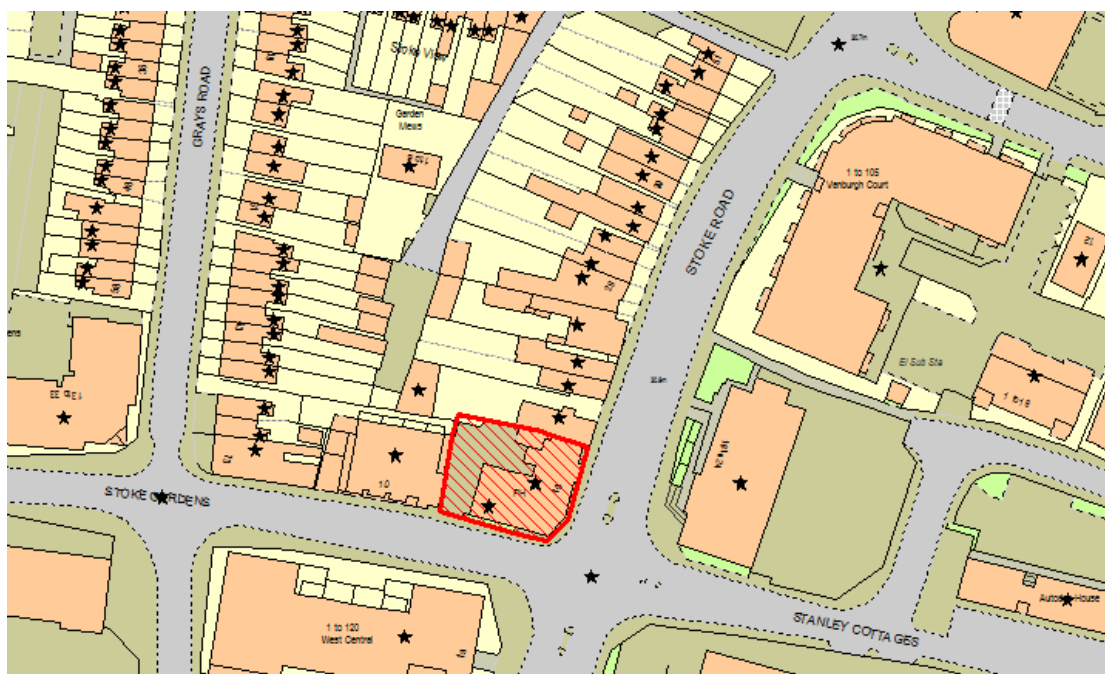


Registration Date:	28-Jan-2026	Application No:	P/04557/013
Officer:	Alex Harrison	Ward:	Elliman
Applicant:	SM2 Heights Ltd, c/o Olympus Legal Parkshot House (Regus)	Application Type:	Dwellings Major
		13 Week Date:	29 April 2026
Agent:	Mr Sukh Bal, Landmark Architectural Services Ltd Landmark Architectural Services Ltd, 32B Station Road, Gerrards Cross, SL9 8EL		
Location:	Rai Solicitors, 19 Stoke Road, Slough, SL2 5AH		
Proposal:	Demolition of existing commercial buildings and erection of a 7-storey residential building at the corner of Stoke Road and Stoke Gardens to provide 28 new dwellings with associated cycle parking and landscaping.		

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



## 1.0 SUMMARY OF RECOMMENDATION

1.1 Under the current constitution this application is being brought to Committee for decision as the application is for major a development.

1.2 Having considered the relevant policies set out below, the representations received from all consultees, as well as all other relevant material considerations, it is recommended that the decision be **REFUSED** for the following reasons:

1. The proposed development would, by virtue of its scale, height and bulk, result in a incongruous, dominant and overly strident addition to the streetscene that would be unsympathetic when viewed in the context of the site. The proposal does not achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policy EN1 of the Local Plan for Slough March 2004 and 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.
2. By virtue of the detail submitted with this application, the applicant has failed to demonstrate that the proposed development will result in residential accommodation that achieves appropriate levels of natural daylight and sunlight to the proposed units and suitable internal noise levels. The proposal is therefore contrary to policy EN1 of the Local Plan for Slough March 2004 and 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.
3. By virtue of the detail submitted with this application, the applicant has failed to demonstrate that the proposed development will not result in an adverse impact on the public highway in respect of the relationship to, and use of, the pedestrian crossing to the immediate south of the site. The proposal is therefore contrary to policy EN1 of the Local Plan for Slough March 2004 and Core Policies 7 and 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.
4. The proposed development, by virtue of the design and detailing of the northern elevation, would result in a building with an outlook spanning across numerous sites to the north and would compromise their potential for and ability to redevelop in the future. The proposal therefore compromises the ability for the area to undergo comprehensive regeneration and relies of adjacent land to provide amenity level and does not amount to, the best use of previously developed land, high quality design or considerate planning and is contrary to Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December

2008, policies H9 and EN1 of the Local Plan for Slough March 2004 and the advice of the National Planning Policy Framework.

5. The site lies within the zone of influence for recreational impacts to Burnham Beeches Special Area of Conservation (SAC) which considers that proposals for any net increase in residential units may have a likely significant effect on the qualifying features of the SAC through increased recreational pressure. The applicant, by virtue of not submitting a Habitat Regulations Assessment, has failed to demonstrate that there would be no adverse impact on the SAC or provide suitable mitigation for any impacts that are identified. As such, the application is contrary to Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, advice in the National Planning Policy Framework and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
6. The proposal would, if acceptable in other respects, be required to legally secure affordable housing units, provide for necessary infrastructure by way of appropriate financial contributions, and to secure a late stage financial viability review in respect to on-site and / or off-site affordable housing contributions, all of which would need to be secured by the completion of a section 106 agreement. No such agreement has been completed, contrary to Policies 4, 9 and 10 of the Slough Local Development Framework Core Strategy 2006 - 2026, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106) and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 The application seeks full planning permission for the demolition of the existing buildings at the site and its redevelopment to provide 28 flats with associated car and cycle parking and bin storage.
- 2.2 The proposal shows a single building that rises to 8 storeys in height. The top floor is set back from the front line of the building. The site is on a corner and provides an entrance at this corner with servicing elements proposed on Stoke Gardens and Stoke Road. At ground floor level there are 2no private garden areas for corresponding units.
- 2.3 The housing mix for the scheme proposed is as follows:
  - 18 no – 1 bed flats
  - 9 no – 2 bed flats
  - 1 no – 3 bed flat

The previous mix under application ref P/04557/012 was:

- 8 no – 1 bed flats
- 14 no – 2 bed flats
- 2 no – 3 bed flats (built to accessible standards)

2.4 The application has been submitted following an allowed appeal at the site which granted permission for a development providing 24 flats over 7 storeys on 25 August 2023, appeal reference: APP/J0350/W/22/3313789

2.5 The application was originally submitted with the following technical content:

- Design and Access Statement
- Heritage Statement
- Character Analysis
- Phase 1 Ground Conditions survey
- Flood Risk Assessment
- Sustainable Drainage Assessment
- Preliminary Ecological Appraisal
- Fire Statement
- Air Quality Assessment

### **3.0 Application Site**

3.1 The application site sits at the corner of Stoke Road and Stoke Gardens. The site currently contains a two storey building which is used as a solicitors office that fronts Stoke Road and has 2no residential units above at first floor level, and single storey building that was last used as a takeaway/hot food unit that fronts Stoke Gardens (this is known as 19A although the site is one planning unit). At first floor there are currently 2no 1-bed residential units.

3.2 The single storey element is faced in painted brick and blockwork which is principally coloured white with a red alternate colour in parts. The roof is formed with a pitched slate roof to the Stoke Road frontage but changes to a flat roof with parapet when it addresses the corner of Stoke Gardens and Stoke Road. The two storey elements is faced in an off-white render with a pitched slate roof. This part of the building fronts Stoke Road with a balanced appearance of symmetrical window and door openings. The rear of the building is white painted brickwork with inconsistent locations of doors and windows.

3.3 The building is designated as a locally listed building, a status granted in 1995. It is listed under the Printer's Devil Public House, Stoke Road and forms part of the list of locally listed building under Appendix 6 of the Slough

Local Plan 2004. The significance of the property derives from its 19th century architectural design and its former historic use as a public house. It is clearly legible as a 19th century property in a prominent position is of some architectural and historic significance

- 3.4 The rear of the site provides a courtyard which can accommodate 1 or 2 vehicles and is also the servicing area for the units and access for the residential units at first floor, there is no formal parking layout. This is accessed from Stoke Gardens.
- 3.5 The site lies immediately adjacent to the defined town centre the limit of which end to the south. It is part of the designated Stoke Road Neighbourhood Shopping Centre which is a historic saved designation from the Local Plan Proposal's Map 2010.
- 3.6 The character of the wider area is varied. To the north is the remaining shopping centre which takes the form of a run of 2 storey buildings fronting Stoke Road. To the east is a non-residential building of 4 storeys and north of that is the recently completed Vanburgh Court development which sits at 7 storeys. To the immediate south us a development of flats provided in a building of 3-6 storeys and to the west the site immediately abuts 10 Stoke Gardens a converted and extended building providing residential units over 5 floors. Properties to the north and west are mainly low scale at 2-3 storeys and there is a general character of larger scale building to the northeast and east of the site varying between 4 and 5 storeys with the exception of the aforementioned Vanburgh Court.

#### **4.0 Site History**

- 4.1 The following applications account for the relevant planning applications at the site. Anything prior to 2004 relates to signage unless listed below:

P/04557/012

Outline planning permission for the demolition of existing commercial buildings and erection of a 7-storey residential building at the corner of Stoke Road and Stoke Gardens to provide up to 24 new dwellings with associated cycle and car parking. Access, layout, appearance and scale to be determined with landscaping reserved for future consideration.

Refused, Appeal Allowed, ref: APP/J0350/W/22/3313789

P/04557/010

Advertisement Consent for Display Of 1 No. X Fascia Sign And 1 No. X Projecting Sign (Both Non - Illuminated)

Approved 20/12/2011

P/04557/009  
Sub - Division Of 1 No. X Three Bedroom Apartment To 2 No. X One Bed  
Apartments  
Approved 20/12/2011

P/04557/005  
Alterations To Doors & Windows (Amended Plans 17.01.95)  
Approved 18/01/1995

P/04557/002  
Alterations To Public House  
Approved 06/02/1987

4.2 The previous application referenced above, P/04557/012, was refused at the committee meeting of 26 July 2022 on the following grounds:

1. The proposed development would, by virtue of its scale and bulk, result in an incongruous, dominant and prominent addition to the streetscene that would not help to achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policies 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.
2. The proposed development will result in residential accommodation that fails to achieve appropriate levels of natural daylight and sunlight and fails to provide amenity space for all units and will therefore provide a substandard level of amenity for future occupiers of the development to their detriment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy 8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.
3. The proposed development will result in the demolition and therefore permanent loss of a non-designated heritage asset that is an example of 19th Century architecture in the town. The adverse impact from the loss of the heritage asset is not outweighed by the benefits and the proposal is therefore contrary to Policy 9 of the Local Development Framework Core Strategy 2008, saved policy EN17 of the Local Plan for Slough March 2004 and the advice of the NPPF.
4. The proposed development, by virtue of its scale and bulk will have an overly dominant and overbearing impact on the setting of 21 Stoke Road, a non-designated heritage asset. The adverse impact on the setting of the heritage asset is not outweighed by the benefits and the proposal is therefore contrary to Policy 9 of the Local Development Framework Core Strategy 2008, saved

policy EN17 of the Local Plan for Slough March 2004 and the advice of the NPPF.

5. The proposal would, if acceptable in other respects, be required to legally secure affordable housing units, provide for necessary infrastructure by way of appropriate financial contributions, and to secure a late stage financial viability review in respect to on-site and / or off-site affordable housing contributions, all of which would need to be secured by the completion of a section 106 agreement. No such agreement has been completed, contrary to Policies 4, 9 and 10 of the Slough Local Development Framework Core Strategy 2006 - 2026, Slough Borough Council's Developers Guide Part 2 Developer Contributions and Affordable Housing (Section 106) and to the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

4.3 The report will go into detail on the decision where relevant; in summary, the Inspector concluded that there were minor adverse impacts on amenity and heritage but that these were outweighed by the benefits of housing provision within an active, vibrant and well-designed building. The scheme included the provision of some affordable housing and other infrastructure contributions and the appeal was allowed.

4.4 In the wider area a number of schemes adjacent to or close to the site have gained consent in recent years.

10 Stoke Gardens

P/05597/15

Construction of two additional floors creating a third and fourth floor comprising 5no. residential flats (4no. two bedroom and 1no. one bedroom flats with parking) with existing basement level car park.

Approved 01/06/2016

P/05597/012

Alterations to elevations and change of use of building from offices (class b1) to 14 no. flats (class c3) comprising 11 no. one bedroom and 3 no. two bedroom, incorporating conversion of ground floor car park to residential and provision of cycle store and bin store, car parking to basement level.

Approved 22/02/2013

1a Stoke Road

P/00149/017

Demolition of existing building and redevelopment of the site to provide a part four/ part five/ part 7 storey residential building (class c3) comprising 120 dwellings together with associated refuse storage, car parking, cycle parking, pedestrian and vehicular access and external works.

Approved 08/11/2013

26-40 Stoke Road (Vanburgh Court)

P/00731/038

Addition of two dwellings (new total 119 dwellings). Minor material amendment to existing planning permission P/00731/037 dated 12th Nov 2018 (Variation of condition 2 (approved drawings), 4 (bin storage), 5 (cycle parking) of planning permission P/00731/032 dated 7/02/2018 for 117 homes. Variation includes 5th and 6th floor windows, addition of juliette balconies to court yard facing flats, extension of smoke shafts on roof.) (Original permission P/00731/032 Demolition of garage building and redevelopment to provide 117 residential units with associated parking and landscaping).

Approved 14/06/2019

P/00731/037

Variation of condition 2 (approved drawings), 4 (bin storage), 5 (cycle parking) of planning permission P/00731/032 dated 24/08/2017 for 117 homes. Variation includes 5th and 6th floor windows, addition of juliette balconies to court yard facing flats, extension of smoke shafts on roof.

Approved 12/11/2018

P/00731/032

Demolition of garage building and redevelopment to provide 117 residential units with associated parking and landscaping

Approved 07/02/2018

## **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.

5.2 One letter of objection has been received from a resident on Grays Road (house number not provided), raising the following:

### Amenity space on site

The absence of any amenity space for anyone. These are tiny flats and the area has very poor access to green space. The space that is shown on the drawings is an embarrassment - merely left over space that could not be stuffed with flats.

### The height of buildings - and impact of overshadowing nearby properties.

The last application for this site took no account of showing the overshadowing impact on property gardens in Grays Rd. My garden for instance would become almost completely overshadowed at certain times of year.

The misuse of images in some documents to make the area look as if it is already having developments of this height. The nearest buildings are 6 storeys at the most - this at 8 storeys and roof is not in context and precedent has not been set as the documents try to imply. Showing the outline of the Horlicks building as if this is somehow "next door" is a distortion of the reality of the proximity of the mass of the buildings. A building on this site should be no taller than 10 Stoke Gardens - the tallest in the area.

### No parking

The absence of any parking provision whatsoever - the area is already lacking in parking spaces for residents. Various residential buildings in the area have completely inadequate parking spaces - this at 19 Stoke Rd will merely add to this. Grays Rd is regularly choked with traffic and residents bays used by casual visitors to the area.

### The quality of flats on plan

The completely nonsensical and overblown descriptions of the quality of the flats

Page 9 of the Planning Design and Access Statement reads:

"This is a series of beautiful flats and one that we feel will continue to breathe new life into the area. The rooms are spacious and allow for plenty of growth. Homes are built not only for the needs of day one but also for the future inhabitants. These flats have architectural merit, style and the necessary accommodation that will stand the test of time."

The flats are small, with very limited storage and showing small double bed sizes on the plans does not make them principal bedrooms. They are certainly not suitable for families.

The ground floor flats purported to be somehow suitable for those who are disabled have poor daylight provision and limited storage.

### Quality of application

The quality of the application - in places the text shows that this application is a cut and paste of other applications - the reference in secure by design car parking is one instance. There is no parking on this site. This kind of application shows how lazy and careless the application is.

Including so called 3D perspectives that have no context round them and are merely slightly altered elevations is just pathetic.

## 6.0 Consultations

### 6.1 Transport and Highways

**No comments received, comments on the previous application, P/04557/012 below for reference:**

#### Vehicle Access

SBC Highways and Transport do not recommend refusal, or have an objection to the proposed development on the basis of the proposed vehicle access arrangements.

The site access is a dropped kerb/vehicle crossover in the same location as the existing dropped kerb/crossover for the existing car park on site.

As requested by SBC, the applicant has provided ADL Drawing No. 4844-SK-02 titled '*Site Access Visibility Analysis*' which demonstrates a visibility splay of 2.4m x 43m of visibility can be provided in each direction from the proposed site access, in accordance with the requirements of Manual for Streets for a 30mph speed limit. The left hand splay appears to cross a landscaping/planting area and the height of any obstructions in this area should be restricted to a maximum height of 600mm.

SBC Highways and Transport requested the provision of turning space within the site to ensure a vehicle could ingress/egress the site in a forward gear, however the applicant was unable to provide additional turning room within the parking area.

The Transport Statement (TS) states that the existing access arrangements cause cars to ingress the site in a forward gear and reverse out of the site onto the public highway, and that the proposals will reduce the number of vehicles reversing onto Stoke Gardens, given the lower number of parking spaces.

The TS identifies that four collisions have occurred during the most recently available 5-year period at the crossroads between Stoke Road and Stoke Gardens/Stanley Cottages. Three were slight in severity and one was classed as serious. There have been no accidents recorded at, or in close proximity to the site access on Stoke Gardens.

#### Site Layout

SBC Highway and Transport request that a planning condition is used to secure details of surface water drainage from the site. The site should be designed so that surface water does not discharge onto the public highway.

#### Trip Generation

SBC Highways and Transport request a forecast is provided of the number of trips generated by sustainable travel modes including walking, cycling, bus and rail.

The TS includes a forecast of the site's potential trip generation based on trip surveys from TRICS, the national trip generation database. The TRICS assessment concludes that the site would generate upto one two-way vehicle trip during the typical peak hours and six two-way trips on a daily basis, based on only two flats having access to the two disabled parking bays.

The development is forecast to result in a reduction of traffic generated by the site which is currently occupied by a restaurant and a solicitors with a car park to the rear.

SBC Highways and Transport accept that the proposed development would reduce the expected vehicular trip generation of the site and have no objection to the proposed development on the basis of the site's forecast trip generation.

#### Access by Sustainable Travel Modes

SBC Highways and Transport consider the site highly accessible by sustainable travel modes, given the site is located approximately 60m (1 minutes walk) from the nearest bus stop, north of the site on Stoke Road. The site is 240m from Slough Railway Station (3 minutes' walk), 270m from Slough Bus Station and 500m (6 minutes' walk, 3 minutes cycle) from Slough High Street. The site is located 500m from Tesco Extra (6 minutes' walk, 3 minutes cycle).

A walking distance of 400 metres (and 200m within town centres) is deemed a reasonable walking distance by the Chartered Institute of Highways and Transport (CIHT) within their document: *'Planning for Walking and Cycling, 2015'*.

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)'* and that people will walk up to 800 metres to access a railway station, reflecting it's greater perceived quality and the importance of rail services.

#### Contribution towards Sustainable Travel Infrastructure

SBC Highways and Transport require a Section 106 Contribution of £36,000 towards the provision of a signalised pedestrian crossing across Stoke Gardens at the Stoke Road / Stoke Gardens signalised junction.

The proposed development is 'car free' with no parking spaces provided and is located in close proximity to Slough Railway Station, Slough Town

Centre and Slough Bus Station. Therefore proposed development will increase the number of pedestrians crossing Stoke Road in order to walk to these facilities.

### Car Parking

SBC Highways and Transport have no objection to the proposed development on the basis of the proposed parking ratio.

The applicant proposes 2 disabled parking space and 0 standard parking spaces for use of residents as shown on the Proposed Ground Floor Plan (Drawing No. 200). This is a reduction from the 8 parking spaces provided for the existing land use. It was stated at preapplication stage that a car free development would be supported given the site's location and constraints.

The Transport Statement outlines that there is minimal on-street parking available within a 200m walking distance of the site, with the majority of on-street parking permit controlled bays or controlled parking bays with a time limit.

The site can be considered suitable for low levels of car ownership due to it's highly accessible location by sustainable travel modes. The minor scale of development and parking restrictions on surrounding roads also reduce the likelihood there will be any overspill of vehicles owned by residents from the development.

Slough's Transport Policy allows for nil parking provision within the Town Centre and within designated shopping areas. Furthermore, Core Policy 7 of Slough's Core Strategy (2006 – 2026) states that: *'Maximum restraint will be applied to parking for residential schemes in the town centre. In the rest of the Borough, the level of parking within residential development will be appropriate to both it's location and the scale of the development and taking account of local parking conditions, the impact upon the street scene and the need to overcome road safety problems and protect the amenities of adjoining residents'*.

### Cycle Parking

30 secure and covered cycle stands are proposed in the form of 15 two-tier racks, which would be provided within an internal store to be accessed from Stoke Road. It is recommended that further details of the proposed cycle parking are secured by condition to any approval which maybe issued.

### Framework Travel Plan

At the request of SBC, an amended Framework Travel Plan has been submitted and the revised to aim for low levels of car ownership from first occupation of the development. The Framework Travel Plan sets out a

number of measures to achieve low car use and commits to submitting monitoring reports to Slough Borough Council.

SBC Highways and Transport accept the amended Framework Travel Plan and request a Section 106 contribution of £3,000 for Travel Plan monitoring.

#### Deliveries, Servicing and Refuse Collection

SBC Highways and Transport have no objection to the proposed arrangements for managing deliveries and refuse collection at the proposed development.

The TS outlines that servicing for deliveries will be made from Stoke Gardens, as is the existing arrangement for existing dwellings along Stoke Gardens. ADL Drawing No. 4844-SK-03 demonstrates that the bin stores have been relocated to the southern side of the building, allowing refuse to be collected from Stoke Gardens on the southern boundary of the site.

Five 1110 litre Eurobins providing 5500 litres of waste capacity have been displayed on the proposed site plan. Slough's Refuse and Recycling Guidance requires 97 litres of residual waste capacity per flat and 53 litres of recycling capacity. For 24 flats a total of 2328 residual capacity is required and 1272 litres of recycling capacity is required.

The proposed bin storage is therefore in accordance with the Slough Borough Council Guidance: Refuse and Recycling Storage for New Dwellings.

#### Summary and Conclusions

Subject to the applicant providing the requested information to allay my concerns, I confirm that I have no objection to this application from a highway perspective. I would recommend the inclusion of the following conditions/informative(s) should you decide to recommend approval.

## 6.2 Thames Water

### **Waste Comments:**

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such Thames Water request the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation 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 – Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

Public sewers are crossing or close to your development. Build over agreements are required for any building works within 3 metres of a public sewer and, or within 1 metre of a public lateral drain. This is to prevent damage to the sewer network and ensures we have suitable and safe access to carry out maintenance and repairs. Please refer to our guide on working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Please ensure to apply to determine if a build over agreement will be granted.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. “The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide ‘working near our assets’ to ensure your workings are in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale->

[developments/planning-your-development/working-near-our-pipes](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](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to the FOUL WATER network capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to the SURFACE WATER network capacity, we would not have any objection to the above planning application, based on the information provided.

**Water Comments:**

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) and piling layout plan including all Thames Water clean water assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be 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](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate

activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **Supplementary Comments:**

Please submit a foundation/piling layout plan clearly indicating the locations of all foundation/piles to be installed on the development site. This plan should show the positions of the foundation/piles in relation to Thames Water clean water mains and sewers and local topography such as roads (please include road names), existing buildings and/or any other notable features. Thames Water require drawings indicating the location of all piling and the clearance between the face of the pile to the face of a pipe. If any basements intended to be constructed as part of the development, please clearly indicate the location and footprint. Without these drawings and cross-sectional details Thames Water will not be able to review your proposals and discharge your planning condition.

The Developer is also requested to confirm whether they have been in touch with Thames Water to discuss or arrange for the abandonment of any existing assets beneath the development site. Please give a short summary of any correspondence to date and any references they have been provided.

### **6.3 Heritage Consultant**

The application site lies on the corner of Stoke Road and Stoke Gardens, in Slough town centre, to the north of Slough railway station. The existing property (a former public house) is now used as a solicitors and a takeaway restaurant.

19 Stoke Road is included on Slough's list of 'locally important' buildings (as set out in Appendix 6 of the Slough Local Plan, adopted March 2004). The neighbouring property (the former Leopold Coffee House, 21 Stoke Road) is also included on the Local List. Under the NPPF both of these buildings are 'non-designated heritage assets.'

In accordance with the NPPF para. 207 a Heritage Statement has been submitted with the application.

Outline consent was granted (on appeal) in 2023 for demolition of 19 Stoke Road and redevelopment of the site with a 7-storey residential building. The Inspector considered the building had been subject to a series of unsympathetic alterations and that its heritage as a former pub near illegible.

*The building, mostly the part that was Rai Solicitors, does maintain a modicum of Victorian detailing, but is also heavily altered in terms of materials, and what survives is not of particular interest. It therefore has little significance, both in its own right and in terms of its weak group value with the rest of the 19th Century parade, which was built much later on in any event. Thus, whilst through its demolition there would be the total loss of 19 Stoke Road's significance, the baseline is low, and therefore the harm that would arise would also be low.*

In relation to 21 Stoke Road, the inspector concluded there would be no harm to the significance of this non-designated heritage asset (through development within its setting).

*As to the new building, there would be an abrupt change in scale. However, the detailing of the building, such as the red brick finish and the adjacent balcony, which attempts to follow the cornice and balustrade lines of No 21's facade, is respectful. Given the sensitivity in seeking to correlate detailing between the new building and the former coffee house, and within the context of an urban environment where sudden changes in height and building epoch are commonplace, I consider that the scheme would not harm the setting of No 21.*

However, BEAMS still has some reservations over the impact of the revised scheme upon the setting of 21 Stoke Road. The use of the same buff / grey brick from ground to 7th floor (with render and cladding elsewhere), the overhanging balconies and the further increase in height does create a less successful relationship between the proposed development and 21 Stoke Road.

The Inspector concluded there would be no harm to the significance of 21 Stoke Road (through development within its setting) and that there would be a low level of harm to the significance of no. 19 Stoke Road through its demolition. The appeal decision is a material consideration for the current application. However, the revised scheme is not considered to be as sympathetic to the setting of 21 Stoke Road and therefore a low level of harm to its significance is identified.

The decision maker should make a balanced judgement as required by NPPF para. 216:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## 6.4 Environmental Quality

### Noise – new assessment needed

No updated noise assessment has been provided as part of the submission. It was noted in the original noise assessment for /012 that the noise survey was conducted between 30th October and 16th November 2020. This coincided with the national lockdown which was imposed 5th November 2020 for 4 weeks. During this time, travel was being discouraged which may have impacted the traffic levels and therefore affected the noise levels. Due to this, comparison had been made in the report to data collected from a nearby development application in 2013, however as this information is outdated, the report advised that “prior to the final façade specification (particularly the glazing specification), noise levels be assessed again during a period in which noise from transport and the industrial estate is more representative”. **It is therefore an appropriate time for the applicant to complete an updated noise assessment. This should be provided as part of the application.**

**Please let me know if this has been provided – still getting to grips with the new portal.**

### Air Quality – no issues, low level mitigation required

- An air quality assessment has been submitted in support of this application, prepared by Air Quality Solutions Ltd (dated 26 Jan 2026, ref. AQ15014).
- Construction and demolition dust impacts, operational traffic emission impacts and exposure risk have been considered as part of the assessment.
- In regards to unmitigated dust risk during each stage of the development, risk of dust soiling is low-medium, and human health risk is low-negligible. A thorough list of dust mitigation measures are presented in Table 11 of the report – all of which are expected to be incorporated into a Construction Environmental Management Plan, which will be required via condition. It is agreed that following implementation of these measures, the impact is expected to be not significant.
- In regards to future exposure risk, predicted annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in a 2027 ‘do something’ scenario has been modelled at a height of 1.5m to represent exposure across the ground floor level (considered to be worst case exposure). All pollutant predictions showed concentrations below relevant legal limits, therefore risk of exposure to poor air quality is low. In regards to a worsening of

air quality caused by the development's vehicle traffic impact, the report outlines that the operational phase of the site will result in a change of 12 AADT flows, therefore far below the EPUK/IAQM screening criteria. As such, the impact of operational phase road vehicle exhaust emissions is considered not significant. This is agreed.

- In line with the Slough Low Emission Strategy, the following mitigation shall be required:
  - Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
  - The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
  - All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
  - All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report.

#### 6.5 **Lead Local Flood Authority**

No comments received.

#### 6.6 **Contaminated Land Officer**

No comments received, previous comment below for reference:

I can confirm that there are no potential contaminative uses associated with the site. However, the site is adjacent to a few such sites. Thus, I recommend that at watching brief condition is observed throughout the development works.

#### 6.7 **Natural England**

No comments received. Should any comments be provided they will be reported on the Amendment Sheet to Committee.

#### 6.8 **Archaeology**

I have reviewed this application and, as per our previous advice (P/04557/012) for this site, I do not believe archaeological mitigation is necessary.

However, I recommend that you consult your built heritage officer, for above ground heritage advice.

## 7.0 Policy Background

### 7.1 National Planning Policy Framework:

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 10: Supporting high quality communications
- 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
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

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

- Core Policy 1 (Spatial Strategy)
- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- 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:

- 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

The site is not an allocated site in the Slough Local Development Framework Site Allocations Development Plan Document

### Slough Local Development Plan and the 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 revised version of the National Planning Policy Framework (NPPF) was published 2024.

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

This version of the National Planning Policy Framework was amended on 7 February 2025 to correct cross-references from footnotes 7 and 8, and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt the amendment to paragraph 155 is not intended to constitute a change to the policy set out in the Framework as published on 12 December 2024.

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

“For decision making this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination<sup>9</sup>”

(for the footnotes highlighted, please refer to the document itself:

<https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf>

## 7.2 Emerging Preferred Spatial Strategy for the Local Plan for Slough

The emerging Preferred Spatial Strategy has been developed using guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

This site is not allocated for development within the emerging Spatial Strategy. Protecting the built and natural environment of Slough’s suburban areas is one of the key elements in the emerging Spatial Strategy.

## 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.

## 7.9 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.

## 7.10 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.

## 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
- Heritage Impact

- Impacts on neighbouring amenity
- Impacts on amenity of future occupiers of the development
- Transport, Highways and parking
- Drainage
- Contamination
- Landscape
- Energy and Sustainability
- Air Quality
- Affordable Housing and Infrastructure
- Habitat Impacts
- Crime Prevention
- Equalities Considerations
- Neighbour representations
- Presumption in favour of sustainable development

## **9.0 Principle of Development**

- 9.1 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built-up area, predominately on previously developed land. The policy seeks to ensure high density housing is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings.
- 9.2 Core Policy 4 again emphasises that high density housing should be located in the Town Centre area and that outside the Town Centre the development will be predominately family housing at a density related to the character of the area. In particular, in suburban residential areas, there will only be limited infilling consisting of family houses which are designed to enhance the distinctive suburban character and identity of the area. The site is not identified as a development site within the Slough Local Development Framework Site Allocation Document DPD.
- 9.3 The site falls outside of the town centre area but is within the urban area on the fringe of the Town Centre. Core Policy 4 states that in urban areas outside of the town centre new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location and the availability of existing and proposed local services facilities and infrastructure. Hence Core Policy 4 does not rule out flats within the urban areas of the town, subject to the sites context location and availability of services.
- 9.4 The site in question falls within the Stoke Road Neighbourhood Shopping Area and Saved Policy S1 of the Local Plan for Slough 2004 states that proposals that would adversely affect shopping centres will not be supported. The current lawful use of the site is considered to be sui generis. It is split between three uses which are a solicitors which is Use Class E, hot food

takeaway which is Sui Generis and residential at first floor which is C3 and the use of the site does not fall into a single use.

- 9.5 The previous appeal decision allowing a development for 24 residential units over 7 storeys is a material consideration in respect of the principle of development that should be given significant weight. The allowed appeal establishes the principle of residential redevelopment at the site, and the principle of providing flats in this location.
- 9.6 The Inspector noted that the appeal proposal would amount to reusing brownfield land in a highly accessible location and this remains to be the case.
- 9.7 As a result, it is considered that the principle of residential redevelopment of the site is acceptable. It does not mean that the site is open to intensification of development as a matter of principle and the development should be considered in light of the subject specific impacts and benefits that are apparent.

## **10.0 Supply of Housing**

- 10.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.
- 10.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the 20 year plan period between 2016 and 2036. The Council's Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan
- 10.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 24 residential units would make a contribution to the supply of housing, which could be built-out relatively quickly in spite of there being viability issues. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.
- 10.4 In terms of housing mix, the recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

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

10.5 This housing mix for the scheme proposed is as follows:

- 18no – 1 bed flats
- 9no – 2 bed flats
- 1no – 3 bed flat

This differs from the allowed appeal scheme which proposed the following:

- 8no – 1 bed flats – 33%
- 14no – 2 bed flats – 59%
- 2no – 3 bed flats – 8%

10.6 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance it is considered that a scheme to provide a mix of predominantly 1 and 2 bed units is not in line with Core Policy 4 which seeks out of town centre sites to comprise family housing. However, it is closely located to the town centre and other services and a number of other high density schemes have been allowed and implemented in the area. The proposed housing mix is heavily reliant on 1-bed units which does not align to the requirements set out in the SHMA and the proposed mix is clearly a downgrade from the allowed appeal scheme.

10.7 Considering the individual merits of the current proposal, the housing mix is considered to have an adverse impact as it does not provide residential accommodation that reflects the needs of the borough and exacerbates a proliferation of 1-bed units in Slough. The adverse impact also affects the extent of positive weight that would be given to the provision of housing as a matter of principle. The adverse impacts will be weighted as part of the planning balance in this report.

## **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 Core Strategy Policy 8 states that all development in the borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change. Core Policy 8 outlines:

*'All development will:*

- a) Be of a 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 To the east, on the other side of Stoke Road the building immediately opposite is 4 storeys in height and to the south the building on the opposite side of Stoke Gardens has a 6 storey building which steps down to three storeys as it fronts Stoke Gardens itself. To the west is a 5 storey building, 10 Stoke Gardens, that has been extended vertically through new permitted development rights. To the north the buildings are 2 storey in scale. Vanburgh Court to the northeast rises to 7 storeys however this building is not in the immediate vicinity of the site.

- 11.4 The Local Planning Authority previously refused a 7-storey scheme on the grounds that its scale would be out of character with the area. The Planning Inspectorate did not uphold this reason for refusal, providing the following assessment of impact:

*10. The seven-storey Vanburgh Court, close by to the northeast, is set behind green space, but even so has an immense, sweeping presence that dominates the adjacent stretch of Stoke Road. West Central Apartments, across the road from No 19 to the south, steps down to Stoke Gardens, but only a small element does so, with much of the building presenting six full storeys to Stoke Road at the gateway to the Town Centre. As with Vanburgh Court, its position behind modest landscaping does little to quell its presence. I note that there is a low density and scale residential area close by to the northwest, but the appeal site is not read easily with this area, and there is also an intervening large building west of the site in the process of upward extension.*

*11. Given such, the proposed building would sit well within the context of other neighbouring tall buildings even with the limited setback proposed. It would provide an adequately sympathetic, albeit fairly strident, bookend to the street corner. There would be a more visually pronounced change in scale between the new building and the adjacent parade to the north, but this would not be incongruous in the wider context of highly differing building heights. Indeed, the parade is already viewed against the direct*

*backdrop of West Central Apartments when one is travelling south towards the Town Centre, and within the direct context of Vanburgh Court when going in the opposite direction.*

*12. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the relevant design objectives of Policy EN1 of The Local Plan for Slough (adopted 2004) (the Local Plan) Policies 4 and 8 of the Core Strategy (adopted 2008) and the National Planning Policy Framework (the Framework). The Council also relied upon Policy EN2 of the Local Plan in its reason for refusal, but this policy relates explicitly to extensions to existing buildings and is therefore not relevant.*

- 11.5 Therefore, it can be generally concluded that a scale of 7 storeys in this location is acceptable in principle in spite of it being immediately juxtaposed to two story buildings to the north. Reference to a [sympathetic, albeit fairly strident] bookend at the street corner is made in respect of the relationship with West Central Apartments to the south which sits at 6 storeys and the Inspector considered that the site is within the context of Vanburgh Court to the north which sits at 7 storeys. Of significance, no reference is made to the relationship with the Horlicks development in spite of this being emphasised by the appellants at the appeal. It is therefore reasonable to conclude that the site is not within the context of this larger development.
- 11.6 This current scheme increases the scale of the building to provide an initial storey, making 8 in total. It is a further increase in scale and height that would result in the proposed building being the tallest within the context of the site. When considering the bookend character previously concluded, the current proposal would result in an imbalance between this site and West Central Apartments by two storeys resulting in the proposal being unnecessarily prominent and standing as an incongruous building in the wider area. It is considered that the impact would not longer be sympathetic to the character of the area and the strident nature of the building would be dominant and imposing. The proposed building becomes significantly higher than those to the immediate north that it creates a strong and negative contrast in building scales and a poor relationship with the existing built form in the area. Given the urban character of the area, overall the proposal would appear as over dominant and out of scale in relation to neighbouring buildings.
- 11.7 In terms of the contextual relationship with Vanburgh Court which is a 7 storey building further north along Stoke Road, however this is not within the immediate context of the site and this building sits as part of a wider streetscene relationship with buildings to its north and south. The increased scale and height fails to respect the character of this prominent building in the streetscene which would result in an adverse impact.
- 11.8 The applicant has elected to indicate the proposal in relation to the scale of building to be constructed at the Horlicks site, but this site is not the immediate or close context of the site and concluded by the Planning

Inspectorate and therefore has no influence on what would be an acceptable scale for this site.

- 11.9 The application was accompanied with a 'Character Assessment'. Unfortunately, it identifies the wrong site, in its location plan, a mistake that is replicated in the Planning, Design and Access statement. The Character Assessment sets out a number of street views providing height, massing and bulk context between the application site and its neighbours. It serves to demonstrate the points raised above. For example, the image below shows how stark the contrast would be between the application site and West Central apartments, removing the bookend character created by the allowed appeal:



relationship with properties to the north is considered to result in a significant adverse effect on the character of the area. The building immediately north is locally listed and a strong character presence on Stoke Road. It is unlikely to be redeveloped given its significance and the loss that would otherwise occur through a new scheme and therefore the contrast of 7 and 2 storeys will remain in perpetuity. The amended scheme pulls the building away from the common boundary but this has a negligible effect on addressing the relationship. The applicant has submitted massing images of how surrounding land could be developed in the future to the north and by their own admission they retain 21 Stoke Road. This relationship is overbearing and out of proportion making the application proposal overly prominent and overly dominant in the streetscene to the detriment of the character of the area.

- 11.10 The Character Assessment also demonstrates how much taller the proposal would be than the other buildings on Stoke Gardens and Stoke Road in an east-west context:



- 11.11 The Character Assessment serves to demonstrate how the increased scale, height and bulk of the proposal results in the development not being able to achieve the sympathetic relationships that were concluded at the previous appeal. The allowing of the appeal does not give an open door to increased scale and height in this area. It is important to note that over the course of considering the allowed scheme at application stage, the Council negotiated amendments with the applicant to reduce the scale to 7 storeys from an initially submitted 8. It was previously accepted by the applicants that the scale of development could and should be reduced and while it did not result in a scheme that Officers could support, it did reduce the impacts of scale and bulk of that scheme. This current application reintroduces these previous concerns
- 11.12 The current proposal shows that the bin store would be serviced from Stoke Road and cycles stores away from the Stoke Gardens. The appeal proposal was subject to successful negotiation with the Council to have bins serviced from Stoke Gardens to alleviate traffic impacts on Stoke Road at collection times. The current proposal brings this circumstance back and reduces the extent of perceived active frontage to Stoke Road as well.
- 11.13 The current design has a significant effect on the land to the north of the site and compromises its ability to be redeveloped in the future. The north facing elevation is treated with numerous openings and balconies which creates outlooks and activity towards the north. Again, this was a factor that was addressed in the allowed scheme which also had such impacts. The allowed scheme has minimal opening on the northern side which successfully results in a development that does not compromise the ability of land to the north of the site being redeveloped in the future. The current proposal does not achieve this and could prejudice or dictate the scale and form of any future development proposals north of the site to the extent that these could be negatively compromised. The application is proposed without any regard to wider regeneration potential of the area and negatively affects the ability to do so in the future.
- 11.14 Taking the above into account, with particular regard had to the previous appeal decision at this site, it is considered that the scale and bulk of the proposal, at 8 storeys, results in an incongruous and overly prominent building that fails to consider and respect the character of the area. It also compromises the ability for neighbouring land to be redeveloped in the future. As a result, there is an adverse impact on the character of the area and the proposal is therefore contrary to 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. The impact will be appropriately weighted as part of the planning balance.

## 12.0 Heritage Impacts

12.1 Paragraph 210 of the national Planning Policy Framework provides guidance when determining planning applications which may have an impact on existing heritage assets, it states that:

*“In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

12.2 Core Policy 9 of the Local Development Core Strategy (2006 – 2026) Development Plan Document states *development will not be permitted unless it:*

- Enhances and protects the historic environment;*
- Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations.....”*

12.3 The previous appeal decision considered the allowed scheme in light of the impact it had on the loss of 19 Stoke Road, as a non-designated heritage asset, and on the setting of 21 Stoke Road, also as a non-designated asset. The Inspector concluded that the allowed appeal scheme would not have any adverse impact on the significance of 21 Stoke Road (to the immediate north) but would result in harm to the significance of 19 Stoke Road by virtue of its total loss.

12.4 With regards to the impact on 19 Stoke Road, this adverse impact remains by virtue of the fact that the building is to be demolished. This impact will be given appropriate weight as part of the planning balance.

12.5 In respect of the setting of 21 Stoke Road, the appeal decision noted that the previous proposal was respectful of the setting of the neighbouring building, commenting as follows:

*17. As to the new building, there would be an abrupt change in scale. However, the detailing of the building, such as the red brick finish and the adjacent balcony, which attempts to follow the cornice and balustrade lines of No 21’s facade, is respectful. Given the sensitivity in seeking to correlate detailing between the new building and the former coffee house, and within*

*the context of an urban environment where sudden changes in height and building epoch are commonplace, I consider that the scheme would not harm the setting of No 21.*

- 12.6 The current application has not continued design features referenced above that correlate with the detailing that is at No 21. The grey brick finish does not relate to the neighbouring building and there is no integration of detailing such as cornice and balustrade lines. The Inspector previously gave weight to the fact that the appeal scheme attempted to address the sensitivity of the neighbouring building, and this is not apparent with this scheme. As a result, it is considered that there would be an adverse impact on the setting of no. 21.
- 12.7 The proposed development therefore results in harm to the significance of both 19 and 21 Stoke Road which is contrary to saved policy EN17 and Core Policy 9 which seeks to achieve preservation, enhancement and refurbishment of locally listed buildings. As a result, para 216 of the NPPF is engaged and a balanced judgement is required which is set out as part of the wider planning balance.

### **13.0 Impact on neighbouring amenity**

- 13.1 Policy 8 of the Core Strategy requires that the design of all new developments should respect the amenities of adjoining occupiers. Local Plan policy H9 states that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.
- 13.2 In terms of relationship with neighbouring buildings, separation distances are established to the east and south through the presence of the roads. The proposal achieves a separation distance of approximately 20 metres to the flats at West Central to the immediate south, which is considered appropriate for higher density location such as this. To the west, the adjacent site (10 Stoke Gardens) abuts the application site with a largely blank façade that houses (according to the plans for that building) the stairwell and communal corridors for the building, at its closest point there would be a distance of approximately 5 metres between this building and the proposal. There are no windows serving living accommodation that look into the site and no impacts of overlooking occur as a result and the building is also not overbearing to this structure either. The relationships are very similar to the allowed scheme and while the objection from the neighbouring resident is noted, it is considered that the Inspector's decision is a material consideration and that there would continue to be no significant adverse impact.
- 13.3 The application does not include a Daylight and Sunlight Assessment that considers the impact on neighbouring properties. The allowed appeal was more robust in this respect and considered neighbouring impacts concluding that there would be some impacts but none that would amount to a significant adverse impact. This was agreed with by the Council and no

objections were raised on balance. The increase in bulk, height and mass from this current proposal is unlikely to result in further impacts that would be considered adverse in terms of daylight and sunlight to neighbouring properties.

13.4 The introduction of a plethora of windows and balconies on the north elevation requires consideration into overlooking impacts to the north. The design of the proposal is such that it encourages intended residents to have a northern outlook and the increased scale of built form means that views would be far beyond the adjacent site. The northern outlook from the site would be to the rear of properties on Stoke Road which are characterised as yard areas with some terracing for residential amenity. The predominant character is non-residential although there is one window on the adjacent property, 21 Stoke Road, that faces towards the site and would be immediately adjacent to the proposal. There is more residential character to the northwest via the rear garden areas of properties on Greys Road. While there is likely to be a perception of overlooking created from a distance, the relationship between the site and these properties is such that a minimum separation distance of circa 30m is established which would be sufficient to ensure there would be no adverse impact on amenity.

13.5 As a result of the above assessment, the proposal is considered to be largely acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies H9 and EN1 of the Adopted Local Plan although there is an adverse impact on the light to the first floor window of the unit directly north of the site. 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

14.2 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."

14.3 It is noted that all the units meet and exceed the requirements of the national space standards for residential units which creates a good level of space for residents. All of units are provided with their own terrace or balcony and a small communal amenity space is provided on the roof. The objection notes the small size of the units and the report has stated that this is a poor proposal, however they do all meet the required space standards.

14.4 There is no noise assessment submitted with the application. It is noted that the allowed scheme was more robust in this respect and concluded that high performance glazing and a mix of trickle ventilators and mechanical ventilation would be required to achieve appropriate internal

noise levels for the scheme. This current scheme proposes more windows, and these have not been assessed. This is noted by the Environmental Quality Officer who has stated that a new Noise Assessment would be required. The original Noise Assessment was conducted during the national lockdown period in 2020 when activity levels were very different to today. Therefore, a new Noise Assessment is imperative to enable assessment of the proposal on amenity occupiers. The lack of assessment means that the appellant has failed to demonstrate that suitable internal noise levels can be achieved. Given the busy nature of Stoke Road it is not considered to be a matter that can be left to a condition as even the applicant's original assessment states reassessment would be required.

- 14.5 The application is not accompanied with a Daylight and Sunlight Assessment that considers the distribution of light to the proposed units. The previous scheme included an assessment which concluded that the majority of the proposal generally complies with the BRE guidelines. However, the results do show that Unit 2 at ground floor level and Unit 3 at first floor level will not achieve the guideline for No-Sky Line (the measure of the distribution of daylight to a room) in 3 of the 4 habitable rooms. Unit 5 fails the same test for 2 of its 3 habitable rooms and Units 8 and 12 fail on all habitable rooms. This resulted in a reason to refuse permission and the Inspector noted that there were adverse impacts with in this respect.
- 14.6 This current application now includes multiple north-facing windows and it is necessary to assess light levels that would be apparent on this scheme to determine whether an adverse impact would still be apparent. In failing to provide an assessment the applicant has failed to demonstrate that there would be acceptable light levels to the proposed units.
- 14.7 The proposed scheme shows a number of balconies and amenity levels separated by clear glazing. This results in significant privacy issues within the development however it is considered that it can be addressed through condition to require a revised screen detail that actually achieves suitable privacy levels.
- 14.8 Based on the above considerations the applicant has failed to demonstrate that the proposal provides suitable levels of amenity for all occupiers of the development and the scheme is therefore contrary to the goals of the NPPF, Core Policy 8 of Council's Core Strategy, and Policy EN1 of the Adopted Local Plan and the adverse impacts will be appropriately weighted as part of the planning balance.

## **15.0 Transport, 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 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'*.

- 15.2 No comments are provided by the Highways Officer at the time of drafting this report, no highways information has been provided by the applicant with this application. Previous comments were included for reference. It is noted that there is no parking proposed with this development. In spite of the comments from the neighbour, there is no objection in this respect as the Inspector previously concluded the site to be in a highly sustainable location with services readily accessible by foot and there being a close location for public transport. Previously the Highways Officer requested a sustainable travel contribution of £36,000 towards the provision of a signalised pedestrian crossing across Stoke Gardens at the Stoke Road / Stoke Gardens signalised junction which was accepted by the applicant. It is reasonable to require this contribution again and Members will be updated on any revised figure that would account for the increase in units numbers. This contribution is considered reasonable and relevant to the application and necessary to make the scheme acceptable in planning terms.
- 15.3 The proposed access was previously assessed and the Highways Officer initially requested space within the site for turning. Whilst the access has been retained it is not clear that there is any use for it with this development.
- 15.4 The proposal appears to show the provision of 40 cycle parking spaces within the building. No objection is raised in principle but details of the parking arrangement would be required by condition if the scheme were acceptable.
- 15.5 The siting of the bin store to be serviced on Stoke Road is undesirable and causes concerns over congestion on a busy road at collection times. This was successfully moved to Stoke Gardens as part of the previous scheme but has been removed for this current proposal.
- 15.6 Previously a travel plan was proposed in accordance with policy that aimed to achieve low levels of car ownership from occupation of the scheme which resulted in a monitoring contribution of £3,000 in accordance with the Developers Guide and secured through Section 106. No such arrangement is proposed with this application.
- 15.7 The application raises question on how it will relate to surrounding land, particularly with pedestrian highway arrangements. The plans show the

bike store opening directly onto the highway. Furthermore, it is close to the location of the pedestrian crossing in this area as per the image below but the plans do not consider this relationship so it is unclear. Requests were made to show the proposal in relation to surrounding land but no details were provided.



It is unclear as to how this relationship works but any impeding of the pedestrian routes and crossing would not be acceptable. Clarification on what is meant by the green areas on the plan was requested but again not provided and therefore the Council has no choice but to determine that the applicant has failed to demonstrate that the proposal would not adversely affect the highway network

15.7 As a result, the proposal does not adhere to the requirements of Core Policy 7 of the Core Strategy 2006-2026 and an adverse impact is identified. This will be balanced accordingly in the final assessment.

## 16.0 Drainage

16.1 The site is located within flood zone 1 and therefore flood risk is minimal. The application is accompanied with a drainage strategy and flood risk assessment.

16.2 Thames Water have reviewed the application and have raised no objection in respect of surface drainage proposals and flood risk. No comments have been received from the LLFA but they have previously raised no objections at this site.

16.3 No objection are raised as a result. If the scheme were recommended for approval detailed drainage proposals could be secured by condition.

## 16.0 Contamination

16.1 Core Policy 8 (Sustainability and the Environment) of the SBC's Core Strategy Document states that development shall not 'cause contamination or deterioration in land, soil or water quality' nor shall development occur on polluted land unless appropriate mitigation measures are employed.

16.2 A Phase 1 desk study was submitted with this application that concluded an intrusive ground investigation would be required to assess potential contamination.

16.3 No objection is raised subject to conditions requiring further investigation and mitigation.

## 17.0 **Landscape**

17.1 Very little landscaping is proposed and no details are provided. There are areas of green hatching on the ground floor plan, but it is unclear what these show and further information was not provided when requested.

17.2 It is clear that the design of this scheme has not considered soft landscaping as an integrated feature and it has resulted in no defensible space for units and poor garden arrangements with one ground floor unit having little more than a walkway width provided as 'garden'. Should a scheme have been acceptable it would have been necessary to condition landscaping details for approval.

## 18.0 **Energy and Sustainability**

18.1 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.

18.2 No energy statement was submitted with the application.

18.3 For the purposes of planning the proposed development would be required to accord with the Core strategy policies on energy and sustainable development. It is surprising that the applicant omitted to provide any detail in this respect but if the scheme were to be acceptable, conditions would be required to ensure the development is implemented with suitable measures to make the required emissions savings.

## 19.0 **Air Quality**

19.1 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. 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.

19.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic, requiring electric charging points, and low emission boilers within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.

19.3 The applicant was accompanied with an Air Quality Assessment and no objections were raised to its conclusions subject to securing a construction management plan via condition.

## 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 application is liable to affordable housing provision and financial contributions but no details were submitted. In the absence of any details, it is reasonable to assume the scheme liable for full obligations.

20.4 Without prejudice, in accordance with the Developers Guide, this scheme would, in principle, result in the following contributions being sought:

### Affordable Housing

The application proposes 28 units. In accordance with the Developer's Guide there is an affordable housing requirement of 30% which equates to 9 units from this development.

### Education

On the basis of the housing mix proposed, the following contributions towards education will be required:

1-bed units –18no x £903	= £16,254
2+-bed units – 10no x £4,828	= £48,280

Total = £64,534

### Recreation/Open Space

While some communal amenity space is proposed it is a poor offering. The development is liable for a contribution of £750 per dwelling as a result.

This amounts to a total of £21,000

### EV Car Club

In accordance with the Low Emissions Strategy a contribution of £14,000 towards the management of a car club space off site. This equates to £500 per unit.

### Pedestrian Crossing

A contribution of £36,000 is requested towards the provision of signalised pedestrian crossing across Stoke Gardens at the Stoke Road / Stoke Gardens signalised junction.

### Travel Plan

A contribution of £3,000 is requested towards monitoring of an approved travel plan.

20.5 As stated, no details have been provided regarding planning obligations and no viability assessment has been provided. Should the application have been acceptable in planning terms, the contributions above would form the heads of terms for any S106 agreement.

## **21.0 Habitats Impacts**

21.1 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.

21.2 Paragraph 193 of the NPPF states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. 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.

21.3 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

- 21.4 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.
- 21.5 The site is located approximately 5.4 km (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.
- 21.6 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.
- 21.7 No details are submitted in respect of this matter as part of the application, even though an assessment was undertaken with the previous allowed scheme. Comment are being awaited from Natural England as these will be reported on the Amendment Sheet.

## **22.0 Crime Prevention**

- 22.1 Paragraph 96 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:  
Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact which each other  
Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 22.2 These objectives are consistent with Core Strategy Policies 8 and 12, and Local Plan Policy EN5.
- 22.3 The access into the flats would be at the front of the building on the corner of Stoke Road and Stoke Gardens. This would provide a good level of natural surveillance.

- 22.4 Cycle storage would comprise an integral store at ground floor as would the store. Appropriately secure doors would be required.
- 22.5 Should the scheme have been considered acceptable, lighting within the site can be secured by condition and a condition would have been included to require the scheme to achieve Secured by Design accreditation to ensure sufficient mitigation measures were included.
- 22.6 Based on the above, and subject to conditions, the proposal would be in accordance with Local Plan Policy EN5; Core Policy 12 of the Core Strategy; and the requirements of the National Planning Policy Framework. Neutral weight should be applied in the planning balance.

### **23.0 Neighbour Representations**

- 23.1 Officers have carefully read and considered the third party representations put forward by the residents of the neighbouring properties. The material planning considerations raised have been addressed within the relevant sections of this report within the Officer's assessment.

### **24.0 Equalities Considerations**

- 24.1 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).
- 24.2 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings although the applicant has proposed that 2no ground floor units be built to this standard. Access from the public footway to the

building is considered appropriate but it is noted that there is no accessible parking provided within the site.

24.3 If the proposal were considered to be acceptable, 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.

24.4 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.

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

25.1 Significantly for this application, paragraph 195 of the NPPF is clear in stating that:

*'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'*

This is considered to be the case with this application.

25.2 Irrespective of this, the report makes an assessment in the interests of completeness. 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.

25.3 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.

25.4 In the application of the appropriate balance, it is considered that there are significant benefits from the following:

- The provision of 28 residential units in a sustainable location should be given significant weight as the development would make a positive contribution to the supply of housing in the Borough, and would be located in a sustainable location.
- The proposed housing mix does not align to the identified need within the SHMA and exacerbates a saturation of 1 bed units within the borough. This is a negative impact which is given modest weight.
- No weight can be given to the provision of affordable units or other infrastructure contributions as part of the scheme as none are proposed with the application. Failing to secure an affordable housing proposal and other infrastructure contributions means that the scheme does not make a positive contribution to the supply of affordable housing in the Borough and significant negative weight is applied to this impact.
- The lack of parking provision is considered to be a neutral impact.
- The loss of the existing non-designated heritage asset on site. is considered to be an adverse impact that should be given limited negative weight.
- The adverse impact on the setting of 21 Stoke Road as a non-designated heritage asset would result in a negative impact on the built heritage of the town and should be given limited negative weight.
- The failure of the scheme to provide suitable levels of amenity for occupiers of the whole development results in an adverse impact on living conditions that should be given significant negative weight.
- The impact on daylight and sunlight to the first floor window of 21 Stoke Road is an adverse impact on neighbouring amenity that should be given limited negative weight as it serves a kitchen.
- The impact of the proposal compromising the future development of land to the north of the site by virtue of proposing numerous windows and balconies on the northern elevation is an adverse impact that is afforded significant negative weight.
- The failure to demonstrate that the proposed development would not adversely affect the public highways is an adverse impact that would be given significant negative weight. It is acknowledged that this issue could be addressed through clarifying information.
- The failure to provide a Habitat Regulations Assessment that considers the impact on habitats in Burnham Beeches Special Area of Conservation should be given significant negative weight as an adverse impact. The absence of any such information and mitigation is expected to result in a request from Natural England to 'Call In' the application.

25.5 In applying the planning balance, the adverse impacts; principally on the character and appearance of the area and the amenity of occupiers of the development coupled with the notably adverse impact of the loss of a non-designated heritage asset and overbearing relationship to the adjacent asset, are considered to be significant to the point that they outweigh the benefit of the provision of residential units. Therefore, in spite of the Council being unable to demonstrate a deliverable 5 year housing land supply, the adverse impacts are considered to outweigh the benefits and planning permission should be refused as a result.

## 26.0 PART C: RECOMMENDATION

26.1 Having considered the relevant policies set out above, comments from consultees and neighbours representations as well as all relevant material considerations it is recommended the application be **refused** for the reasons given in para 1.2 of this report.

## 27.0 INFORMATIVE(S):

- 27.1
1. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework. The applicant was given the opportunity to amend the application through the planning process however the amended plans did not address the concerns.
  2. For the avoidance of doubt this decision was made on the basis of the following plans:
    - a) Drawing Number A100, Dated 20/02/2025, Received 08/01/2026
    - b) Drawing Number A200, Dated 20/02/2025, Received 08/01/2026
    - c) Drawing Number A201, Dated 15/07/2025, Received 08/01/2026
    - d) Drawing Number A202, Dated 15/07/2025, Received 08/01/2026
    - e) Drawing Number A203, Dated 15/07/2025, Received 08/01/2026
    - f) Drawing Number A204, Dated 15/07/2025, Received 08/01/2026
    - g) Drawing Number A205, Dated 15/07/2025, Received 08/01/2026
    - h) Drawing Number A206, Dated 15/07/2025, Received 08/01/2026
    - i) Drawing Number A207, Dated 15/07/2025, Received 08/01/2026
    - j) Drawing Number A208, Dated 15/07/2025, Received 08/01/2026
    - k) Drawing Number A209, Dated 15/07/2025, Received 08/01/2026
    - l) Drawing Number A210, Dated 15/07/2025, Received 08/01/2026
    - m) Drawing Number A211, Dated 15/07/2025, Received 08/01/2026
    - n) Drawing Number A212, Dated 15/07/2025, Received 08/01/2026
    - o) Drawing Number A213, Dated 15/07/2025, Received 08/01/2026
    - p) Drawing Number A214, Dated 15/07/2025, Received 08/01/2026
    - q) Drawing Number A215, Dated 15/07/2025, Received 08/01/2026
    - r) Drawing Number A216, Dated 15/07/2025, Received 08/01/2026
    - s) Drawing Number A217, Dated 15/07/2025, Received 08/01/2026

- t) Drawing Number A218, Dated 15/07/2025, Received 08/01/2026
- u) Drawing Number A219, Dated 15/07/2025, Received 08/01/2026
- v) Drawing Number A220, Dated 15/07/2025, Received 08/01/2026
- w) Drawing Number A221, Dated 15/07/2025, Received 08/01/2026
- x) Drawing Number A222, Dated 15/07/2025, Received 08/01/2026
- y) Drawing Number A223, Dated 15/07/2025, Received 08/01/2026
- z) Drawing Number A224, Dated 15/07/2025, Received 08/01/2026
- aa) Drawing Number A225, Dated 15/07/2025, Received 08/01/2026