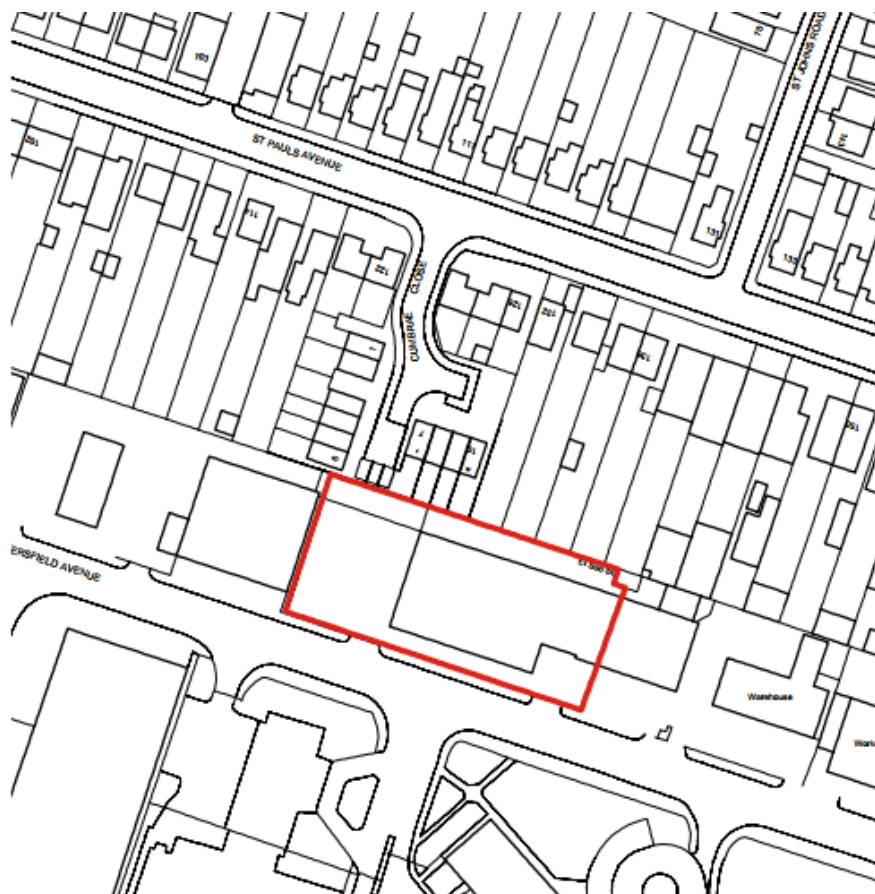


Registration Date:	26-Jan-2026	Application No:	P/19642/006
Officer:	Alex Harrison	Ward:	Slough Central
Applicant:	Subhraj Sidhu, Omega 10 Ltd	Application Type:	Dwellings Major
		13 Week Date:	27 April 2026
Agent:	Eleanor Smith, Danks Badnell Architects Ltd. Danks Badnell Architects Ltd., Danks Badnell Architects Ltd., Kings Stables, 3-4 Osborne Mews, Windsor, SL4 3DE		
Location:	Grace House, Petersfield Avenue, Slough, SL2 5EA		
Proposal:	Variation of condition 2 (Approved Plans) of planning application P/19642/000 dated 22/05/2024. (To amend the approved plans and elevations, to reflect a reduced width of the basement and relocated access to the semi-basement car park.)		

**Recommendation:** Delegate to the Planning Manager to approve.



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies of the Development Plan set out below, and all other material considerations, it is recommended the application be delegated to the Planning Manager for approval subject to:
- i. Receiving no substantive objections / representations following the consultation in the press notice which expires on 09/05/2026 which have not been covered in this report and / or are not planning material considerations.
  - ii. Finalising conditions and any other minor changes.
- 1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application for the variation of a previously approved major development comprising more than 10 dwellings.

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 as amended. Section 73 allows for applications to be made for permission to develop without complying with a condition or vary conditions previously imposed on a planning permission. The Council can grant such a permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original conditions should remain.
- 2.2 In this instance the applicant has sought to apply for permission under Section 73 to vary a previously approved scheme at the site which was granted by Members under reference: P/19642/000 following a resolution to approve at the Committee meeting of 29 September 2022 with the decision notice issued on 22 May 2024.

The original approval granted consent at the site for:

*Demolition of the existing B8 commercial building, and the construction of a 5 storey building, with semi-basement parking to provide 50 no. residential apartments.*

The proposed variation is to reduce the width of the development on its eastern side. According to the applicant, the proposed amendments are in response to the land dispute with the neighbour on the Eastern boundary. The amended scheme relocates the access to the semi-basement parking to remove the land in dispute.

- 2.3 The number of residential units remains the same but there is a change to the housing mix which is proposed as:

- 23 – 1-bed flats
- 27 – 2-bed flats

This is a variation from the approved mix which was:

- 22 – 1-bed flats
- 28 – 2-bed flats

The amended scheme shows 47 car parking spaces and 60 cycle parking spaces which is the same number as originally approved.

2.4 The application was submitted with the following technical content:

- Application form
- Planning Statement
- Plans

### **3.0 Application Site**

- 3.1 The application site is an existing employment site located on the northern side of Petersfield Avenue. It housed a single commercial building and associated curtilage. The building is not detached and is physically attached to a neighbouring building to the immediate east of the site. The application building and neighbouring building read as one unit. Demolition of the building within the application site began at the time this application was submitted, triggering commencement of the original planning permission, ref P/19642/000.
- 3.2 The western part of the site is a yard area enclosed by a mixture of timber fencing and steel palisade fencing. There are 2 existing vehicle access points off Petersfield Avenue to the site.
- 3.3 The applicant advises that the building was being used as an office use and the yard area was used for car sales.
- 3.4 The site sits as part of a wider industrial area with a mix of commercial uses operating. To the immediate west of the site is a completed residential redevelopment known as BMW House. Other than this, sites to the east, west and south of the site are generally in industrial/employment use.
- 3.5 To the north of the site are existing residential units which form part of the predominant character to the north. Also noteworthy is that approximately 130m to the east of the site lies the former Akzo Nobel site which is currently undergoing redevelopment for uses.

## 4.0 Site History

- 4.1 P/19642/000  
Demolition of the existing B8 commercial building, and the construction of a 5 storey building, with semi-basement parking to provide 50 no. residential apartments.  
Approved with conditions and section 106 agreement 22/05/2024

P/19642/001  
Submission of details pursuant to condition 3 (External Materials), 5 (Boundary Treatment), 13 (Phase 1 Contamination Desk Top Study) & 23 (Cycle Parking) of planning permission P/19642/000 dated 22/05/2024  
Approved 03/02/2025

P/19642/002  
Variation of condition 2 (approved drawings) of planning permission P/19642/000 dated 22/05/2024 (Reducing the number of flats from 50 to 47)  
Withdrawn 26/03/2025

P/19642/003  
Submission of details pursuant to condition 21 (Construction Management Plan) of planning permission P/19642/000 dated 22/05/2024  
Approved 22/04/2025

P/19642/004  
Submission of details pursuant to condition 13 (Contamination Desk Top) 14 (Intrusive Investigations) of planning permission P/19642/000 dated 22/05/2024  
Approved 03/02/2025

P/19642/005  
Submission of details pursuant to condition 10 (Foul Water Drainage) 15 (Quantitative Risk Assessment and Remediation Strategy) of planning permission P/19642/000 dated 22/05/2024  
Approved 08/05/2025

- 4.2 In the wider area a number of schemes adjacent to or close to the site have gained consent in recent years, these are reference below:

BMW House (Immediately Adjacent to the West)

P/00988/015

Demolition of the existing B8 and B1 office and warehouse and the construction of a part 4, part 3 and part 2 no. storey residential building comprising of 24 no apartments, with a semi basement car park.

Approved with conditions: 14 March 2018.

P/00988/016

Construction of an additional storey on top of existing apartment building.

New floor to provide 4no. additional apartments comprising 3no. 1 bed apartments and 1no. 2 bed apartment, and associated parking.

Approved with conditions: 2 May 2019.

Thomas House (further to the west)

P/02028/008

Demolition of the existing building (Use Class B2) and construction of a 5 storey building with lower ground parking, to accommodate 18 residential units (Use Class C3) with associated works.

Approve subject to Section 106

Former Akzo Nobel site (to the east)

P/00072/108

Approval of reserved matters following the outline approval reference P/00072/096 dated 19th November 2020 for the mixed use development of land at the former Akzonobel Decorative Paints facility, Wexham Road, Slough SL2 5DB. Reserved matters application for full details of access (internal site arrangements), appearance, layout, scale, and landscaping for the first phase of the approved commercial floorspace, comprising data centre use (including ancillary office space and associated plant and infrastructure provision); car parking, landscaping and vehicular and pedestrian access.

Approved with conditions and section 106 agreement 12/10/2021

P/00072/096

Outline planning application (to include matter of principal points of access), to be implemented in phases, for mixed use development comprising:

- a) Demolition of existing buildings and structures and preparatory works (including remediation) and access from Wexham Road;
- b) up to 1,000 residential dwellings (Use Class C3); along with flexible commercial uses including all or some of the following use classes A1 (Shops), A2 (Financial and Professional Services), A3 (Food and Drink), D1 (Non-residential Institutions) and D2 (Assembly and Leisure); car parking; new public spaces, landscaping; vehicular and pedestrian access; and c) the provision of commercial floorspace including all or some of the following use classes B2 (General Industry), B8 (Storage or Distribution) and sui

generis data centre (including ancillary office space and associated plant and infrastructure provision); car parking, landscaping and vehicular and pedestrian access.

(Matters of Scale, Layout, Appearance, and Landscaping to be dealt with by reserved matters).

Approved with conditions and section 106 agreement 19/11/2020

## **5.0 Neighbour Notification**

5.1 Due to the development being a major application, in accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), site notices were displayed outside the site on 10/02/2026. The application was advertised in the 17/04/2026 edition of The Slough Express (expires 09/05/2026).

5.2 No letters from neighbouring residents have been received.

## **6.0 Consultations**

### **6.1 Highways**

No comments received at the time of drafting, Members will be updated via the Amendment Sheet.

### **6.2 Environmental Quality**

Had no comments to make.

### **6.3 Designing Out Crime**

The two Section 73 applications provide two variations for the location of cycle parking. It is appreciated that each will be judged on their own merits. However, of the two, the arrangements presented in P/19642/006 potentially provides the more secure location for the storage of bicycles. This is providing that vehicle and pedestrian gates (which are access controlled via fob access) are provided to the entrance to the car park. Gates are not shown on the floor plans, but a single vehicle gate appears to be shown on the elevations. The proposed arrangement should be confirmed before determination of the application.

Officer Note: The applicant has been asked to ensure the gates are reinstated and Members will be updated.

## 7.0 Policy Background

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

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

### 7.2 National Planning Policy Framework 2024:

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

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

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

- Core Policy 12 (Community Safety)

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

- Policy H14 (Amenity space)
- EN1 (Standards of Design)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- EN17 (Locally Listed Buildings)
- H13 (Backland/Infill Development)
- H14 (Amenity Space)
- T2 (Parking Restraint)
- T8 (Cycling Network and Facilities)
- T9 (Bus Network and Facilities)
- OSC17 (Loss of Community, Leisure or Religious Facilities)

Other Relevant Documents/Statements

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

7.3 The Proposed Spatial Strategy (Nov 2020)

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

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

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

7.4 National Planning Practice Guidance (NPPG)

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

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

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

7.6 Equality Act

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

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

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

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

HRA employs the precautionary principle and Regulation 102 ensures that where a project is 'likely to have a significant effect' (LSE), it can only be approved if it can be ascertained that it 'will not adversely affect the integrity

of the European site'. Burnham Beeches is designated a SAC under this Directive which is located to the north of Slough.

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

## 7.8 Biodiversity Net Gain

In England, Biodiversity Net Gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Under the statutory framework for biodiversity net gain, subject to some exceptions. One of which is if the application was submitted under S73 of the Act and the original planning permission was either applied for, or granted, before 12 February 2024, the original application having been validated in September 2021. Notwithstanding the above given the extent of hardsurfacing the site is also below the 25m<sup>2</sup> threshold for requiring BNG. Therefore, this proposal is exempt from the mandatory 10% net gain requirement.

## 8.0 **Planning Considerations**

8.1 The planning considerations for this proposal are:

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

## **9.0 Principle of Development**

- 9.1 As outlined in Section 2 of this report an application can be made under Section 73 (S73) of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
- 9.2 The principle of development was established through the original granting of planning permission under ref P/19642/000. The applicant can apply for an amendment to the extant scheme permission, under S73 of the Town and Country Planning Act (As Amended). Section 73 of the Act can be used, amongst other things, to approve amendments to an existing planning permission by amending a condition (or conditions) upon which the permission was granted. In law, a Section 73 application results in the grant of a new planning permission affecting the same site that is subject to the relevant amended conditions.
- 9.3 This material amendment procedure was confirmed by the Government as appropriate in 2009 when it streamlined the procedure for Section 73 applications and issued accompanying guidance on how best to achieve flexibility with planning permissions by allowing material amendments to planning permissions without the need for the submission of entirely new planning applications. The overriding purpose of the streamlined procedure and guidance was to avoid the burden that would fall on both planning authorities and developers if a fresh planning application had to be submitted every time that a development is materially amended.
- 9.4 The guidance is now contained in the Department for Levelling Up, Housing and Communities' National Planning Practice Guidance. Amongst other things the guidance states that a material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved. Relevant and recent case law on this matter indicates that the Section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development. It should also be noted that the proposals seek to amend the description of development, which cannot be secured by way of an application under Section 73.
- 9.6 The submission of the Section 73 application does not give an opportunity to reassess the previously determined proposal.
- 9.7 In this instance the proposed amendments are considered to be a minor change to the approved scheme. There is a change in bulk and mass but this is a reduction on the original approval. The retention of 50 flats in the development ensures that the revised development is not at odds with the approved description of development. Therefore, the principle of making the proposed changes is acceptable and any impact will be assessed on their individual merits.

## 10.0 Supply of Housing

10.1 The development was originally approved with the following housing mix:

- 22no – 1 bed flats – 44%
- 28no – 2 bed flats – 56%

10.2 The removal of three units results in the following revised mix:

- 23no – 1 bed flats - 46%
- 27no – 2 bed flats - 54%

10.3 The housing mix as approved is not ideal in light of the SHAM recommendations but the change here has a negligible impact in respect of planning considerations, irrespective of whether or not the proposal is acceptable as a Section 73 amendment.

## 11.0 Design and Impact on Appearance and Character of the area

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

11.2 The proposed amendments would reduce the width of the proposed building from its eastern end. The images below show the proposed plans with the approved scheme below for comparison:



The area of dispute is to the left of the building, shown by virtue of the retention of the existing building in that location. The reduced width is not considered to compromise the integrity of the building's design and the character of the approved scheme is retained. There is no increase in height from the proposed change.

11.3 The proposed amended scheme is considered to be reflective of the original design and amount to a minor change to the overall approved scheme. The development continues to be acceptable in light of policy EN1 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.

## 12.0 **Landscaping**

12.1 No details on landscaping have been submitted with the proposal and there is no site layout submitted. It is therefore assumed that the previous details are still pertinent and would be secured if the proposal were to have been acceptable.

## 13.0 **Impact on neighbouring amenity**

13.1 The National Planning Policy Framework encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.

13.2 The proposed scheme retains window arrangements as per the original approval. Therefore, the relationship between the proposed development remains the same as the original approval, or reduced in respect of the area where the width is reduced. The original approval determined that there was no adverse impact on neighbouring residential amenity in respect of overlooking or loss of light and this is still considered to be the case with this amended scheme.

13.3 Consideration falls to the impact on the neighbouring building. It is not a residential building and there are no amenity considerations as a result. The proposed plans ensure that there is no impact, the land ownership issues were civil matters, outside the planning remit and this application ensures scheme to be built.

13.3 As a result, the proposal is considered to be acceptable as a S73 amendment and, on its merits, is acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan. This will be considered as part of the planning balance.

## **14.0 Living conditions for future occupiers of the development**

- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings. The alterations internally result in new layouts to the units but the plans show that all of these would meet the required space standards for their unit types but an overall reduction in spaciousness occurs compared to the original approval. Window openings reflect the original approval and as they are consistent it is concluded that all rooms will receive suitable levels of natural light.
- 14.2 No objections are raised in this respect as a result.

## **15.0 Highways and Parking**

- 15.1 The National Planning Policy Framework states that planning should seek to locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 115 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
- 15.2 The proposed amendments show a revised basement car park that still provides 47 spaces although in terms of resident parking there are 45 spaces, a reduction of 2. This results in a new parking ratio of 0.92 compared to 0.96 as previously approved. The change is regarded as being negligible compared to the previous approval.
- 15.3 No comments have been received from Highways Officer regarding the relocated and narrowed and Members will be updated via the Amendment Sheet.
- 15.4 Cycle parking provision is retained at the same level as previously approved. The nature of parking structure has changed to proposed a two-level parking arrangement and the applicant has demonstrated that there is suitable clearance in the basement to ensure these work.
- 15.5 The extent of bin store space has been reduced as part of the amendments. The plans show that 15 bins are accommodated in the area which is the requirement for this development according to the Developer's Guide. The space is small and does not allow for each bin to be independently moved. Highways Officers will advise on the suitability of the bin stores and Members will be updated via the amendment sheet.

## **16.0 Drainage**

- 16.1 There is no change to drainage arrangements as a result of this proposal, drainage details have been approved via Condition 25 on application ref: P/19642/000.

## **17.0 Energy and Sustainability**

- 17.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developer's Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes new residential buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.
- 17.3 This requirement was secured by Condition 8 on the original decision notice P/19642/000 and the ability to comply with it is not affected by the current application.

## **18.0 Air Quality**

- 18.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. The proposal should not result in unacceptable levels of air pollution. This is reflected in the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 18.3 The application site is not situated within an Air Quality Management Area (AQMA), therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development. No objection was originally raised by Environmental Quality subject to conditions which are not affected by this application.

## **19.0 Crime Prevention**

- 19.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour.
- 19.2 The previous application was approved with a condition requiring a Secure By Design accreditation be achieved and this new proposal does not affect this.

## 20.0 **Affordable Housing and Infrastructure**

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

20.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

20.3 The original application was approved on the basis that the development was unviable and could not provide any contributions or affordable housing and was subject to the standard review mechanisms secured by Section 106 agreement. The viability was calculated on the basis of the specifics of that development and the proposal here alters this. It would therefore be necessary to review and reappraise site viability on the basis of this revised development to see if contributions and affordable housing can be secured.

20.4 The original scheme was granted with a viability review mechanism. The proposal varies the housing mix that was considered as part of the original viability assessment by adding a further 1-bed flat at the expense of a 2-bed unit. The original deficit for the development was £1.4 million which is significant. The variation in housing mix is small and unlikely to affect the deficit and therefore a further review is not considered necessary. The development will still be subject to the review clauses in the original Section 106 agreement.

## 21.0 **Habitat Impacts**

21.1 Impact mitigation for Burnham Beeches SAC was originally secured through Section 106 agreement on the basis of a scheme for 47 units. The proposed scheme retains the same number of units and therefore does not affect the obligation to secure the mitigation.

## 22.0 **Fire Safety**

22.1 The scale of the building is not of such a height that it requires considerations into fire safety or require a statement in accordance with Planning Gateway One.

## 23.0 **Neighbour Representations**

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

## **24.0 Equalities Considerations**

- 24.1 The Council is subject to the Public Sector Equality Duty in Section 149 of the Equality Act 2010, which (amongst other things) requires the Council to have due regard to the need to eliminate discrimination/harassment/victimisation, advance equality of opportunity between people who share (and do not share) a protected characteristic and foster good relations between people who share (and do not share) a protected characteristic.
- 24.2 Having due regard to the need to advance equality of opportunity between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 24.3 Having due regard to the need to foster good relations between persons who share (and do not share) a relevant protected characteristic involves having due regard, in particular, to the need to: (i) tackle prejudice; and (ii) promote understanding.
- 24.4 The protected characteristics referred to in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The PSED is a continuing duty to have regard to the objectives identified in the Act as opposed to requiring the Council to achieve any particular outcome.
- 24.5 Throughout the report associated with the original grant of planning permission, regard was had to the needs of individuals with these protected characteristics, as required by the Act in order to understand the likely impact of the development proposal on them. These have been rolled forward into this S73 application. Given that the duty is an ongoing one the Council will continue to have regard to it throughout the detailed design stage of this development proposal in due course.
- 24.6 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings and none have been proposed. Access from the public footway to the building is considered appropriate and units can be safely access directly from the disabled parking spaces at the basement via lifts.

24.7 In relation to the car parking provisions, the proposal shows that 47 spaces are provided at basement level. Four spaces are proposed as disabled spaces and should as allocated for those requiring an accessible space which is considered appropriate.

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

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

## **25.0 Presumption in favour of sustainable development**

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

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

25.3 The original planning balance consideration is set out below:

*“In the application of the appropriate balance, it is considered that there are significant benefits from*

- *The provision of 50 residential units in a sustainable location should be given significant weight.*
- *As confirmed though viability assessment, issues with the site means that the applicant is unable to demonstrate a benefit of affordable housing. While this is not an adverse impact, it is not one that is considered to be positive either.*

- *The mitigation payment towards Upton Court Park improvements is a positive aspect that can be given moderate weight due to the payment being a legislative requirement.*
- *The shortfall of parking provision is considered to be a neutral impact.*
- *The impact on habitats is noted as being significant but mitigation proposals have been agreed with and therefore this is considered to be a neutral impact.”*

25.4 The planning balance is considered to remain the same as there are no new impacts and no loss of any previously identified benefits and the development of this site is still considered to amount to sustainable development.

## **26.0 Decision Notice**

26.1 The nature of a S73 application is such that any approval results in the production of a new, stand-alone decision notice for the amended development. The new decision notice will include any varied conditions to be required to accommodate the proposed changes.

26.2 The amendments to the design necessitate a change to Condition 2 which lists the approved plans. This is the proposal made by the applicant and the recommended conditions include an updated condition.

26.3 However the applicant has also had details pursuant to original conditions approved prior to the submission of this application. Details have been approved relating to construction management, drainage, contaminated land, external materials, boundary treatments and cycle parking. The Council has the mechanism, under S73, to amend other conditions where they relate to the submitted proposal. None of the details approved under these conditions are affected by the amended scheme and therefore Conditions 3, 5, 10, 13, 14, 15, 21 and 23 have been amended to reference the approved details.

26.4 As mentioned, works on the original had commenced by virtue of demolition beginning on site. Condition 24 on the original decision required the approval of details relating to construction works to the neighbouring building which is attached to the existing building on site. These details were not submitted and approved prior to commencement and the commencement of development under the original application was unlawful as a result. To rectify this the applicant has submitted details of a new external wall to the neighbouring building under this application which are acceptable and these can be secured by a variation to Condition 24 to ensure works under this new consent will be lawful.

## **27.0 PART C: RECOMMENDATION**

27.1 Having considered the relevant policies of the Development Plan set out below, and all other material considerations, it is recommended the application be delegated to the Planning Manager for approval subject to:

- i. Receiving no substantive objections / representations following the consultation in the press notice which expires on 09/05/2026 which have not been covered in this report and / or are not planning material considerations.
- ii. Finalising conditions and any other minor changes.

## **28.0 PART D: CONDITIONS**

28.1 CONDITIONS:

### 1. Time Limit

The development hereby permitted shall be commenced prior to 22 May 2024.

REASON To align with the original approval date of P/19642/000 and to prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

### 2. Approved Plans

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

- a) Drawing No 17/32/01, Dated 02/2021, Recd On 15/09/2021
- b) Drawing No 17/32/24, Dated 01/2026, Recd On 02/01/2026
- c) Drawing No 17/32/25, Dated 01/2026, Recd On 02/01/2026
- d) Drawing No 17/32/26, Dated 01/2026, Recd On 02/01/2026
- e) Drawing No 17/32/27, Dated 01/2026, Recd On 02/01/2026
- f) Drawing No 17/32/60, Dated 01/2026, Recd On 02/01/2026
- g) Drawing No 17/32/61 Rev C, Dated 01/2026, Recd On 13/04/2026
- h) Drawing No 17/32/62, Dated 01/2026, Recd On 02/01/2026
- i) Drawing No 17/32/63, Dated 01/2026, Recd On 02/01/2026
- j) Drawing No 17/32/64, Dated 01/2026, Recd On 02/01/2026
- k) Drawing No 17/32/65, Dated 01/2026, Recd On 02/01/2026
- l) Drawing No 17/32/66, Dated 01/2026, Recd On 02/01/2026

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

### 3. External Materials

The development hereby approved shall be constructed in accordance with the details approved under application P/19642/001 dated 03/02/2025, namely Drawing Number 17/32/40, dated 11/2023, received 06/06/2024 and Drawing Number 17/32/41A, dated 11/2023, received 15/08/2024.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework 2024.

### 4. External Lighting

None of the units 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, location, levels of illumination and hours of use. Prior to first use, the approved lighting shall be implemented and retained thereafter.

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.

### 5. Boundary Treatment

The development hereby approved shall be constructed in accordance with the details approved under application P/19642/001 dated 03/02/2025, namely Drawing Number 17/32/42, dated 11/2023, received 06/06/2024.

REASON To safeguard the visual amenities of the locality and the privacy and amenity of adjoining properties, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

### 6. Secure By Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. The security measures to be implemented in compliance with this condition shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation and shall achieve the 'Secured by Design' gold accreditation awarded by Thames Valley Police. The approved details shall be implemented prior to first occupation of the proposed development and retained thereafter.

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

## 7. Energy proposals

Notwithstanding the details in the approved plans, no development outside of demolition and clearance works shall take place until details have been submitted to and approved in writing by the Local Planning Authority of proposals that confirm measures will be included to ensure that the development will achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions. The measures proposed details shall take account of the indicated measures in the submitted Energy and Sustainability Statement by Syntegra Consulting ref 21-8214, dated 07/2021. The approved details shall be implemented prior to first occupation and retained thereafter.

REASON: To provide a sustainability and energy efficient development and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

## 8. Measures to minimise effects of external noise on new dwellings

The development shall not be occupied until full details of the proposed window and door installations for protecting the future occupiers of the dwellings from noise generated from neighbouring buildings and the surrounding environment have been submitted to and approved by the Local Planning Authority. Any measures shall be carried out before any dwelling is occupied, and these measures shall be retained thereafter.

Reason - To ensure that the amenities of the future residents is 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 requirements of the National Planning Policy Framework 2024.

## 9. Glazing and Ventilation

Prior to the occupation of the units hereby approved, details of proposed glazing specifications and Mechanical Filtered Ventilation within each flat that has been identified for such mitigation in the details submitted pursuant to Condition 8 shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried in full accordance with these details prior first occupation and retained thereafter. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

REASON: To ensure existing and future residents are not subjected to unacceptable levels of pollution once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework, 2024.

#### 10. Foul Water Drainage (Thames Water)

Foul Water Drainage work shall be carried out in accordance with the details set out in approved application P/19642/005 dated 08/05/2025, namely the pre-planning enquiry letter from Thames Water dated 09/12/2024, received 24/01/2025.

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

#### 11. Landscaping

Soft and Hard landscaping for the amenity areas on site shall be provided in accordance with the following details:

- (a) Drawing number 389/01A, dated 05/08/21, received 15/09/2021;
- (b) Landscape Specification for Planting Design including Landscape Maintenance Strategy by Goodger Design Associates, dated 08/2021, received 15/09/2021

The approved scheme shall be carried out no later than the first planting season following completion of the development. Maintenance shall be undertaken in accordance with the undated Maintenance Plan Ref 9869-MP01 received 14/11/2019. 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.

#### 12. Water Network (Thames Water)

No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a

development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. 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.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

### 13. Phase 1 Desk Study and Preliminary Risk Assessment

Groundworks on site shall be undertaken in accordance with the details approved under application P/19642/004 dated 03/02/2025, namely the Desk Study / Preliminary Risk Assessment Report (Job No: P3710J2329/MW) and prepared by Jomas Associates Ltd, dated 28th June 2021, received 20/12/2024.

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.

### 14. Phase 2 Intrusive Investigation Method Statement

Groundworks on site shall be undertaken in accordance with the details approved under application P/19642/004 dated 03/02/2025, namely Ground Investigation (Ref. no. P24-010gi) and prepared by Paddock Geo Engineering Ltd, dated February 2024, received 20/12/2024 and the Ground Gas Monitoring Letter (Ref. no. P24-010ggra L01), and prepared by Paddock Geo Engineering Ltd, dated 16th May 2024, received 20/12/2024.

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 Policy 8 of the Core Strategy 2008.

### 15. Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy

Groundworks on site shall be undertaken in accordance with the details approved under application P/19642/005 dated 08/05/2025, namely the Remediation Study prepared by Paddock Geo Engineering Ltd ref P24-010rms, dated 01/2025, received 24/01/2025.

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 Policy 8 of the Core Strategy 2008.

#### 16. 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 Policy 8 of the Core Strategy 2008.

#### 17. Bin Storage

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

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

#### 18. Access

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

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

#### 19. Layout

The scheme for parking, manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

#### 20. Electric Vehicle Parking

Prior to the first occupation of each unit, the residential car parking provision for the unit shall be provided, to include a 1 electric vehicle charge point per dwelling – and a total of 47 electric vehicle charging points. The residential electric vehicle charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure vehicle parking is provided and encourage up-take of electric vehicle use, in accordance with Policy T2 of the Adopted Local Plan (2004), Policies 7 and 8 of the Core Strategy 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2024.

#### 21. Construction Management Plan

Construction Management of the development hereby approved shall be undertaken in accordance with the details approved under application P/19642/003 dated 22/04/2025, namely Construction Traffic Management Plan from Magna Transport Planning Ltd ref 23/311/CTMP/09A, dated 09/12/2024, received 13/12/2024.

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

REASON: In the interest of minimising danger and inconvenience to vehicular traffic and pedestrian highway users in accordance with policies 7 and 8 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework 2024.

#### 22. Delivery and Servicing Plan

None of the dwellings hereby approved shall be occupied until a site servicing strategy and Delivery and Servicing Plan (DSP) for the development including vehicle tracking, shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

REASON: In order to ensure that satisfactory provision is made for deliveries, drop-offs and refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies 7 and 10 of the adopted Core Strategy 2006-2026 and the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework 2024.

### 23. Cycle Parking

The development hereby approved shall be constructed in accordance with the details approved under application P/19642/001 dated 03/02/2025, namely Drawing Number 17/32/43A, dated 11/2023, received 15/08/2024.

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.

### 24. Adjacent site works

No development above ground level shall take place until works to provide the new external wall to the adjacent building, known as Slough Tyre Centre, have been carried out in full, in accordance with details proposed in drawing number 17/32/28B dated 11/03/2026, received 11/03/2026. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: No proposals have been provided to make good the existing adjacent unit following demolition works and such works will be required in the interests of ensuring the viability of the unit and the amenity of future occupiers of the development hereby approved in accordance with Policy 8 of the Core Strategy 2006-2026.

### 25. Surface Water Drainage

No above ground development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Ambient Environmental Assessments and shall also include:

- a) Full results of the proposed drainage system modelling for the 1:1, 1:30 and 1:100 year storm events plus climate change, inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep (if applicable)
- b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe and manhole reference

numbers

- c) Full details of the proposed Suds features and any flow control measures
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Measures taken to prevent pollution of the receiving groundwater in accordance with the water quality criteria set out in the Ciria Suds Manual.

**REASON:** To ensure suitable drainage provision is in place to accommodate the needs of the development in the interests of amenity and convenience in accordance with Core Policy 8 of the Core Strategy 2006-2026 and the goals of the National Planning Policy Framework 2024.

**INFORMATIVE(S):**

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

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

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

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

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

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

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

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

requirements that burden the highway authority with additional future maintenance costs.

A section 106 (legal agreement) has been entered into for this site.

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