



Appeal Decision

Hearing Held on 4 and 7 July 2023

Site visits made on 3 and 5 July 2023

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/J0350/W/23/3316507

Automotive House, Grays Place, Slough SL2 5AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Berger, Slough Propinvest Ltd against the decision of Slough Borough Council.
 - The application Ref P/04290/009, dated 17 December 2021, was refused by notice dated 11 August 2022.
 - The development proposed is demolition of existing building and construction of 51 residential apartments, laying out of landscaping, car and cycle parking and ancillary development.
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Decision

The appeal is dismissed.

Procedural Matters

1. The Hearing sat for two days, the first day in person and the second virtually. I made two unaccompanied visits to the site and surrounding area.
2. After the Hearing, the appellant submitted a Planning Obligation, dated 20 July 2023, made under s106 of the Town and Country Planning Act 1990. The "s106 obligation" is made in the form of a Unilateral Undertaking, the wording of which has been agreed with the Council. Its undertakings are addressed later in this decision. The Council agree that the "s106 obligation" would address matters of contributions towards education; green infrastructure to mitigate the impacts of additional residents on Burnham Beeches SAC; and funding for a traffic regulation order proposal. The parties agree that the appeal proposal would not be viable with the provision of affordable housing. However, the Council's requirement for a late-stage viability review with regards to on-site and/or off-site affordable housing contributions is disputed by the appellant.
3. The appellant and the Council submitted one Statement of Common Ground (SoCG) to the Hearing. Reason for refusal 3 refers to the impact of the proposal on the daylight and sunlight of a small number of flats. However, the Council confirmed in the Statement of Common Ground that there would not be any unacceptable impacts on daylight and sunlight in relation to residential properties within Intercity House, Vanburgh Court or Abbey Court.

Main Issues

4. Taking into account the above, the main issues in this case are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of existing occupiers at Intercity House with specific reference to outlook.
- Whether the proposal accords with Policy SKL 3 of the Slough Local Development Framework Site Allocations DPD which requires the Stoke Road and Mill Street site allocation to be comprehensively planned;
- The effect of the proposal on highway safety with specific reference to the vehicular and pedestrian access;
- Whether the proposal would provide a safe and accessible environment for existing and future occupiers; and
- Whether the proposal makes adequate provision for affordable housing with particular reference to whether there is a need for a late-stage viability review.

Reasons

Character and Appearance

5. The appeal site is situated on the corner of Stanley Cottages and Grays Place within Slough Town Centre and contains a three-storey office building and its surrounding car parking spaces. An operational bus depot, comprising of a low rise, industrial style unit, ancillary building and a large bus parking area lies to the south of the site. The railway line lies beyond the bus depot to the south.
6. The appellant has undertaken a Townscape Analysis (TA) (Revision A 2023) (CD4.4 Appendix A2) which sets out an analysis of the site and surrounding area. It utilises the character areas contained in the Slough Regeneration Framework (SRF) (August 2020) (CD 2.6) as a starting point for the analysis. It identifies the appeal site and bus depot as lying within Townscape Character Area (TCA) 1, 'Fragmented Corridor' character typology. The TA identifies that TCA 1 contains a mixture of apartment buildings, terraced housing, office blocks, shops and light industrial/warehouse buildings. It recognises that built form varies in height, architectural style and use.
7. The TA also identifies TCA 2 "Railway Terrace Compact Urban", part of the "Mixed Use Compact Urban" character typology in the SRF, which lies to the east of the site which has a denser urban form varying from around 2-17 storey, with most buildings around 10 storeys.
8. Within the wider town centre area, a number of higher rise buildings have been developed or permitted such as the Future Works development, a 9-storey contemporary building accommodating commercial uses and The Curve, a modern community building of innovative design.
9. Whilst the appeal site sits on the boundary of TCA1 and TCA2; the area immediately surrounding the appeal site and in particular Grays Place is noticeably lower rise which clearly sets it apart from the adjacent higher rise TCA2 to the east. 4-4.5 storey development is situated opposite the appeal site on Grays Place and Abbey House to the west is five-storeys. Whilst Vanguard House is 7-storeys it is set back from Grays Place by virtue of car parking and landscaping and steps down in height towards Grays Place.

10. Within TCA 2, whilst the adjacent Intercity House is 4-10 storeys, it steps down to four to five storeys at its Grays Place frontage. Rivington Apartments, an 8-15 storey apartment block lies beyond Intercity House and the Holiday Inn (9 storeys) is situated close to the railway station. However, these are more remote from the appeal site and closer to the railway station and town centre.
11. Consequently, whilst I acknowledge the presence of taller buildings in the wider area; the area immediately surrounding the appeal site is characterised by lower rise buildings which create a more intimate feel around Grays Place. Furthermore, I note that existing buildings have at least some space around them enabling the incorporation of some, albeit limited landscaping. Given the lower density of the development surrounding Grays Place, I consider that the immediately surrounding area has a medium-high sensitivity to the type of development proposed; in contrast to the TA which considers the sensitivity of the townscape to this type of change to be low.
12. The three-storey office building occupying the appeal site dates from the mid-1960s and sits adjacent to the corner of Stanley Cottages which forms the southern road frontage and Grays Place which provides the western frontage. The building is set back from the street frontages with car parking situated between the building and these frontages. The car parking to the north lies outside the appeal site and serves the flatted development to the east. The building has clean lines and is relatively unassuming; however, it has a utilitarian appearance which contrasts with the more recent high quality residential development. Consequently, I agree with the TA that the existing building does not make a positive contribution to the character and appearance of the area.
13. The proposed development would involve the demolition of the existing 3-storey building and its replacement with a 5 to 8 storey building. The building would rise from 5-storeys at the eastern side of the site, adjacent to Intercity House to 8-storeys at the western side of the site adjacent to Grays Place. Access would be from the door and lobby at the north-western part of the building.
14. The proposed development would be set back from Grays Place by virtue of the existing car park to the north. However, the proposal would immediately front onto Stanley Cottages on its southern boundary, occupying the area currently used as car parking. There would be a slightly greater distance between the proposed development and Intercity House to the east, albeit limited. However, the proposed development would occupy a high proportion of the site in contrast to the developments surrounding the appeal site which have at least some landscaping, small gardens or space provided by car parking. The footprint of the building would be approximately double that of the existing building resulting in a density of around 503 dwellings per hectare. Consequently, there would be a significant increase in density on the site compared to the existing situation.
15. The TA includes verified views taken from two viewpoints. The first viewpoint, VP1 is taken from the junction of Stoke Gardens with the B416 looking across the junction towards Stanley Gardens. The 5-storey Abbey House and the lower-level bus depot can be seen in the foreground. The appeal site can be seen in the centre whilst the 4-10 storey Intercity House forms a backdrop. Nevertheless, the change from 3 to 8 storey development would result in a high magnitude of effect. Whilst the wireline on VP1 shows that the 8-storey part of the proposal would sit between the heights of Abbey House and Intercity House, the full impact of the 8 storey

elevation would be readily apparent. Consequently, I consider that the TA has underestimated the magnitude of visual effect of the proposal from VP1.

16. Viewpoint 2 (VP2) is taken from the eastern end of Grays Place, with the corner of Intercity House and Grays Place properties in the foreground and Abbey House and Vanburgh Court in the background. From VP2, the proposed development would step up from 5 storeys at Intercity House to 8 storeys on the corner of Grays Place. As can be seen from VP2 the proposal would be significantly higher than Abbey House (5 storeys) and indeed the 4 to 4.5 storey dwellings on Grays Place. The mass and bulk of the 8-storey building would appear as incongruous addition in relation to generally lower density development surrounding Grays Place. Consequently, in contrast to the TA, I consider that the proposal would have a harmful, negative visual effect from VP2.
17. When viewed from Grays Place, the full extent of the 8-storey western elevation would be readily apparent with only a small set-back for the loading bay. The 8-storey western elevation would dominate this section of Grays Place and appear overbearing and at odds with the adjacent 4 storey and 5 storey buildings. When walking along Grays Place, the proposed building would appear dominant and overbearing. Consequently, I consider that the magnitude of visual effect would be greatest in this location resulting in a significant, harmful impact on the character and appearance of the streetscape.
18. Due to a combination of the high site coverage and significant height the proposal would result in a development with substantial mass and bulk which would dominate the streetscape and appear incongruous in the context of the lower rise/density buildings around Grays Place. Overall, I consider that the substantial height, mass and bulk of the building would cause significant harm to the character and appearance of the area.
19. I note that paragraph 4.3 of the SRF identifies the site within the 'Urban Scale' of 5-7 storey and on the edge of the 'Dense Urban Scale' of 6-8 storey. Appendix 2 to the SRF sets out broad development principles for sites within the Framework area. It identifies that the appeal site should be a residential block of four storeys with additional set back storey providing frontage to Grays Place to the northern and western side of the site and a potential capacity of around 36 dwellings. This indicates a maximum of 5 storeys on the site. Consequently, the proposal would not be consistent with the SRF. Whilst the proposal would only be one storey more than the suggested 5-7 storey development in this area; the SRF is only a guide and any scheme must be considered within the context of its surroundings. Nevertheless, as the SRF has not been adopted as an SPD, I accord this conflict only limited weight.
20. The draft Interim Planning Framework (IPF) (July 2019) (CD2.4) prepared to support the preparation of the emerging new Local Plan, identifies an area north of the railway line, including the appeal site, as being an "Area of Change" and also as an area for 'medium rise buildings' (figures B and D). The document defines 'medium rise buildings' as being "about 10 storeys for the purposes of the Framework" (paragraph 8.3.10). The proposal would be broadly consistent in this regard. Nevertheless, any development must be appropriate for its context and have regard to the character and appearance of its surroundings. For the reasons stated above this would not be the case. In any event, the IPF has not been adopted as an SPD and so I can only accord it limited weight in my Decision.

21. Whilst not cited in the reasons for refusal attention is drawn to Core Policies 1, 3 and 4 of the Slough Local Development Framework Core Strategy (CS) 2006-2026 which set out the spatial strategy and housing distribution for the area and the approach to the type of housing respectively. Whilst I acknowledge that they all seek to concentrate high density development within the town centre, proposals must be considered in the context of the development plan as a whole, including Core Policy 8 and Core Policy 9 which, amongst other things, seek to secure high quality design.
22. In conclusion, the proposal would harm the character and appearance of the area. It would therefore, conflict with Core Policies 8 and 9 of the CS, saved Policies EN1 and EN3 of the Slough Local Plan 2004 which collectively seek to secure a high quality of design which improves the quality of the environment/surroundings and respects the character and distinctiveness of existing buildings and secure landscaping schemes.
23. Furthermore, the proposal would conflict with paragraphs 130, 132 and 134 of the National Planning Policy Framework 2021 (the Framework) which seek to ensure that developments secure high-quality buildings and places, which have a good design, are visually attractive and sympathetic to local character.

Living Conditions

24. The proposed development would be 5-storeys high at the eastern end of the appeal site. The separation between the eastern elevation of the proposed development and the western elevation of Intercity House would be around 12.5m to 13.5m, greater than the separation between the existing buildings.
25. Figures 57-59, Part 2 of the Design and Access Statement (D&A), shows the ground floor to fourth floor layout of the western end of Intercity House in relation to the layout of the appeal proposal. In addition, the Daylight and Sunlight Assessment (CD1.14) contains a window numbering system. I have utilised both documents for ease of reference in my analysis of the effect of the proposal on outlook below.
26. It is clear from the plans in Figure 57 that the ground floor of Intercity House is not in residential use and so no impact would arise there. Occupiers currently have a partial view from the northern most bedroom windows (88, 94, 100), on the west elevation of Intercity House onto the eastern elevation of Automotive House with peripheral views along Grays Place. Whilst the proposed building would be higher than the existing, there would be greater separation between the buildings than currently exists. Furthermore, the building line of the proposed development would be very similar enabling those peripheral views to be retained. Consequently, I consider that occupiers of those rooms would have sufficient outlook.
27. The windows which sit centrally on the western elevation of Intercity House (89, 90, 95, 96, 101) all serve single aspect bedrooms. Windows 95, 96, and 101 currently face onto the end elevation of Automotive House. Whilst the proposed building would be higher, the separation between buildings would be greater. Consequently, I consider that there would be negligible impact on the outlook of occupiers from those bedroom windows. Occupiers of bedrooms served by windows (89, 90) on the third floor may have views over the roof of the existing building at present, although these would be limited. Any outlook over the roof of Automotive House would be lost as a result of the proposed development. Occupiers would instead look out onto the eastern elevation of the appeal proposal

at a distance of only around 12.5-13.5m. Consequently, there would be a negative impact on the occupiers outlook from those rooms.

28. There are two windows serving bedrooms (84, 85) on the fourth floor of Intercity House. Occupiers currently have an outlook from those windows over the roof of Intercity House. Whilst occupiers of the bedroom served by window 84 would face onto the eastern elevation of the appeal proposal a peripheral outlook may be retained around the appeal building along Grays Place. Outlook would also be retained from the door/window onto the roof terrace. Consequently, occupiers would retain sufficient outlook from that room. Occupiers of bedroom 3 (window 85) would face onto the eastern elevation of the appeal building at a distance of only 12.5m to 13.5m. Consequently, there would be a negative impact on the living conditions of the occupiers of bedroom 3.
29. The impact on the outlook of occupiers from the identified bedroom windows would be significantly affected where they are only single aspect, particularly due to the increase in home working which means that bedrooms are often used more during the day.
30. The 1st to 4th floors of Intercity House has apartments which each have a dual aspect open plan living room/dining room/kitchen on the south-west corner. They each have two windows (86, 87, 91, 92, 97, 98, 102, 103) serving the open plan room on the western elevation. Occupiers of rooms served by windows 97 and 102 on the first and second floor will currently have at least a partial outlook onto the end elevation of Automotive House with potential for peripheral outlook along Stanley Cottages. Occupiers of the room which serves window 91 will have at least a partial view over the top of Automotive House. Occupiers of the rooms serving the remaining windows will have an outlook past Automotive House and along Stanley Cottages at present.
31. Occupiers of the rooms serving all of the above windows would instead look out fully on to the eastern elevation of the proposed development. The shared rooms are also served by a balconies and occupiers would, therefore, retain an outlook from there to the south. However, the building line of the proposed development would sit forward of the existing building on Stanley Cottages and so there would be some loss of peripheral outlook from the balconies. Furthermore, occupiers of the shared living space would have to step out onto their balconies in order to obtain an outlook. Consequently, I consider that the outlook of occupiers of those rooms would not be compromised.
32. Appendix 2 of the TA assesses the separation distances of a number of neighbouring developments. It points out that the separation distance of the proposed development and Intercity House is greater than some recent developments including between Vanburgh Court and Abbey House which is around 9m. However, I do not have sufficient details to assess the degree to which these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
33. At the Hearing, attention was drawn to the Slough Residential Extension Guide 2010 which has a minimum separation distance of 15m. The separation distance between the appeal building and Intercity House would fall short of that by around 1.5 to 2.5m, although I acknowledge that this relates to house extensions in a more suburban environment. The appellant suggested at the Hearing that expectations of the occupiers of town centre apartments in terms of outlook would be different to that of suburban residents. However, all occupiers should be able to

expect a high standard of amenity in accordance with paragraph 130 of the Framework.

34. Consequently, I consider that the proposal would have an unacceptable effect on the outlook of existing occupiers at Intercity House. It would, therefore, be contrary to Policy EN1 of the Slough Local Plan 2004 and Policies 8 and 9 of the CS which seek to secure that development proposals are a high standard of design which is compatible with their surroundings with regards to, amongst other things, the relationship to nearby properties. Conflict would also arise with paragraphs 126, 130, 132 and 134 of the Framework which, amongst other things seek to secure good design with a high standard of amenity for existing and future users.

Policy SKL3

35. The site is allocated under site reference SKL3 Stoke Road and Mill Street in the Slough Local Development Framework Site Allocation Development Plan Document (SA DPD) (CD2.3) for possible residential or mixed-use development. The allocation includes a wider area including the bus depot, land to the north of Grays Place, including Mill Street and land to the east including Intercity House. The site planning objectives are that the Stoke Road area needs to be comprehensively planned; provide for an overall mix of uses; and rationalise the road and pedestrian network. In addition, the policy requires compliance with the principles of the 'Slough Town Centre Urban Design Framework SPD' which it is stated will provide guidance on the height and scale of development that will be allowed in the area north of the station.
36. Reference is also made to the policy for the existing business area which prevents the loss of employment land and that residential or mixed use development may be appropriate as part of the comprehensive regeneration of the area. This reference is to saved Policy EMP6 of the Local Plan which states that within the Stoke Road, Mill Street and Grays Place areas, redevelopment schemes which provide a range of business and residential uses will be permitted subject to criteria.
37. Reason for refusal 2 states that any acceptable development at the application site that is not co-ordinated with the development of the bus depot to the south must extend the footpath around the site's two street frontages, to ensure that the pedestrian requirements of both sites can be provided. However, there is not a specific requirement within Policy SKL3 for a footpath to be provided around the site. A footpath would be provided between the loading bay and the appeal building. Whilst no footpath would be provided on the southern boundary of the appeal site, the existing footpath to the north of the bus depot can be utilised. Consequently, I am satisfied that the appeal proposal would not hinder the objective to rationalise the road and pedestrian network.
38. The Council acknowledge that piecemeal development has occurred over the majority of the land within the allocation. The appeal site and the bus depot site are the only significant sites which remain to be developed. The bus depot site is still operational and there are no plans for its relocation and redevelopment. Consequently, it would be unreasonable to sterilise the appeal site until a scheme emerges on the bus depot site. The appellant has provided an indicative layout of how the bus depot site could be developed. Whilst only one of a potential number of ways to bring forward development it, nevertheless, demonstrates that the appeal proposal would not hinder the redevelopment of the bus depot site.

39. Taking the above into account, I conclude that the proposal would not be contrary to Policy SKL3 of the Site Allocations Document with regard to the specific matters identified above.

Safe and accessible environment

40. Paragraph 92 of the Framework sets out that planning policies and decisions should aim to achieve health, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – 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.
41. Part of reason for refusal 4 relates to security concerns raised by Thames Valley Police Crime Prevention Design Advisor which remained unresolved. These include, a risk of anti-social behaviour in the ground level communal garden due to the lack of surveillance, along with issues related to communal access.
42. Parties agreed at the hearing, that concerns relating to communal access to the building can be addressed by a condition requiring an access control strategy which would ensure that access to corridors on each floor could be controlled by a separate door/key fob.
43. The communal garden would be situated to the east of the proposed development between the east elevation and Intercity House. Whilst I note that there only high-level windows serving the ground floor apartments of the appeal proposal there are numerous windows on the western elevation of Intercity House which would provide passive surveillance of the garden. Furthermore, CCTV and security lights could be agreed by planning conditions relating to crime prevention and external lighting. Access to the garden could also potentially be controlled by fencing and a gated access, subject to appropriate design of the fencing. This can be addressed by a boundary treatment condition and also a condition requiring an access control strategy.
44. Access to the roof gardens on the 5th and 6th floors could also be controlled through an access control strategy in order to avoid anti-social behaviour. Gates in the wall of the roof garden are required for the maintenance of the adjacent planters and could be locked, secured by a condition requiring the access control strategy.
45. The placement of a pergola on the 6th floor roof garden has raised concerns that people could climb on the edge of the building; however, the edge of the communal area would be protected by a high-level planter which would help to prevent people climbing or the pergola could be omitted. These could be addressed at the detailed design stage had I decided to allow the appeal.
46. The proposed development would be car-free, and concerns were raised by the crime advisor that this may lead to competition for car parking spaces in the area and neighbour disputes. However, the appeal site is situated close to the town centre, railway station and would provide cycle parking spaces. A club car space would also provide access for residents to a car. Furthermore, potential purchasers of the proposed flats would be aware of the absence of car parking. I do not consider that the car-free nature of the development would lead to anti-social behaviour.
47. The under-croft parking area is overlooked by ground floor windows and the residents of Intercity House. Furthermore, security lights and CCTV camera could

also be provided as part of any planning conditions covering crime prevention and external lighting.

48. Secure by design letter boxes could be provided and should the concierge service be removed a secondary lobby could be provided to control access to the mail boxes. The parcel window could also be tinted and the ground floor windows could be laminated glass.
49. A secure lobby for the door on the eastern elevation which provides a route to the car parking spaces and garden area could be provided and secured by condition. Consequently, all of these matters could be controlled by planning condition.
50. In conclusion, the proposal would provide a safe and accessible environment for existing and future occupiers subject to conditions, had I decided to allow the appeal. It would, therefore, not conflict with Policy 12 of the Slough Borough Council's Core Strategy 2006-2026 which seeks to ensure that new development is designed to create safe and attractive environments. Neither does conflict arise with paragraph 92 of the Framework in this regard.

Highway safety

51. The appeal site is situated on the corner of Stanley Cottages and Grays Place. Stanley Cottages is a two-way street with a 30mph speed limit which terminates in a cul-de-sac. It has a footway along the southern side of the carriageway and a row of perpendicular parking associated with the existing Automotive House along the northern side of the carriageway. Parking also exists on the western perimeter of the building. Overall, there is surface parking for up to 23 vehicles on the perimeter of the appeal site.
52. Stanley Cottages and Grays Place are currently subject to single yellow line parking restrictions which prevents vehicles from parking between Monday to Saturday 8am-7pm.
53. There is a gated access to Intercity House at the end of Stanley Cottages; however, this is used only 1-2 times per year for maintenance purposes. Traffic using Stanley Cottages is, therefore, limited to traffic movements generated by the row of parking spaces along the southern edge of Automotive House. There is no through route for traffic, pedestrians or cyclists.
54. The parties agree that the appeal proposal should be car-free given its highly accessible location within a Public Transport Accessibility Level (PTAL) rating of 5 which indicates the highest level of public transport access achievable. However, it is proposed to provide 2 disabled parking spaces at the eastern end of the proposed building. This would result in a net reduction in parking associated with the site due to the removal of the existing row of perpendicular parking spaces along the southern edge of the building. Consequently, there would be a significant reduction in traffic flows along Stanley Cottages.
55. The disabled parking bays would be set back from the edge of the carriageway to enable a large car to turn within the site and highway and the swept path analysis is shown on the proposed site layout plan.
56. The Highways and Transport Team at the Council recommend that the proposal demonstrate pedestrian visibility splays of 2.4m x 2.4m provided from the access point to the proposed development. However, the appellant disputes that the two disabled parking spaces would be considered a site access junction, i.e. a priority

junction with the parking spaces as the minor arm and Stanley Cottages as the major arm. He, therefore, considers that the visibility design guidance for junctions should not be applied.

57. The SBC's Developer's Guide Part 3 (Transport and Highway Guidance) (section 6, page 18) states that highway works should be designed in accordance with Manual for Streets. The MfS sets out visibility splay guidance for junctions as well as design guidance for parking spaces, including disabled parking spaces.
58. The MfS recommends a visibility splay of 2.4m x 43 for a minor arm junction with a major arm with a speed limit of 30mph. The appellant considers that applying these visibility splay requirements to parking spaces would mean that a car parked in an adjacent space would block the visibility splay. Consequently, the appellant considers that the application of the MfS guidance for visibility along the street edge and MfS Guidance for the design of disabled parking spaces is more applicable to the proposed development.
59. The disabled parking bays meet the MfS Guidance for the design of disabled parking bays. With regards to visibility splays along the street edge paragraph 7.8.3 of the MfS states that 'the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously'. It goes on to say that 'consideration should be given to whether this will be appropriate, taking into account the frequency of vehicle movements; the amount of pedestrian activity; and the width of the footway'.
60. Taking each of those in turn, Stanley Cottages is a cul-de-sac and only two parking bays are to be provided. There would only be very limited use (1-2 times per year) of the gated access at the end of Stanley House for Intercity maintenance. There would be three parking spaces proposed on the southern side of Stanley Cottages for a club car space and two short stay parking spaces in addition to the two disabled parking spaces. Consequently, the number of vehicular movements would be limited.
61. There would be limited pedestrian activity along Stanley Cottages as there are no pedestrian desire lines. The main entrance to the proposed building would be on the western side. There is a pedestrian footway on the southern side of Stanley Cottages which pedestrians would use. The appellant proposes to clear the pedestrian footway for those who wish to use it.
62. There would, however, be use of the secondary pedestrian access to the building from the parking spaces. This would also be utilised by cyclists who would utilise the access to leave and return to the site. There is cycle storage for 52 bikes, one per apartment, and so the number of daily cycle trips could be relatively high. Consequently, there is potential for cycle/vehicular conflict.
63. Paragraph 7.8.3 refers to 'the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously'. However, the access would be subject to a higher number of trips (by cyclists) than would be expected for a private drive. Consequently, there is potential for a car emerging from the site to conflict with a cyclist entering. Nevertheless, I acknowledge that both vehicles and cyclists would be moving very slowly as they emerge from and approach the site. Consequently, I consider that the Council's suggested condition requiring a 2.4m by 2.4m visibility splay would not be required.

64. In conclusion, the proposal would not harm highway safety and would not, therefore, conflict with Policy 7 of the CS which amongst other things expects development proposals to improve road safety. Neither would conflict arise with paragraphs 110 and 112 of the Framework which together seek to ensure that developments achieve a safe and suitable access for all users which give priority to pedestrian and cycle movements.

Affordable housing - late-stage viability review

65. Core Policy 4 of the CS requires residential developments of 15 or more dwellings to provide between 30-40% of the dwellings as social rented along with other forms of affordable housing. A Financial Viability Assessment (Feb 2022) (CD1.15) has been submitted by the appellant which sets out the case that the development would not be able to support affordable housing either on-site or by way of an off-site contribution. The Council does not dispute that the scheme would not be able to support affordable housing provision and on the evidence before me, I have no reason to disagree. However, it considers that the s106 obligation should include a late-stage viability review.
66. The Planning Practice Guidance (009 Reference ID: 10-009-20190509) states that Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement how and when viability will be assessed over the lifetime of the development to ensure policy compliance. Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of the development, there should be a clear agreement of how policy compliance can be achieved over time.
67. Core Policy 4 does not set out the requirement for an early/late-stage review mechanism. The Council highlight Part 2 of the Slough Developer's Guide updated 2017 – Developer Contributions and Affordable Housing which requires a review mechanism within a Section 106 obligation, where it is agreed without being policy compliant with the affordable housing policy. However, whilst approved at the Council's planning committee, the guide does not appear to be adopted as an SPD which limits the weight I can attach to it in my Decision. Consequently, the requirement for a review mechanism does not meet the PPG guidance for the circumstances for a review mechanism to be set out in a Plan.
68. Furthermore, the proposal is for a relatively small, flatted development which would be a single, as opposed to multi-phased development, completed relatively quickly. Moreover, the VA highlights that there is a significant deficit in the scheme. Even without any affordable housing contribution, the scheme would generate a deficit of -£2,023,831 and so viability is not marginal. Taking the above into account, a viability review mechanism is not justified in the particular circumstances of this case. I cannot, therefore, take account of this particular obligation in my Decision.

Other Matters

69. Attention is drawn to an appeal decisions¹² (CD6.1; CD6.3; CD6.4) in which Inspectors have attributed significant or considerable weight to the contribution which those schemes made to the housing land supply in Slough where a shortfall

¹ Appeal reference: APP/J0350/W/19/3224244-Proposal for mixed retail, storage and residential development, 17-31 Elmshott Lane, S6.3; CD6.4; lough

² Appeal reference: APP/J0350/W/20/3265173-Proposal for 41 dwellings, the Former Willow Tree, 62 Station Road, Langley, Sough

had been identified. In the second case, it was determined that the adverse effects would not significantly and demonstrably outweigh the benefits. An additional appeal decision³ is cited whereby the Inspector considered that the need for housing outweighed the presumption against development in the Green Belt and the very substantial weight which was accorded to Green Belt harm. However, the full details of those cases have not been provided and so I cannot be certain that they are directly comparable. Indeed, rarely are two or more cases directly comparable to another, particularly when it comes to weighing the benefits and harms of a case to reach a judgment. The degree of harm and any benefits will inevitably be different in each case. I have determined this appeal decision on the particular merits of this case.

106 Obligation

70. The s106 UU seeks to secure a number of planning obligations relating to education, a Traffic Regulation Order and contributions required to mitigate the effect of residential development on the Burnham Beeches SAC. However, as I have found that the development is unacceptable for other reasons, there is no need to consider these matters further.

Planning Balance

71. I have concluded that the proposal would not conflict with some policies of the Plan with regards to main issues 3, 4 and 5 above. However, I have concluded that there would be significant harm to the character and appearance of the area and the living conditions of existing occupiers resulting in conflict with Core Policies 8 and 9 of the CS and Policy EN1 and EN3 of the Local Plan. As these policies go to the heart of the decision, I consider that the proposal conflicts with the development plan taken as a whole.
72. It is agreed by the parties that there is a shortfall in the supply of deliverable housing land that is less than 5 years. The Council consider that the current supply of deliverable housing land amounts to 2 years supply whilst the appellant considers that the supply amounts to only 1.7 years supply. Furthermore, the most recent Housing Delivery Test results for 2021 conclude that only 66% of the required level of housing was provided in the Borough. Whilst parties disagree about the extent of the shortfall, even taking the Council's supply position of 2 years supply, I consider the shortfall to be considerable and significant. Consequently, paragraph 11d of the Framework is engaged.
73. In the absence of a five-year supply of housing land, the most important policies for determining the appeal are out of date. Furthermore, both the CS and the Local Plan pre-date the 2012 Framework. That is not to say, however, that any conflict with relevant policies should be disregarded. That will depend on their consistency, or otherwise, with the policies in the Framework.
74. The development proposed would have a significant, adverse effect on the character and appearance of the area. That brings the development into conflict with Policies 8 and 9 of the CS, and saved policies EN1 and EN3 of the Local Plan. The proposed development would also have an adverse impact on the living conditions of occupiers of Intercity House with regards to outlook which attracts conflict with Policies 8 and 9 of the Core Strategy and Policy EN1 of the Local Plan.

³ Appeal reference: APP/B1930/W/20/3265925- Roundhouse Farm, Land off Bullens Green Lane, Colney Heath

75. Core Policy 8 sets out requirements for environmentally sustainable development with a high standard of design and without giving rise to unacceptable impacts in terms of pollution and flooding are relevant to all new development. Furthermore, it requires development within existing residential areas to respect the amenities of adjoining occupiers which has clear synergy with paragraph 130f of the Framework. Parties agree that it remains consistent with national policy and I have no reason to take a different position. Consequently, I accord full weight to the conflict with the policy in my decision.
76. Core Policy 9 seeks to protect, amongst other things the historic environment and respect the character and distinctiveness of existing buildings, townscapes and landscapes. The policy is written in absolute terms, requiring development to be refused if there is any conflict with policy and so it does not take into account the wider balancing exercise advocated by the Framework. Nevertheless, the aims and objectives of the Policy have a great deal of synergy with paragraphs 126, 130, 132 and 134 of the Framework which seek to ensure that developments secure high-quality buildings and places, which have a good design are visually attractive and sympathetic to local character. On that basis, I consider that the conflict with the policy can attract at least moderate weight.
77. Policy EN1 seeks to ensure that development proposals reflect a high standard of design and must be compatible with and/or improve their surroundings in relation to a range of criteria, including relevant to the appeal, scale, height, massing and bulk, visual impact and the relationship with neighbouring properties. It goes onto say that these factors will be assessed in the context of each site and immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused. I agree with the appellant that the policy lacks the more nuanced approach of the Framework which requires a balanced judgement taking into account the shortfall of housing land and to make efficient use of land. Nevertheless, the objectives of the policy reflect paragraph 126 of the Framework which seeks to ensure that developments achieve good design, are visually attractive, and are sympathetic to local character and history. Moreover, the policy strongly resonates with paragraph 134 of the Framework which states very clearly that development that is not well designed should be refused. Synergy also exists with paragraph 130f of the Framework with regards to ensuring a high standard of amenity for existing and future users. Consequently, I attach at least moderate, if not almost full weight to the conflict with Policy EN1.
78. Parties agree that Policy EN3 (Landscaping) is one of the most important policies for determining the appeal and that the policy is in general accordance with the Framework. Consequently, I afford full weight to the conflict with the policy in my decision.
79. Whilst I have not found the proposal to be in conflict with Policy SKL3, I nevertheless, consider that due to the absence of a five-year land supply and also the situation on the ground only limited weight can be accorded to the Policy in my Decision.
80. Whilst I have found no conflict with Policy 10, parties agree that it is one of the most important policies for determining the appeal and that it is consistent with the Framework. Full weight can, therefore, be accorded to the compliance with the Policy in my decision.

81. Whilst I have found that the development would provide a safe and accessible environment and would not conflict with Policy 12 of the CS; parties agree that it is not one of the most important policies for determining the appeal and I agree. That said, there is no suggestion that the policy is inconsistent with the Framework. I have not found conflict with Policy 7 (Transport) and parties agree that it is one of the most important policies for determining the appeal and that it is consistent with the Framework. Full weight can, therefore, be accorded to the compliance with the Policy in my decision.
82. Whilst not cited in the reasons for refusal, attention is also drawn to Policy 1 of the CS which sets out the spatial strategy for the area. It directs development to within the built-up area, predominately on previously developed land. It also directs development for high density development to appropriate parts of the town centre. It goes on to say that elsewhere the scale and density of development will relate to the sites current accessibility, character and surroundings. Policy 3 of the CS -Housing Distribution directs development to the town centre or other appropriate urban areas. Core Policy 4 relates to the type of housing, directing high density housing to Slough Town Centre and requires a minimum density of 37 dwellings per hectare. Parties agree that these policies comply with the Framework.
83. The proposal would make contributions to education provision and include measures to mitigate the effect of the development on the SAC. Contributions would also be made to securing a Traffic Regulation Order to mitigate the low level of parking proposed in the development. These contributions are merely required to mitigate the effect of the development. The parties agree that the proposal would have no adverse effect on the living conditions of existing or proposed occupiers in terms of daylight/sunlight, privacy and internal space standards. The proposal would not result in adverse impact on the significance of the Grade II listed buildings at Slough Station. Furthermore, I have concluded that the proposal would not have an adverse effect on highway safety and that it would provide a safe and accessible environment. I also agree that a financial viability review is not required in relation to affordable housing provision. However, these are all neutral factors in this case.
84. The proposal would contribute to the supply of housing land where there is currently a significant shortfall consistent with paragraph 60 of the Framework which seeks to significantly boost the supply of housing. I attach substantial weight to the contribution which the development would make to the housing land supply in my Decision.
85. Parties agree that the proposal would result in investment in the town, through the creation of a number of temporary jobs in the short term and it would also result in longer term benefits from increased expenditure from the additional occupiers. The full economic benefits are set out at Appendix 5 of the Appellant's Statement and summarised in the SoCG and paragraphs 12.7 to 12.10 of the Appellant's Statement of Case. I attach significant weight to these economic benefits.
86. It is also agreed that the site is in a location which benefits from access to a range of public transport connections. In addition, the proposal would lead to a reduction in vehicular movement and car use within the town centre, matters to which I attach significant weight. Furthermore, the proposal would redevelop previously developed land within a sustainable location a matter to which I attach substantial

weight. Consequently, the considerations in favour of the development collectively carry significant to substantial weight.

87. However, I have determined that the proposal would have a significant harmful effect on the character and appearance of the area and harm the living conditions of existing occupiers. Overall, I consider that the proposal conflicts with the Framework taken as a whole. Consequently, I consider that the cumulative adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Neither are the benefits sufficient to overcome the statutory presumption in favour of the development plan.

Conclusion

88. For the reasons stated and taking all other considerations into account the appeal is dismissed.

Caroline Mulloy

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Peter Goatley KC

Mr Tim Waller BA (Hons) MSc PgDip MRTPI

Mr Andy Williams BA (Hons) DipLA DipUD CMLI

Ms Kirsty McMullen Meng MCIHT

FOR THE LOCAL PLANNING AUTHORITY:

Mr Michael Scott-Principal Planning Officer SBC

Ms Neetal Rajput -Team Leader SBC

Mr Ben Amey- Principal Transport Planner SBC

Hearing Documents

Core Documents

CD Ref	Name
CD1 - Application Documents	
CD1.1	Application forms and certificates
CD1.2 (a-d)	Design and Access Statement
CD1.3	Supporting Planning Statement
CD1.4	Townscape Analysis
CD1.5	Fire Statement
CD1.6	Flood Risk Assessment and Drainage Strategy
CD1.7	Heritage Statement
CD1.8	Surface Water Drainage Pro-Forma
CD1.9	Noise Assessment
CD1.10	Phase I Geo Environmental Risk Assessment
CD1.11	Shadow Appropriate Assessment
CD1.12	Energy statement
CD1.13	Transport Technical Note
CD1.14	Daylight and Sunlight Assessment (Jonathan Nash)
CD1.15	Financial Viability Assessment
CD1.16	Daylight, Sunlight and Overbearing Assessment (Hawkins Environmental)
CD1.17	Proposed Block and Location Plan 19039-GAA-ZZ-ZZ-DR-T-0120 Rev.P02
CD1.18	Proposed Ground Floor and Site Plan 19039-GAA-ZZ-GF-DR-T-2020 Rev.P20
CD1.19	Proposed South Elevation 19039-GAA-ZZ-XX-DR-T-2120 Rev.P11
CD1.20	Proposed North Elevation 19039-GAA-ZZ-XX-DR-T-2121 Rev.P09
CD1.21	Proposed East and West Elevations 19039-GAA-ZZ-XX-DR-T-2122 Rev.P09
CD1.22	Proposed South Elevation 1 19039-GAA-ZZ-XX-DR-T-2123 Rev.P04
CD1.23	Proposed North Elevation 1 19039-GAA-ZZ-XX-DR-T-2124 Rev.P04
CD1.24	Proposed East and West Elevations 19039-GAA-ZZ-XX-DR-T-2125 Rev.P04
CD1.25	Proposed Section A-A 19039-GAA-ZZ-XX-DR-T-2201 Rev.P04
CD1.26	Proposed Section B-B 19039-GAA-ZZ-XX-DR-T-2202 Rev.P03
CD1.27	Proposed Sections C-C and D-D 19039-GAA-ZZ-XX-DR-T-2203 Rev.P05
CD1.28	Proposed 1st and 2nd Floor Plans 19039-GAA-ZZ-ZZ-DR-T-2021 Rev.P12
CD1.29	Proposed 3rd and 4th Floor Plans 19039-GAA-ZZ-ZZ-DR-T-2022 Rev.P12
CD1.30	Proposed 5th and 6th Floor Plans 19039-GAA-ZZ-ZZ-DR-T-2023 Rev.P11
CD1.31	Proposed 7th and Roof Plans 19039-GAA-ZZ-ZZ-DR-T-2024 Rev.P06
CD1.32	Proposed Ground Floor Planting Plan 19039-LA-01-P1
CD1.33	Proposed 5th and 6th Floor Landscaping Plans 19039-LA-02-P1
CD2 - Local Policy and Guidance Documents	
CD2.1	Slough Local Plan 2004 (Saved Policies)
CD2.2	Slough Core Strategy DPD 2006-2026
CD2.3	Slough Site Allocations DPD
CD2.4	Centre of Slough Interim Planning Framework
CD2.5	Slough Regeneration Framework (Third Draft)
CD2.6	Slough Regeneration Framework (Final Draft), Executive Summary
CD2.7	Slough Regeneration Framework (Final Draft), Appendices
CD2.8	Slough Developer's Guide Part 2 (Developer Contributions and Affordable Housing)
CD2.9	Slough Developer's Guide Part 3 (Transport and Highway Guidance)
CD2.10	Slough Developer's Contributions for Education and Children's Services

CD3 - National Policy and Guidance Documents	
CD3.1	National Planning Policy Framework July 2021
CD3.2	National Planning Practice Guidance
CD4 - Appellant Documents	
CD4.1	Crime Prevention Design Advisor Representation
CD4.2	Housing Delivery Action Plan 2019
CD4.3	Draft Slough Annual Monitoring Report 2021/22
CD4.4 (a-d)	Appellant's Statement of Case, Appendices and hyperlink documents
CD4.5	Transport Data Summary
CD4.6	Financial Viability Assessment, Addendum Report
CD5 - Council Documents	
CD5.1	Report to Planning Committee
CD5.2	Decision Notice
CD5.3	Slough Annual Monitoring Report 2021/22
CD5.4 (a-e)	CIL Compliance Statement and Appendices
CD5.5	Late-Stage Viability Review Justification
CD5.6	Extracts from S106 agreement and red line plan, Intercity House permission (P-10406-006)
CD6 - Appeal Decisions	
CD6.1	APP/B1930/W/20/3265925, Roundhouse Farm, Colney Heath
CD6.2	APP/V1505/W/21/3281212, Basildon Town Square North, Basildon
CD7 - Appeal Documents	
CD7.1	Agreed Statement of Common Ground
CD7.2	Agreed Statement of Common Ground - Housing Land Supply
CD7.3	S106 Agreement (unsigned, but agreed text, engrossment version)