
Appeal Decision

Hearing held on 11 & 12 November 2025

Site visit made on 12 & 13 November 2025

by Beverley Wilders BA (Hons) PgDURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/J0350/W/25/3364859

The Willow Tree, 62 Station Road, Langley, Slough SL3 8BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Redsky Willow Tree Ltd against the decision of Slough Borough Council.
 - The application Ref is P/01272/024.
 - The development is Part 1, Part-2, Part-3, Part-4 and Part 5-storey building containing 51 flats (Use Class C3) together with associated lift overrun and roof access, refuse storage, cycle parking and landscaping works. Additional works are also proposed to include: installation of cycle storage, green roof, photovoltaic panels, electric charging infrastructure, a door to replace window on southern elevation of refuse store and further landscaping works
-

Decision

1. The appeal is allowed, and planning permission is granted for a Part 1, Part-2, Part-3, Part-4 and Part 5-storey building containing 51 flats (Use Class C3) together with associated lift overrun and roof access, refuse storage, cycle parking and landscaping works. Additional works are also proposed to include: installation of cycle storage, green roof, photovoltaic panels, electric charging infrastructure and further landscaping works at The Willow Tree, 62 Station Road, Langley, Slough SL3 8BT in accordance with the terms of the application Ref P/01272/024, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development used in the heading above has been taken from the planning application form except for the removal of the term “retrospective application for” as this is not a description of development. The planning application form states that work started on the development in June 2023 but that it is not yet complete. It appears from the evidence that some of the proposed works have been carried out since the application was submitted and the appellant has suggested a slight amendment to the description of development to reflect this. In allowing the appeal I have used the revised description of development as it more accurately describes the development before me.
3. Planning permission was granted for 41 residential units (flats) on the site following an appeal in 2021¹ (2021 permission). In 2023 this permission was varied by the approval of a s73 application² (2023 permission). After this, various applications were made to the Council to discharge several conditions attached to the 2021 permission, but these have yet to be determined. At the hearing, noting the

¹ P/01272/012 & APP/J0350/W/20/3265173 allowed 31 August 2021

² P/01272/017 approved 4 August 2023

planning history of the site and the lack of evidence regarding the discharge of conditions, there was agreement between the parties that the previous permissions do not represent lawful fallbacks but rather are material considerations.

4. The issue of whether there had been any material change in circumstances since the determination of the appeal and 2023 application was discussed at the hearing. Whilst there have been numerous changes to the National Planning Policy Framework (the Framework) since, some of which relate to character and appearance and the use of brownfield land, none of these appear to be significant insofar as they affect the assessment of the development. Similarly it does not appear that there have been any significant and relevant changes to the site context.
5. Noting all of the above, whilst the previous permissions do not represent lawful fallbacks, I attach significant weight to them as material considerations and have determined the appeal accordingly.
6. The Council's decision notice includes six reasons for refusal. The agreed Statement of Common Ground (SOCG) states that following the submission of further information, the Council no longer wishes to defend reason for refusal 5 relating to noise. The SOCG also states that the parties were continuing to engage regarding reason for refusal 4 relating to land contamination and at the hearing, following the submission of further information, the Council confirmed that this matter had also been resolved and that it no longer wishes to defend reason 4.
7. Reasons for refusal 4 and 5 relate to concerns regarding occupiers of the development. Noting this and the fact that no concerns were raised by occupiers of the flats in relation to the matters of noise and land contamination, I am satisfied that no party would be prejudiced by my acceptance of the additional information at this stage and the determination of the appeal accordingly.
8. Reason for refusal 3 relates to affordable housing. Agreement on this issue was reached prior to the close of the hearing with the submission of an agreed statement from the parties regarding off-site contributions supported by updated development appraisals prepared by the respective valuers. Subject to the agreed contributions forming part of a completed S106 agreement, the Council confirmed at the hearing that it no longer wishes to defend this reason.
9. Concerns have been raised by interested parties in relation to affordable housing. However, noting that the amount of the off-site contribution for affordable housing now before me exceeds the amount proposed both at the time the application was determined and appeal submitted, I consider that no party would be prejudiced by me determining the appeal based on increased contributions. Interested parties have had the opportunity to comment on the approach to affordable housing and I have had regard to any comments received in relation to this matter.
10. Reason for refusal 6 relates to the absence of a legal agreement for the provision of affordable housing and funding for various matters. A draft S106 agreement was submitted during the appeal and discussed at the hearing and a completed S106 agreement was submitted following the hearing and to an agreed timetable. In determining the appeal, I have had regard to the completed S106 agreement.

Main Issues

11. Noting all of the above, the main issues are:

- whether occupiers of the development have been provided with acceptable living conditions having particular regard to privacy and noise and disturbance;
- the effect of the development on the living conditions of the occupiers of neighbouring properties having particular regard to privacy and outlook; and
- whether the design of the development and its effect on the character and appearance of the area is acceptable.

Reasons

Living Conditions Occupiers

12. A delivery and servicing bay is proposed at the front of the site, to the front of Flat 10, a single aspect one-bedroomed flat containing two full height windows serving a living area and bedroom. The distance between the windows and the delivery and servicing bay is minimal, with a strip of low-level planting proposed between the front of the flat and the edge of the bay.
13. Although the appellant suggests that the bay would only be used for short periods of time, with vehicles parked for up to 5 minutes at a time, 3 to 4 times a day, I consider that the scale of the development means that this is likely to be an underestimate. The increase in frequency of home working and use of on-line purchasing means that the use of the bay could be significantly more frequent than suggested. Moreover, deliveries and servicing are likely to be carried out by larger, taller vehicles such as vans, with associated noise from doors being opened and closed to access goods and equipment. The likely scale of the vehicles means that the proposed low-level planting would not wholly mitigate the effects of the use of the bay on the living conditions of the occupiers of Flat 10 resulting from overlooking and noise and disturbance and the likely level of use means that that the effect would be significant and materially harmful.
14. The development includes several, single aspect ground floor flats positioned adjacent to the parking area serving the development. All the windows to flats 6, 7 and 8 are positioned on the western elevation of the building and are full height. They serve bedrooms and living areas and are positioned very close to several parking spaces. At my post hearing visit I saw that the parking spaces are not numbered and at the hearing I was advised that specific parking spaces are not allocated to specific flats meaning that cars parked adjacent to flats 6, 7 and 8 could belong to any resident of the development who has a parking permit.
15. At the time of my visit I noted that planters containing evergreen hedging were positioned on the strip of land between flats 6, 7 and 8 and the adjacent parking spaces and that it is proposed that these be maintained at a height of 1 metre. I also note that addendums to the submitted noise and daylight/sunlight reports have been provided which confirm that noise from cars is unlikely to be audible above existing noise from the railway line to the north of the site and that the hedging will have minimal impact on daylight within the affected flats.
16. Noting all of this and the likely frequency of comings and goings associated with the parking spaces, whilst the spacing between windows and parking spaces is

relatively tight, the presence of a 1 metre high hedge should ensure that any effect on living conditions resulting from users of the parking area in terms of overlooking, noise and light disturbance will not be significant or materially harmful to the occupiers of the affected flats.

17. At the time of determining the application and during the appeal the Council's concerns in respect of living conditions of occupiers of the development also included noise affecting balconies; the effect of any noise mitigation measures to these balconies on living conditions; access to outdoor amenity space and the effect of any proposed screening measures between the affected ground floor flats and the parking/servicing area on living conditions. However, at the hearing and following the submission of further information and discussion, the Council stated that it no longer had any concerns regarding these aspects of the development.
18. Taking all of the above into consideration, whilst occupiers of flats 6, 7 and 8 have been provided with acceptable living conditions having particular regard to privacy and noise and disturbance, the provision of the proposed delivery and servicing bay would mean that the occupiers of Flat 10 would not be provided with acceptable living conditions. The fact that no concerns have been raised regarding the living conditions within the remainder of the flats and that all flats meet or exceed the nationally described space standard and have good levels of daylight and sunlight does not justify the unacceptable living conditions proposed for the occupiers of Flat 10 and the resultant significant harm.
19. The development is therefore contrary to Policy CP8 of Slough Core Strategy³ and to relevant paragraphs of the Framework relating to living conditions which seek, amongst other things, to ensure that development creates better places in which to live and does not give rise to unacceptable levels of pollution including artificial lighting or noise. Policies CP1 and CP4 of Slough Core Strategy and saved policies EN1 and H14 of the Local Plan for Slough⁴ were also referred to in the Council's reason for refusal relating to this issue but do not appear to be directly relevant to the issue of living conditions.

Living Conditions Neighbouring Properties

20. The appeal site is positioned adjacent to a two-storey semi-detached dwelling at 119 Alderbury Road (No 119). No 119 fronts onto Alderbury Road and has a reasonably long rear garden that adjoins the railway line to the north. The adjoining dwelling 117 Alderbury Road (No 117) has a similar arrangement with a patio area immediately to the rear of the dwelling. There is some landscaping within the rear garden area on No 119 which offers some limited screening of the site from the gardens of Nos 117 & 119 and there is also some landscaping along the western boundary of the appeal site, though at the time of my visit, this was not in leaf.
21. The development is positioned to the east of the dwellings and gardens at Nos 117 & 119 and other similar properties on the same side of the road. The western part of the site, adjacent to the boundary with No 119 is used for car parking with the building itself being away from the common boundary with No 119. The part of the building closest to Nos 117 & 119 is predominantly five storeys in height, with the western elevation containing a large number of full

³ Slough Local Development Framework Core Strategy 2006 – 2026 adopted 16 December 2008

⁴ The Local Plan for Slough March 2004 adopted 22 March 2004

height, fully glazed openings. All of the openings above ground floor level either have obscured glass to the lower panes or have obscurely glazed balustrades. The eastern part of the west elevation where it is closest to the dwellings is stepped and largely blank.

22. During the hearing I visited one of the top floor flats with openings on the western elevation facing towards properties on Alderbury Road. I also viewed the development from the rear gardens of Nos 117 & 119. At my visit I noted that the open plan living area of the flat had a large, full height opening set behind an obscurely glazed balustrade, part of which was formed by double doors which fully opened inwards together with a full height window, the upper part of which was openable. Two bedrooms in the flat had smaller full height windows, the lower part of which were obscurely glazed with the upper part being openable. This arrangement is repeated throughout the development.
23. The presence of the obscure glazing means that views out of the openings towards surrounding development only become possible when stood close to them (within approximately 1 metre) and at top floor level, the eye is naturally drawn at a higher level to more distant views rather than to the immediate surroundings of the adjacent dwellings at a lower level. However, there is a clear view of these when looking down and the height and angle of view will differ depending on which floor a flat is in.
24. The view out of the flats in the western elevation is not currently affected or significantly restricted by existing planting either within the site or within surrounding gardens. However, when trees within the site are in leaf, and I was advised at the hearing that due to the species of trees planted, that this would be most of the year, they would serve to filter views of nearby gardens and properties from flats within the nearest part of the development. This screening will likely increase as the trees mature.
25. However, given the scale of the development relative to surrounding properties, its position and the large number and size of openings in the western elevation, the perception of being overlooked is likely to be keenly felt by the occupiers of the nearest properties, particularly when using their gardens. This is irrespective of whether any actual overlooking is taking place.
26. When considering the appeal in 2021, the previous Inspector found that there would be some limited harm to the privacy of neighbouring occupiers when using their gardens. As stated, I attach significant weight to the previous decision as a material consideration and can see no reason to reach a different view to the previous Inspector in respect of the effect of the proposal before them.
27. However, the development before me differs from that considered in 2021 including changes to the design and layout of the upper part of the western elevation facing Nos 117 & 119. This means that openings in the top floor are now nearer to the rear gardens than previously, there are more of them, and they serve more flats. Nevertheless, in the context of what has previously been approved on the site and given that views from the top floor are high level ones, I do not consider that the changes to the development and any resultant additional harm in terms of overlooking and privacy alters the limited level of harm to the living conditions of the occupiers of neighbouring properties previously identified.

28. The Council has also raised concerns regarding the effect of the development on the outlook from Nos 117 & 119 given the increase in massing proposed to the western elevation and to the Alderbury Road frontage. The previous Inspector found no harm to outlook, noting that whilst the development would clearly be visible from neighbouring gardens, that there would still be outlook in other directions.
29. The increase in massing to Alderbury Road is positioned to the side of the dwelling at No 119 and does not extend beyond its rear elevation. Consequently, whilst it would be visible from neighbouring gardens, I do not consider that it would unduly restrict the outlook from them. Similarly, whilst there is increased massing to the western elevation at top floor level, this is not significant in the context of the previously approved building on the site and would not have a materially harmful effect on the outlook from neighbouring gardens, particularly as they have an open aspect towards the railway line at the rear and across other residential gardens to the west.
30. Representations from neighbouring occupiers have raised additional concerns regarding overshadowing and loss of light. These concerns are not shared by the Council. Noting the scale, position and orientation of the development relative to nearby properties and the findings of the Daylight and Sunlight Assessment⁵, albeit that this assessed the effect on windows rather than gardens, I can see no reason to disagree with the Council's conclusions in respect of overshadowing and loss of light. I am satisfied that any loss of light to neighbouring properties resulting from the development is not significant or materially harmful to living conditions.
31. Taking all the above into consideration, whilst the development has not unduly affected the outlook from neighbouring properties, it has adversely affected the living conditions of the occupiers of neighbouring properties due to an increase in actual and perceived overlooking and a reduction in privacy. It is therefore contrary to Policy CP8 of Slough Core Strategy and to relevant paragraphs of the Framework relating to living conditions which seek, amongst other things, to ensure that development respects its location and surroundings and creates better places in which to live. Whilst policies CP1 and CP4 of Slough Core Strategy and saved policies EN1 and H14 of the Local Plan for Slough were also referred to in the Council's reason for refusal relating to this issue, as previously stated, they do not appear to be directly relevant to the issue of living conditions

Design, Character and Appearance

32. The appeal site is in a prominent corner position at the junction of Station Road and Alderbury Road. Prior to its re-development it contained a two/three-storey public house and restaurant. The surrounding area has a mixed character comprising two-storey residential properties along Alderbury Road and surrounding streets to the south and west, the railway line and commercial properties to the north and Clare House, a four storey brick built commercial building, on the opposite side of Station Road to the east.
33. Langley Business Centre, which lies to the south of Clare House, is in the process of being re-developed with outline consent having been granted in 2021 for amongst other things, a data centre, with maximum height parameters of 20

⁵ Daylight and Sunlight Assessment dated 13.11.2024

metres opposite the appeal site. The parties agree that the appeal site is a transitional plot.

34. The development comprises a five-storey, flat roofed block, with a stepped elevation fronting Alderbury Road reducing from five-storeys down to one-storey where it is adjacent to the two-storey dwelling at 119 Alderbury Road (No 119). It is similar in form and appearance to the residential buildings granted permission in 2021 and 2023 with a few notable exceptions.
35. The fifth storey of the building is no longer recessed and has been constructed in the same brick as the rest of the building (it was previously proposed to be clad); the building includes two roof-mounted enclosures housing a lift overrun and roof access and the height of the building rises more steeply on the western part of the front elevation where closest to No 119.
36. Although the development now includes a full fifth storey and includes two roof enclosures, this part of the building is closest to Station Road and is seen in the context of another large scale building with roof enclosures at Clare House on the opposite side of the road. In addition, due to their position on the roof, the enclosures only become visible from certain vantage points within the surrounding area. They are not unduly prominent. Station Road is a busy road, close to the station and has a varying character. It's character is also likely to become more varied and to include more larger scale buildings should the anticipated re-development of Langley Business Centre take place.
37. The building is constructed from a light brick which varies in tone, includes recessed, light coloured frames, projecting balcony features and a central recessed entry area in the five-storey part of the front elevation. All of these features help to minimise and mitigate the visual effect of the additional bulk resulting from the changes to the fifth-floor, roof and stepped elevation.
38. The building is clearly much larger in scale than nearby properties along Alderbury Road. However, whilst the transition in scale between it and No 119 is now more evident than with the previous permissions, the visual gap between the buildings resulting from the side driveway of No 119 together with the detailing of the building means that I do not consider the contrast to be harmful to the character and appearance of the area.
39. Taking the above matters into consideration, I conclude that the design of the development and its effect on the character and appearance of the area is acceptable. The development therefore accords with policies CP1 and CP8 of Slough Core Strategy, saved Policy EN1 of the Local Plan for Slough and relevant paragraphs of the Framework. These policies and this guidance seek, amongst other things, to ensure that development is of a high quality design that respects the character of its surroundings.
40. Given my conclusion on this issue, there is no need for me to consider the optional enhancements put forward by the appellant.

Planning Obligation

41. A completed S106 agreement has been submitted which includes a number of obligations which take effect if planning permission is granted and I have had regard to the obligations in reaching my decision. I have considered the S106

agreement in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework. The obligations within the S106 agreement relate to the following matters.

42. *Affordable Housing Contribution:* Policy CP4 of Slough Core Strategy requires between 30% and 40% affordable housing provision for developments of 15 or more dwellings. Part 2 of the Council's Developer's Guide⁶ states that for developments of 25 or more dwellings, affordable housing provision will be expected to be provided on site. Financial payments in lieu will not normally be accepted and will only be accepted in exceptional circumstances when the Council considers it to be a benefit compared to new homes being built by a developer.
43. The S106 agreement includes an undisputed financial contribution for the off-site provision of affordable housing. Whilst this is not the normal approach, in this case the development has already been built with no affordable housing provision on site. Therefore, based on the circumstances of the case including that acceptance of a payment in lieu would negate the need for existing occupiers of the development to re-locate, the Council considers that the benefits of off-site provision justify a deviation from the normal approach and that the required exceptional circumstances exist.
44. Consequently, based on the evidence before me, the affordable housing contribution is necessary to make the development acceptable in planning terms.
45. *Car Club Contribution:* A contribution towards the establishment of a car club in the Langley St Mary Ward to which occupiers of the development would have access to. This would contribute to widening travel choices in accordance with Policy CP7 of Slough Core Strategy and noting the relatively low level of on-site parking provision is necessary to make the development acceptable in planning terms.
46. *Education Contribution:* A contribution towards the improvement or provision of educational facilities at Marish Primary School. This would ensure that there is sufficient education provision for occupiers of the development and is in accordance with Policy CP10 of Slough Core Strategy and Section 4 of the Council's Developer's Guide. It is necessary to make the development acceptable in planning terms.
47. *Sustainable Transport Contribution:* A contribution towards the provision or improvement of cycling infrastructure within Station Road or Meadfield Avenue. This would contribute to widening travel choices in accordance with Policy CP7 of Slough Core Strategy and noting the relatively low level of on-site parking provision is necessary to make the development acceptable in planning terms.
48. *Traffic Regulation Order (TRO) Contribution:* A contribution towards the funding of the creation or variation of a TRO to provide for the creation or upgrade of parking restrictions on the immediate surrounding roads required as a consequence of the development. This would contribute to improving road safety in accordance with Policy CP7 of Slough Core Strategy and noting the relatively low level of on-site parking provision is necessary to make the development acceptable in planning terms.

⁶ Developer Contributions and Affordable Housing (Section 106) Developer's Guide Part 2 Interim Document November 2008 updated September 2017

49. *Travel Voucher Scheme*: The provision of a voucher scheme towards public transport costs and/or cycling equipment up to a maximum cap. This would contribute to widening travel choices in accordance with Policy CP7 of Slough Core Strategy and Section 4 of the Council's Developer's Guide. Noting the relatively low level of on-site parking provision, it is necessary to make the development acceptable in planning terms.
50. Taking the above matters into consideration, I am satisfied that all of the obligations in the S106 agreement meet one or more of the tests set out in CIL Regulation 122 and as such, I have taken them into account in determining the appeal.

Other Matters

51. At the hearing a number of concerns were raised by local residents regarding highway safety and parking near to the site, citing a lack of on-site parking spaces being available for occupiers of the development who therefore seek to park on surrounding residential streets. At my site visit I saw evidence of parking pressure near to the site, within surrounding streets, with numerous parked cars straddling the pavement.
52. However, other than anecdotally, there is no substantive evidence to suggest that any parking problems are a direct result of the development. Some car parking is provided on-site and the location of the site, close to Langley station and to nearby services and facilities together with measures included in the S106 agreement, means that occupiers of the development have access to and will be encouraged to use sustainable transport modes. This is consistent with the Council's ambitions for a cultural shift within the Borough to reduce reliance on cars. Additionally funding is provided in the S16 agreement towards a traffic regulation order should this be necessary to tackle problems on the surrounding roads.
53. Noting all of this and the fact that no objections were raised to the development by the Highway Authority, I am satisfied that it has not had a severe impact on highway safety or resulted in materially harmful additional demand for on-street parking in the surrounding area.
54. Representations also raised concerns regarding the effect of the development on the living conditions of nearby residents resulting from noise from the car park. Noting the size of the car park, the likely frequency of comings and goings associated with it and the boundary treatment around it, I do not consider that excessive amounts of noise would emanate from it. Similarly, I do not consider that occupiers of the development would be unduly affected by noise and vibration from the nearby railway line or that there is any evidence that nearby residents would be likely to be affected by undue noise and disturbance from occupiers of the development.
55. I am satisfied that adequate bin storage facilities, amenity and play space and vehicular access have been provided for the development and that it has an acceptable relationship with the adjacent railway and its embankment. Whilst some lighting has been provided to serve the development, I saw no evidence of floodlighting.
56. I do not consider that there has been over-development of the site and for the reasons stated previously, it is not harmful to the character and appearance of the

area. Whilst Policy CP4 of Slough Core Strategy usually requires high density housing to be located in Slough town centre, planning permission has previously been granted for flats on the site and at the hearing the Council confirmed that it has no objection in principle to the development given its highly accessible location next to Langley station.

57. There is no substantive evidence to suggest that there have been significant levels changes on site or if so, that these are not acceptable, no evidence of any security issues or undue pressure on local services. I am satisfied that approval of the development would not set any unwanted precedents as my conclusions are based on the particular circumstances of the case before me.

Planning Balance

58. There is agreement between the parties that the Council cannot currently demonstrate a five year housing land supply (5yrHLS). The Council's latest Annual Monitoring Report published in August 2025 (HD7) states a 5yrHLS of 2.51 years and the parties agree that the Housing Delivery Test (HDT) results confirm that housing delivery in the Borough has been substantially below the housing requirement for a number of years.
59. Under such circumstances, paragraph 11(d) of the Framework states that the policies which are most important for determining the application are out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is 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.
60. The development provides 51 flats, a mixture of 18 one-bedroom and 33 two-bedroom, on a previously developed site in a highly accessible location opposite Langley train station.
61. The completed S106 agreement makes provision for a contribution for the off-site provision of affordable housing. This equates to approximately 14 affordable units or 28% provision.
62. Noting all the above, although no affordable housing is provided on site, I nevertheless attach substantial weight to the provision of housing and contributions for the off-site provision of affordable housing. This is due to the number of units provided, the Council's recent housing delivery under-performance and current supply position and to evidence regarding the significant need for affordable housing in the Borough.
63. The development and proposals include various landscaping measures. Given the nature of the location and the scale of development and landscaping measures, I attach moderate weight to any biodiversity benefits likely to arise.
64. The development secures reductions in emissions against Building Regulations and delivers improvements in carbon reductions when compared to the previously approved schemes. I attach moderate weight to these environmental benefits.

65. Although already constructed, the development will provide ongoing economic benefits through spend in the local economy and council tax revenue. I attach moderate weight to this benefit.
66. The completed S106 agreement also makes financial contributions towards a car club, education, sustainable transport, a traffic regulation order and travel voucher scheme. Whilst these contributions are required in order to comply with policy and to mitigate against the impact of the development, they are nevertheless benefits associated with it. I attach moderate weight to the financial contributions.
67. Weighed against these benefits is the significant harm that I have identified to the living conditions of the occupiers of Flat 10 from overlooking and noise and disturbance resulting from the use of the adjacent delivery and servicing bay. I have also identified limited harm to the living conditions of the occupiers of neighbouring properties due to an increase in actual and perceived overlooking and a reduction in privacy in their garden areas.
68. However, noting all of the above and in particular the substantial weight that I attach to the provision of housing, in this case the adverse impacts of granting planning permission for the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The development makes effective use of land in a sustainable location, is well designed and makes provision for affordable housing, albeit off site. Cumulatively, these factors weigh in favour of the development even though some harm has been identified.

Conditions

69. A list of suggested planning conditions has been provided by the parties, and I have had regard to this. The conditions were discussed at the hearing. Where necessary, the wording of the conditions has been amended slightly for precision and clarity.
70. For certainty I have imposed a condition listing the approved plans. Conditions have been imposed requiring the provision of EV charging points and infrastructure in the interests of environmental sustainability. Conditions are required to ensure that the additional proposed landscaping is carried out and to ensure ongoing landscape maintenance and as such have been imposed.
71. Further works are required to the external balconies to address noise concerns. I have therefore imposed a condition requiring these works to be carried out and thereafter maintained. In the interests of privacy and in order to protect the living conditions of nearby occupiers, a condition is required to ensure that above ground openings in the west elevation of the building are partially obscurely glazed for the lifetime of the development. In the interests of highway safety, a condition is required to ensure the provision and maintenance of the delivery and servicing bay.
72. Conditions have been imposed relating to external lighting and bird and bat boxes. These are necessary in order to protect the character and appearance of the area and to provide ecological enhancements. Additionally conditions regarding security and energy measures are necessary and have been imposed to ensure adequate security for the building and that the expected energy reductions have been achieved and can be maintained.

73. Conditions are required regarding cycle parking and a car park management plan to ensure that sufficient and adequate cycle and car parking facilities are provided. Finally conditions are required regarding drainage facilities and land contamination to ensure that suitable drainage facilities are provided and to ensure that future landscape works do not cause any land contamination issues.
74. Although alternative wording was proposed by the parties after the hearing for the land contamination condition, I have not imposed the additional suggested conditions as I do not consider them to be necessary and have instead, slightly altered the wording of the condition included in the updated list of draft conditions (HD14).

Conclusion

75. Whilst the development has resulted in limited harm to the living conditions of the occupiers of neighbouring properties and significant harm to the living conditions of the occupiers of Flat 10, noting the Council's housing land supply position and the application of policies in the Framework, this harm does not outweigh the benefits of the development. Therefore whilst there is some conflict with the development plan, this is outweighed by other material considerations.

Beverley Wilders
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings:

23/08/90A – Proposed Block Plan
23/08/82H – Proposed Site Plan
23/08/83G – Proposed Ground Floor Plan
23/08/84B – Proposed First Floor Plan
23/08/85B – Proposed Second Floor Plan
23/08/86B – Proposed Third Floor Plan
23/08/87B – Proposed Fourth Floor Plan
23/08/88B – Proposed Plant Floor Plan
23/08/89B – Proposed Roof Plan
23/08/91B – Proposed Context Elevation
23/08/92B – Proposed Context Elevation
23/08/97A – Proposed Balcony
429/101A – Proposed Landscape Site Plan

- 2) Within 3 months of planning permission being granted, the applicant shall submit details of the 8 active electric vehicle charging points (Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase), together with details of power supply and cable provision; to the Local Planning Authority for approval in writing.

The active charging points shall be installed as per the approved details, within 12 months of the date of the planning permission and shall be retained thereafter.

- 3) Notwithstanding the 8no. Electric Vehicle charging bays to be installed pursuant to condition 2, a Passive Electric Vehicle Charging Report shall be submitted to the Local Planning Authority for approval in writing within 3 months of the planning permission being granted. This should detail how infrastructure capacity to power 100 percent of the parking provision for future Electric Vehicles can be delivered. The report shall comprise evidence of the physical equipment, alterations to the car parking area and building and any subterranean works required to convert passive Electric Vehicle charger spaces to active spaces along with the required power supply necessary to support the Electric Vehicle chargers. The approved passive supply infrastructure shall be implemented within 12 months from the date of this planning permission and shall be retained thereafter.
- 4) The approved landscaping (as shown on drawing ref: 429/101A) shall be completed no later than the end of the first planting season following the approval of the landscape management plan or the contaminated land investigation and remediation methodology, whichever is later.
- 5) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas provided as part of the development, including communal amenity areas, shall be submitted to the Local Planning Authority and approved in writing within 6 months of the date of the planning permission. The landscaped areas shall be maintained in accordance with the approved Landscape Management Plan.

- 6) Within 12 months of planning permission being granted, the following acoustic mitigation measures should be installed on all balconies:

- a) solid clear balustrading and
- b) acoustic absorption on the underside of those balconies

in accordance with the details shown on drawing ref: 23/08/97A.

The acoustic mitigation measures shall be retained thereafter.

- 7) The glass balustrades to balconies (at a height of 1.1 metres above the adjoining finished floor or roof level (whichever is relevant)) and lower panes of the windows in the west elevation shall be fitted with obscured glazing (as shown on drawing ref: 23/08/92B). The obscure glass shall be retained thereafter.
- 8) The Delivery and Servicing bay shown on drawing ref: 23/08/82H shall be installed within 6 months of the grant of planning permission. The hard surfacing of the bay shall match the materiality of the hard surface to the north of the bay.

The bay shall be implemented and retained thereafter.

- 9) Prior to its installation, details of any additional external lighting shall be submitted to the Local Planning Authority for approval in writing. Any approved additional external lighting shall be installed in accordance with the approved details.
- 10) Details of the bird and bat nesting boxes installed / to be installed as part of the development shall be submitted to the Local Planning Authority for approval in writing within 3 months of the date of the planning permission.

The nesting boxes shall be installed within 3 months of the completion of landscaping works to be carried out under condition 4 and retained thereafter.

- 11) Within 3 months of planning permission being granted, details of the security measures installed and any additional measures to be installed as part of the development, shall be submitted to the Local Planning Authority for approval in writing. This shall include details in relation to the security of the entrance lobby, access controls into the building, CCTV and boundary treatments/security. The approved details shall be implemented within 12 months from the date of this planning permission and retained thereafter.
- 12) Within 12 months of planning permission being granted, evidence that the renewable energy technologies, sustainable design and energy efficiency measures that achieve the forecast cumulative on-site CO₂ savings of 51.0% against a Building Regulations Part L 2021 compliant scheme of otherwise identical design, as set out in the approved Energy Statement (B56 Associates Ltd, November 2024), have been implemented in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be retained in good working order thereafter, unless replaced by features that provide improved energy performance, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

- 13) Within 6 months of planning permission being granted, details of the cycle parking provision (including location, housing and cycle stand details) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details within 9 months of the details being submitted and shall be retained thereafter.
- 14) Within 3 months of planning permission being granted, details of the installed SuDS and site wide drainage scheme and additional works to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
 - (b) Photographs to document each key stage of the drainage system when installed on site;
 - (c) Photographs to document the completed installation of the drainage structures on site;
 - (d) The name and contact details of any appointed management company information.

Any required additional works shall be undertaken in accordance with the approved details within 12 months of approval and retained thereafter.

- 15) Within 3 months of planning permission being granted, a car parking management plan shall be submitted to the Local Planning Authority for approval in writing. The approved plan shall be implemented within 6 months of approval of the details and be retained thereafter.
- 16) Prior to any ground works commencing in relation to the additional landscaping works required by condition 4, a contaminated land investigation and remediation methodology relating to the areas of additional landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved methodology.

Within 6 weeks of the completion of the additional landscaping works, and prior to the first use of the communal amenity space as shown on drawing number 429/101A, a contamination verification report shall be submitted to and approved in writing by the Local Planning Authority.

END.

APPEARANCES

FOR THE APPELLANT:

Anjoli Foster	Counsel
Sarah Fitzpatrick	Norton Rose Fulbright
Samruti Patel	Savills
Gareth Turner	Savills
Rob Morgan	Savills
Roger Danks	Danks Badnell
Eleanor Smith	Danks Badnell
Timur Tatlioglu	Montagu Evans
Tejinder Sekhon	RedSky Homes

FOR THE LOCAL PLANNING AUTHORITY:

Martin Cowie	Slough Borough Council
Neetal Rajput	Slough Borough Council
Chrisian Morrone	Slough Borough Council
Andrew Jones	BPS
Sonia Sharp	HB Law

INTERESTED PARTIES:

Cheryl Musselwhite	Local resident
Clive Musselwhite	Local resident
Barry Goldring	Local resident

DOCUMENTS

HD1	Copy of 2021 planning permission (Ref P/01272/012 – appeal Ref APP/J0350/W/20/3265173)
HD2	Copy of 2023 planning permission (Ref P/01272/012)
HD3	Council's Viability Position Note
HD4	Appellant's Viability Position Note (marked as draft)
HD5	Council's Note on Human Rights and Public Sector Equality Duty (PSED)
HD6	Suggested Site Visit Route – provided by the appellant and agreed by the Council

- HD7 Council's Annual Monitoring Report (published August 2025)
- HD8 Council's Cabinet Report dated 21 July 2025
- HD9 Comparison of Development Schemes Rev A
- HD10 Land Contamination comments memo dated 10 November 2025
- HD11 Email from Council's Principal Environment Officer dated 22 May 2025
- HD12 Agreed Statement regarding Affordable Housing contribution including 2 Development Appraisals dated 12 November 2025
- HD13 Updated Draft S106 Agreement
- HD14 Updated List of Draft Conditions
- HD15 CIL Compliance Statement