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to reflect the guidance contained in the National Planning Policy Framework 2024.

15. Cycle Parking

The development hereby approved shall not be occupied until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority, including details of short-stay visitor cycle parking. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

16. Refuse Storage

Prior to the first occupation of the development hereby approved, details of refuse storage, refuse collection and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and made available for use prior to the development hereby approved first being brought into use.

REASON To ensure that adequate onsite servicing can take place and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

17. Foul Water Drainage – Thames water

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

1. Foul water Capacity exists off site to serve the development, or

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

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

18. Surface Water Drainage - Thames Water

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

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

REASON Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

19. Vehicle Access

The development shall not commence until the new means of access has been altered in accordance with the approved drawing and constructed in accordance with Slough Borough Council's Design Guide.

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

20. Car Parking

Prior to the development hereby approved first being brought into use, 26 no. car parking spaces shall be provided and made available for use in connection with the residential development and maintained for the parking of cars thereafter. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON In the interests of ensuring that the use benefits from satisfactory car parking provision in the interests of the amenities of the area in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

21. Cycle Parking

No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to

and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

22. Electric Vehicle Charging

Prior to the first occupation of any part of the development hereby approved, 26 active electric vehicle charging points (Type 2 socket and be rated to at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase) together with details of power supply and cable provision; shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed, and the active charging points shall be fully operational prior to first use of the development. The charging points shall be retained and kept in good working order in the future.

REASON to provide mitigation towards the impacts on air quality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, the Slough Low Emission Strategy 2018 – 2025 Technical Report, and the requirements of the National Planning Policy Framework 2024.

23. Car Parking Management Plan

No construction work above ground floor slab level shall commence until a car parking management scheme has first been submitted to and been approved in writing by the local planning authority. No dwelling shall be occupied until the car park management scheme has been implemented in accordance with the approved scheme. The scheme shall confirm that some dwellings will be marketed as 'parking space free' and include details to ensure parking spaces are not permanently linked to specific dwellings, how unused spaces will be reallocated to occupiers who need them, what happens when dwellings are sold, how electric charging point parking spaces are allocated, the equitable provision of spaces for affordable housing tenants, identification of visitor spaces, management of correct use of spaces.

Informative: Sec 106 obligation requires details of the scheme to be available to prospective purchasers.

REASON In the interest of the free flow of traffic and road safety on the nearby public highway. And to ensure optimum use of parking spaces and electric vehicle charging points re sustainable development, in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

24. Site levels

The development shall not be commenced on site before a topographical survey illustrating site levels shall be submitted to the Local Planning Authority for consideration and approval, the finished floor levels and internal ceiling heights of the development shall be indicated on this plan, the subsequent

building height of the development will be based upon this survey and shall be no higher than 10m when measured from the existing ground levels.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with the Policy EN1 of The Local Plan for Slough 2004.

25. External Lighting

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

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

26. Drainage Scheme

Prior to commencement of the development hereby permitted, a full drainage scheme plus layout and calculations will need to be provided for consideration and approval. The scheme should include the existing drainage scenario, the proposal for the site drainage detailing the use of sustainable drainage systems and any proposed connections to a Thames Water sewer with confirmation of their approval and allowable discharge rate.

REASON To ensure that the proposal is provided with a satisfactory means of drainage and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

27. Basement Details

The development shall not be started on site before the applicant has submitted detailed drawings of the basement car park and access ramp demonstrating that the basement car park has been designed in accordance with the Institution of Structural Engineers Design Recommendations for Multi-Storey and Underground Car Parks (the most recent edition). Details must be submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of ensuring a safe and efficient design of the basement car park to ensure that the car park operates at its full capacity for the occupiers of the development and to protect the amenity of residents and other land uses in the vicinity of the development from overspill parking on the public highway in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

28. Hours of operation – Commercial use

The proposed commercial use hereby approved shall not be open to members of the public / customers outside the hours of 7am to 10pm Monday to Saturday and 8am to 4pm on Sundays, Bank/Public Holidays.

REASON To protect the amenities of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008

29. Timing of deliveries

Deliveries to and from the site shall not take place outside the hours of 7:00am to 6pm Monday to Saturday and 8am to 3pm on Sunday and Bank/Public Holidays.

REASON To protect the amenities of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2024.

30. Plant

Prior to the development hereby approved first being brought into use, details of any proposed plant shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development first being brought into use and maintained in that form thereafter.

REASON To protect the amenities of neighbouring occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2024.

31. Permitted Development Retail

Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), the ground floor commercial building shall only be used for purposes falling within Class E(a), E(b) and E(c) of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose.

REASON In the interests of ensuring that there is no loss of the defined Existing Business Areas to non-employment generating uses in accordance with Core Policy 5 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

32. Level Threshold

The ground floor entrance doors to any part of the development shall not be less than one-metre wide and the threshold shall be at the same level to the paths fronting the entrances to ensure level access. Level thresholds shall be provided throughout the development between the flatted residential units and the external amenity/balconies and the main lobbies.

Reason: To ensure that the development hereby approved is accessible to all in the interests of Core Policy 8 of the Core Strategy 2006-2026.

33. Noise/Ventilation

No construction work in connection with the development hereby approved above ground floor slab level shall commence until details of the development meeting the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of the chosen ventilation scheme which meets the minimum performance requirements of 31dB Dnew+Ctr
- b. manufacturer details which demonstrate that the above specification can be achieved with the chosen product
- c. schematic drawings indicating the locations of ventilation units, ducts, extract and exhaust locations
- d. an overheating assessment which demonstrates that the chosen ventilation scheme is suitable in regards to thermal comfort

The development shall be carried out in full accordance with these details prior first occupation shall be retained in good working order at all times in the future.

REASON: To ensure that the amenities of the future receptors are not adversely affected by noise in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 -2026, Development Plan Document, December 2008 and the National Planning Policy Framework.

34. Floorspace - Retail

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order) the total gross internal retail floor space (excluding ancillary areas) of the building hereby permitted shall not be increased (1, 886sqm) and no extension or alteration either external or internal, including the provision of an increase in floor space of the mezzanine floor shall be carried out without the prior permission of the Local Planning Authority.

REASON To retain control over the intensification of the use of the site, particularly having regard to the provision of onsite parking and to protect the amenities of neighbouring occupiers in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2024.

35. Shop Front

The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework 2024.

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is therefore in accordance with the National Planning Policy Framework.

2. Highways

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

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

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

3. Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk

Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

4. General

The Applicant is reminded that advertisements are subject to control under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

The Applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

The applicant is advised that a Section 278 Agreement would be required to be entered with the Local Highways Authority. The applicant must apply to the Highway Authority for the implementation of the works in the existing highway and the works will be at the expense of the applicant.