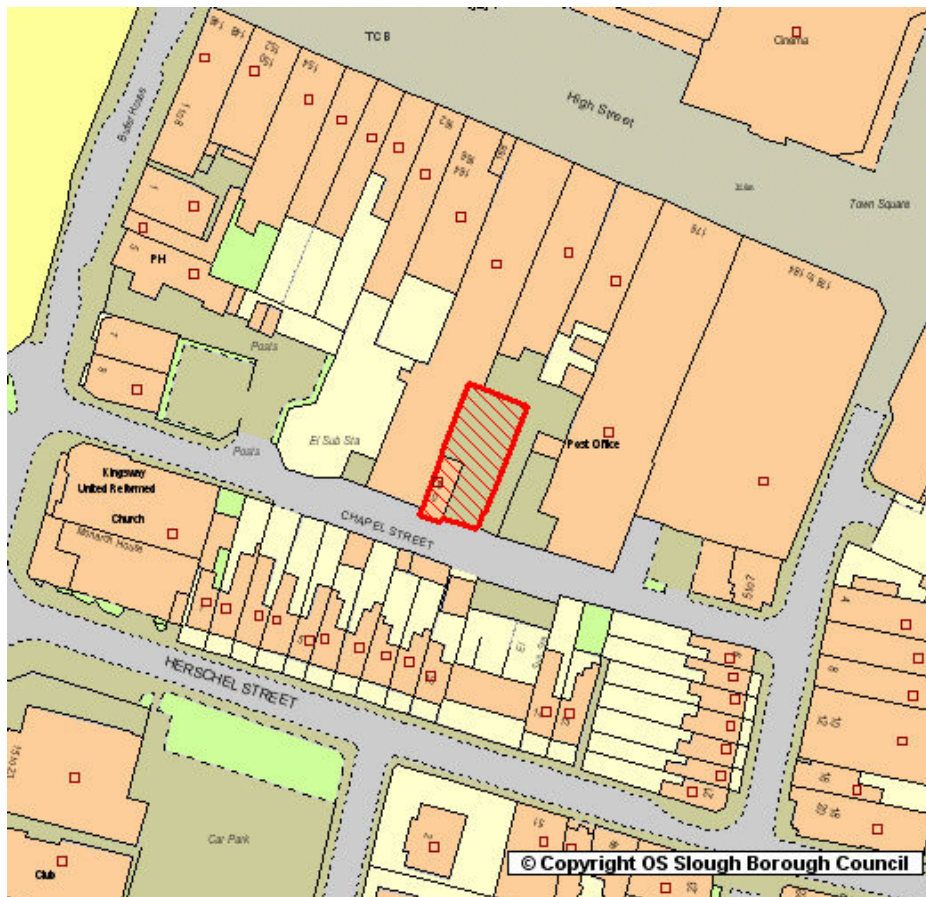


Registration Date:	06-Dec-2011	Applic. No:	P/01913/007
Officer:	Ian Hann	Ward:	Upton
		Applic type:	Major
		13 week date:	6th March 2012
Applicant:	Mr. Iftakhar Ahmed		
Agent:	Mr. Alan Counter 33, Chaucer Way, Coomberlands, Addlestone, Surrey, KT15 1LQ		
Location:	9-10, Chapel Street, Slough, SL1 1PF		
Proposal:	ERECTION OF 7 STOREY BUILDING PLUS BASEMENT TO PROVIDE A MIXED USE DEVELOPMENT COMPRISING; A) GYMNASIUM, HAIR SALON / BEAUTICIANS AND SAUNA / AEROBICS ROOM AT BASEMENT LEVEL B) 334 SQ METRES OF CLASS OF CLASS A2 OFFICES AT GROUND AND FIRST FLOOR LEVEL C) 10 NO. X ONE BEDROOM FLATS AND 15 NO. BEDSIT FLATS ON FIVE UPPER LEVEL TOGETHER WITH ON SITE CYCLE AND REFUSE STORAGE (OUTLINE APPLICATION WITH APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL)		

Recommendation: Refuse



P/01913/007

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the policy background and comments from consultees it is recommended that the application be refused planning permission for the reasons set out in this report.
- 1.2 This application is to be decided at Planning Committee as it is a major development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 An outline planning application has been submitted for a detached seven storey building with a basement, comprising gym and beauty uses at basement level, office accommodation at ground floor and first floor level and residential uses in the top five floors consisting of 10 no. one bedroom flats and 15 bedsits / studio apartments. Cycle and bin stores are also proposed, to the ground floor rear and side of the property respectively. This application follows a previously approved scheme for a four storey building with basement comprising a gym at basement level, offices uses at ground floor level and 6 no. one bedroom flats and 12 bedsits / studio apartments. These proposals would therefore see an increase in 102m² of office floor area, four additional 1 bedroom flats and an increase in three bedsits / studio apartments. The previous application was approved by Planning Committee in November 2010 (reference P01913/006).
- 2.2 The proposed building will measure a width of 9.9m, depth of 24.5m and will have a height of 19.5m with a flat roof with almost 100% site coverage.
- 2.3 This is an outline application with access, scale and layout to be agreed at this stage and appearance and landscaping to be reserved matters.

3.0 Application Site

- 3.1 The application site is located on the north eastern side of Chapel Street, which is a service road that predominantly serves the rear of the properties in High Street. The site is currently open with small structures that are used in relation to car cleaning, tyre fitting and a clothes altering service that operates from the site but does not have the benefit of planning permission.
- 3.2 The site is surrounded with commercial buildings on the north eastern side of the site, with most of them being rear accesses to High Street units and two storey residential properties to the south and south west of the site. These residential properties face onto Herschel Street with the rear of the properties

on Chapel Street with parking areas and gardens adjacent to Chapel Street itself.

- 3.3 The site is situated within the Slough Town Centre Boundary and Slough Town Centre Shopping Centre as defined in the proposals map for Slough.

4.0 **Site History**

- 4.1 Planning permission was granted in September 1992 for a photographic and recording studios with ancillary parking and offices (P/01913/003) and permission for its continued use was granted December 1996 (P/01913/004) and July 1999 (P/01913/005).

- 4.2 Planning permission was then granted for demolition of existing buildings and erection of a two storey office building with undercroft parking (S/00618/000). This was followed by two outline applications that were granted planning permission two storey office buildings in September 2005 (S/00618/001) and January 2006 (S/00618/002) but have not been constructed and have now expired. At the time that the applications were determined they were adjudged to have established an appropriate size, scale and bulk of building for the site.

- 4.3 Planning permission was granted a smaller scale scheme than that which is currently sort as outlined above in November 2010 (P/01913/006).

5.0 **Neighbour Notification**

- 5.1 164, 166, 172, 174, High Street, Slough.
7, 8, 9, 10, Herschel Street, Slough.

One letter of objection has been received as a result of the neighbour consultation raising the following objections:

Disruption to local residents on their back yards and parking access.
The proposals would lead to an increase in traffic and parking issues.
Overshadowing and loss of light to the properties in Hershall Street.
Overlooking to the back yards for the properties on Hershall Street.
Increase in noise and disturbance.
The design and aesthetics should be in keeping.

Response: These matters are material planning considerations and comment is made in the report below.

6.0 **Consultation**

6.1 **Environmental Services**

Previous conditions should be placed on any permission as previously

suggested.

Condition:

Prior to the commencement of the development, an investigation and phased risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The assessment should be undertaken by competent persons in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted in writing and approved by the LPA.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the extent, scale and nature of contamination present; an assessment of the potential risks to receptors identified in Phase 1. If significant contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a detailed scheme of remediation and/or monitoring to ensure the site is brought to a condition suitable for its intended use by removing unacceptable risks identified in Phase 2, be submitted and approved in writing by the LPA.

Any approved remediation scheme must be carried out in accordance with the agreed terms prior to the commencement of the development, other than those works required to carry out the remediation, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of that remediation scheme must be produced and submitted in writing and is subject to the approval of the LPA. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. Where further investigation and/or remediation is necessary a scheme must be prepared in accordance with the above requirements and which is subject to the approval in writing of the LPA.

Reason- To ensure that risks from land contamination to the future users and occupants of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors.

6.2 Public Protection Services, Neighbourhood Enforcement

Environmental effects during construction

Noise, dust and vibration from the construction phase may affect occupiers of nearby premises. I suggest the following planning condition is attached to any planning permission granted:

Condition - Control of environmental effects: redevelopment

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) control of noise*
- (ii) control of dust, smell and other effluvia*
- (iii) control of surface water run off*
- (iv) site security arrangements including hoardings*
- (v) construction working hours, hours during the construction phase when delivery vehicles taking materials are allowed to enter or leave the site.*

The development shall be carried out in accordance with the approved scheme or as otherwise be agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the area.

Noise during construction

Occupiers of premises nearby to the new development can suffer excessive noise problems due to the construction of new buildings. I suggest that the following planning condition is attached to any planning permission granted requiring a noise insulation scheme to limit noise transmission:

Condition - Hours of construction

No construction work shall take place outside the hours of 08:00 - 18:00 hrs Monday to Friday, 08:00 - 13:00 hrs on a Saturday and no working at all on Sundays or public holidays.

REASON: In the interests of the amenities of the area.

Have regard to the basic information and procedures for noise control as it relates to the proposed construction and/or demolition as laid out in BS:5228: Part 1: 1984 - Noise Control on Construction Sites - Code of Practice for

Basic Information and Procedures for Noise Control. Vibration is not covered by this Standard, but it should be borne in mind vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it.

Noise associated with Vehicles

Noise from delivery vehicles may cause a nuisance to occupiers of premises nearby. I would therefore suggest that the following conditions be attached;

1. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded within the general site except between the hours of 08:00 and 18:00 Mondays to Fridays and 08: 00 and 13:00 hours on Saturdays and at no time on Sundays or bank holidays.

REASON: To protect local residents from excessive noise.

Noise from Equipment

The equipment used on site should be designed in a manner so as to minimise noise emissions. This is to include the use of suitable measures to provide sound attenuation. I would therefore recommend the following conditions:

1. The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent noise level when the plant, etc. is in use at any adjoining or nearby premises in separate occupation.

2. All plant, machinery and equipment to be used by the reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To protect local residents from nuisance caused by excessive noise

Dust/ Odour

There is the potential for dust to cause a nuisance to local residents during the construction stage of the development.

Condition – Control of dust on site

No construction shall take place until details of a scheme designated to identify dust sources, ways to minimise dust emission (during normal operations) from the site shall be submitted to and approved in writing by the Local Planning Authority. In particular (but without prejudice to the generality of the foregoing) water damping down equipment shall be at all the times so

that areas within the site can be damped down to prevent dust formation when necessary. Dust levels should be suitably controlled so as not to cause a nuisance.

REASON: In the interests of the amenities of the area.

Waste during construction

The applicant has not supplied methods to deal with waste arising from the construction phase. I suggest that the following planning condition is attached to any planning permission granted:

Condition - Control of waste during construction phase

No development shall take place until details in respect of measures have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the course of building operations and the subsequent use of the building:

- (a) Minimise, re-use and re-cycle waste, including materials and waste arising from construction;*
- (b) Minimise the pollution potential of unavoidable waste;*
- (c) Dispose of unavoidable waste in an environmentally acceptable manner – there shall be no bonfires on site.*

REASON: In the interests of the amenities of the area.

Noise associated with business activities

Noise from customers entering and leaving the gymnasium, hair salon and sauna and noise from delivery vehicles may cause a nuisance to residents in both existing and proposed residential accommodation. I would therefore suggest that the following conditions be attached;

- 1. The hours of operation should ensure that the premises closes to the public no later than 2300 hours.*

REASON: To protect local residents from excessive noise.

- 2. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded within the general site except between the hours of 08:00 and 18:00 Mondays to Fridays and 08: 00 and 13:00 hours on Saturdays and at no time on Sundays or bank holidays.*

REASON: To protect local residents from excessive noise.

Noise from Ventilation System

The ventilation system should be designed in a manner so as to minimise

noise emissions. This is to include the use of vibration isolators and other suitable measures to provide sound attenuation. I would therefore recommend the following conditions:

1 The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent noise level when the plant, etc. is in use at any adjoining or nearby premises in separate occupation.

2 All plant, machinery and equipment (including refrigeration and air conditioning systems) to be used by the reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To protect local residents from nuisance caused by excessive noise

Waste Disposal and On-site Refuse Storage

On-site refuse storage should be considered carefully as insufficient storage methods may create odour, litter and rat problems for neighbouring premises. I suggest the following planning condition is attached to any planning permission granted:

Condition - On-site refuse storage

No development shall take place until details of on-site storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

REASON: In the interests of the amenities of the area.

To ensure compliance with the Environmental Protection Act 1990, the businesses must have adequate measures of waste disposal I would therefore suggest that the following condition be attached:

The applicant should submit details regarding the methods of disposing of their commercial waste to the Neighbourhood Enforcement Team within one month of opening.

REASON: To ensure that the Duty of Care Regulations are complied with, requiring that commercial waste produced at the premise is lawfully disposed of.

6.3 Transport

Traffic Generation

No information has been presented by the applicant on the current or proposed trip generation of the site, therefore the TRICS 2010(a) v6.5.2 database is used to determine the number of person and vehicle trips of the existing and proposed use.

The B1 office use has a proposed gross internal floor space of 334sqm. It is expected that 94 person trips will be generated per day, of which 16 are vehicle trips.

The application includes proposals for 10 one bedroom flats and 15 studios. Trip rates have been derived from the TRICS database and it is estimated that the proposed development will generate 127 person trips per day, 33 of which are vehicle trips.

The gym and associated leisure facilities have a proposed total internal floor space of 232sqm. The TRICS database has been interrogated and the database includes a town centre private fitness club, based on the trips generated by this development it is considered that the proposed gym would generate 308 person trips, including 71 vehicle trips throughout the day. The peak period for trips to the gym is expected to be between 19.00 and 20.00.

The proposed development is likely to generate an approximate total of 529 person trips per day of which 120 are vehicle trips.

It is imperative to recognise that the highway network within the Borough experiences extensive problems with capacity and delay, the Borough Council has developed a Transport Strategy which is supported by central government policy to encourage modal shift to other forms of transport and manage congestion to enable targets within the Transport Act to be met. This development would place additional demands on the transport network on a daily basis and the associated traffic and person trip movements would exacerbate existing problems in terms of the proposed residential and commercial uses.

As a consequence of the existing delay and congestion within Slough town centre a contribution towards the Slough Transport Strategy is required so that the implementation of schemes within the Strategy to promote other forms of travel and manage congestion can be brought forward. A contribution of £36,000 should be secured by a S.106 Agreement and it would be put towards improving parking facilities at the nearby Herschel Street car park, towards the implementation of real time passenger information in the town centre to make bus travel more attractive and finally towards improvements to walking and cycling infrastructure in the town centre.

Access

The new building is to be accessed via a pedestrian path along the west side of the building. To the east side of the building is a vehicular access road to a service area for the High Street retail units. The submitted plans show that the building will be set back in line with the adjacent building to the west and the land that will now be used as footway should be dedicated free of charge to the local highway authority.

The pedestrian visibility from the pedestrian access meets the required standard of 2.4m x 2.4m visibility splays.

Parking

The applicant is not required to provide any parking spaces for this development, which is consistent with Policy T2 in the Slough Local Plan. As the development is located in the Town Centre and is in close proximity to the railway station and bus station I have no objection in principle to the development providing no parking. There are on-street parking restrictions in place on Chapel Street between 8am and 7pm Monday to Saturday. The development is still likely to attract vehicular trips and these will therefore need to be accommodated in the nearby Herschel multi-storey car park, which operates on a 24 hour basis. It is conceivable that some of the occupiers might seek to receive an on-street residents parking permit in the local zones around the development. Therefore I would recommend that residential occupiers should be excluded from applying for on-street parking permits in the local parking watch zone. This should be secured through the S.106 agreement or by way of a planning condition.

As this is in effect a car free development, it is vital to both the residential and commercial elements of the scheme that high quality cycle parking provision is included. The cycle store at the rear was designed for 18 flats not 25. Large communal stores are not particularly effective as the security of the stores is undermined by the number of users. No cycle parking provision has been made for the offices or leisure uses at the basement level and therefore the proposals are unacceptable as submitted.

Cycle parking must be installed to meet the Council's Cycle Parking Standards as set out in the Developer's Guide Part 3, Section 7. Therefore, the development will need to be significantly redesigned and new plans submitted development will need to be redrawn illustrating how cycle parking can be provided. Therefore until the plans are re-drawn it is recommend the application be refused.

Refuse Storage

Sufficient refuse and recycling storage has been provided for and is located sufficiently close to the highway for collection purposes.

Transport and Highway works and contributions summary

The applicant will need to enter into a section 106 agreement with Slough Borough Council, this s106 agreement will obligate the developer to enter into a section 278 agreement for the satisfactory implementation of the works identified in the highways and transport schedules and for the collection of the contributions schedule.

The highways schedule includes:

Reconstruct and widen the footway fronting the application site to 2.4m; and Dedication as highway maintainable at the public expense, free of charge, the widened section of footway.

Transport Schedule includes:

£36,000 contribution towards Local Transport Strategy measures in the town centre

Future occupiers of residential apartments excluded from applying for residents parking permits.

This application should be refused for the following reasons that it has failed to demonstrate that the proposed development can provide cycle parking facilities in accordance with the adopted standards set out in the Slough Local Plan. The development is therefore contrary to Slough Borough Council Local Plan Policy T8 and Core Policy 7 of the Slough LDF 2006-2026;

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)
- Planning Policy Statement 4 (Economic Growth)

Local Development Framework, Core Strategy, Submission Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 4 (Type of Housing)
- Core Policy 5 (Employment)
- Core Policy 6 (Retail, Leisure and Community Facilities)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)

Adopted Local Plan for Slough

- H14 (Amenity Space)
- EN1 (Standard of Design)
- T2 (Parking Restraint)

7.2 The planning considerations for this proposal are:

- Principle of use
- Scale, massing, bulk and layout
- Impact to neighbouring residential properties / relationships to neighbouring buildings
- Standard of accommodation
- Amenity Space
- Parking / Highway Safety

8.0 **Principle of use**

8.1 The principle of a mixed use scheme and would comply with PPS1, PPS3 in principle as it is a brownfield site and makes efficient use of a underutilised site and could be supported subject to the resolution of some fundamental issues such as scale, bulk and height of the development, design, amenity issues and environmental impacts that are considered in detail below.

8.2 Core Policy 1 (Spatial Strategy) states that “proposals for high density housing ... will be located in the appropriate parts of Slough Town Centre.” Paragraph 7.68 of the Core Strategy states that “the actual density that will be permitted on an individual site will be dependant upon the overall strategy for that location and upon achieving a high standard of design which creates attractive living conditions”. While the principle of the use can be accepted in planning terms there are significant issues in terms of the scale of the proposals and its failure to respect its surroundings as well as issues involving amenity, living standards and transport as well as failing to provide a suitable mix of accommodation. As such the Applicant must demonstrate that the development is appropriate to the site as well providing high quality housing and this is discussed below.

8.3 This site is not a site that has been identified in the Councils Site Allocations Document. Although this in itself does not stop it from being developed it should be noted that the Council has overachieved the amount of housing required by 17% and therefore any proposals that come forward have to be in accordance with the Councils approved and adopted policies.

9.0 **Scale, massing, bulk and layout**

9.1 Design and external appearance is assessed against PPS1, Core Policy 8 and Local Plan Policy EN1.

9.2 Planning Policy Statement 1 (Delivering Sustainable Development) advises that *‘Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted’.*

- 9.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: *“All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.”* Part 2 to that policy covers design and in sub section b) it states: *“all development will respect its location and surroundings”*.
- 9.4 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”*, in accordance with the criteria set out in that policy.
- 9.5 The design / appearance of the proposed building is not a consideration as part of this application, as it would be a reserved matter to be assessed at a later stage if planning permission is to be granted, however the scale massing and layout is. The scale and massing of the proposed dwellings at seven storeys in height will be a lot larger and bulkier than the immediate neighbouring properties or any other property in Chapel Street. The previously approved scheme was a whole storey (2.7m) taller than the majority of the neighbouring property and was considered to be the maximum which was acceptable on the site. The enlargement of the previously approved scheme will appear both bulky and out of context to the surrounding area, especially when considering how narrow the street is. Taller buildings are generally contained to land west of Church Street with properties to the east, as is the application site, being more modest in height and in keeping with the character of the area. Although there is a backdrop of taller buildings within the Town Centre, these are not immediate to the application site and do not justify additional height being supported on the application site and a building 7 stories in height would be visible from the town centre and would result in an inappropriate and overbearing form of development within this part of the town centre.
- 9.6 Paragraph 7.162 of the Core Strategy states that the Council will continue to develop an urban design and tall buildings strategy for the town centre based upon the principles that are emerging from the Heart of Slough comprehensive development scheme. This has identified that all development in the High Street should be of a “pedestrian scale”. Chapel Street is a service road at the rear of the High Street and it is considered that development should not be any taller than that which has been previously approved.
- 9.7 The character of Chapel Street itself is characterised with 2 / 2.5 stories, although there are small variations this is the norm. The height issues will be further compounded by the fact that the building will occupy almost the entire site and there would be no meaningful setting around the building. This will result in the building coming right up to the future widened footpath and further adding to a dominant and overbearing form of development which would be out of context with the existing street scene. While taller buildings could be supported in a Town Centre location they will still have to have a

form of context with the surrounding area. With no other taller buildings in the immediate surrounding area, this building will look out of context with its location. Notwithstanding a 1m set back at the top floor level the introduction of additional floors, substantially higher than the immediate surrounding buildings and taller than what has been previously approved on the site would result in a development that is out of character with its surroundings. This is accentuated by the lack of any setting for the building due to its excessive site coverage. It is considered that the previously approved scheme was the very maximum that could have been achieved on the site and the further intensification of this would not be acceptable in terms of scale massing and bulk.

- 9.8 The development is effectively an infilling development between the rear properties of retail units that front onto the High Street. The current appearance is one of substantial flank walls with no active frontage onto Chapel Street. The proposal for ground floor A2 units will provide some active frontage at street level and this is a positive attribute of the scheme.
- 9.9 Notwithstanding the fact that matters of design and appearance are reserved for subsequent approval it is not considered that the harm caused by the excessive bulk, height and scale could be masked or minimalised through a different design approach.
- 9.10 An objection is therefore raised in terms of the scale, massing, bulk and positioning of the development as the Applicant has not demonstrated that the amount of development being sought can be satisfactorily contained within the site. The proposal is therefore considered to be in contrast with guidance given in PPS1, Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan.
- 10.0 **Impact to neighbouring residential properties / relationships to neighbouring buildings**
- 10.1 The impact on adjacent residential properties is assessed against Core Policy 8 and Local Plan Policy EN1.
- 10.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that the design of all development within existing residential areas should respect its location and surroundings.
- 10.3 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”*, in accordance with the criteria set out in that policy.
- 10.4 The proposed building will be sited so that it will be positioned 26m from the rear habitable room windows of the dwellings that face onto Herschel Street but back onto Chapel Street. With the building increasing in size from that

which was previously approved and having an overly large and overbearing appearance, as discussed above, this will result in an overbearing form of development when viewed from the rear of these properties. While the separation distance, as discussed above, remains the same from the previously approved scheme (as a minimum it would be expected that the additional floors should be set back from the front elevation of the building to increase the separation distance between the new building and the residential properties opposite), the amount of development now sort could not be achieved on the site without impacting on the amenity of neighbouring properties. The increase in the height of the proposed building would have a greater impact upon the neighbouring properties in terms of overlooking and overbearing impact and a greater degree of separation would be required with a building that is substantially higher than that which was previously granted planning permission. This situation would be exacerbated furthermore for those who still retain a rear garden, having a detrimental impact upon the use of these gardens also. It is not considered that a minor 1m set back of the top floor overcomes these issues as anything over and above that which was previously approved would result in further unacceptable impact on these residential dwellings.

- 10.5 There is a potential conflict between the existing clear fenestration within the rear elevation of MacDonald's close to the rear elevation of the proposed building (approximately between 7m and 9m) which is to include principle habitable room windows, and which could lead to a loss of privacy and amenity for future occupiers of the affected units.
- 10.6 Further impacts on neighbouring properties will be experienced by the fact that the proposal could inhibit future development/redevelopment options on neighbouring sites. The proposed building will be set off the eastern boundary by 0.5m and by 1.5m from the western boundary and with the installation of primary windows into the flank wall and rear elevations this will be a material consideration and potential restricting factor if neighbouring sites choose to redevelop in the future and would mean that these sites could not redevelop due to the impact that they would have on the proposed building. While it is accepted that this situation exists with the previously approved scheme the potential for the sterilisation of neighbouring land is increased under this application due to the additional number of side facing windows and may restrict the redevelopment of neighbouring land. No attempt has been made to try to overcome this problem by redesigning the internal layout of the flats or by providing larger flats which may overcome the issue.
- 10.7 Increase in noise and disturbance would not be materially worse from the previously approved scheme to warrant refusal and could be controlled by a certain extent via condition if the scheme was to be approved.
- 10.8 An objection is therefore raised in terms of the overbearing and loss of privacy impacts on adjoining residential properties. The proposal is considered to be inconsistent with Core Policy 8 of the Local Development Framework Core

Strategy and Policy EN1 of the Adopted Local Plan.

11.0 **Standard of accommodation**

11.1 **Room Sizes:**

The Council's approved Guidelines for Provision for flat conversions, 1992 requires a minimum room size for the type of development proposed. Although these guidelines relate to conversions of flats they do provide a guide for new build development, such as proposed in this application. The guidelines state that living areas (sitting and dining) for 1 bed room flats requires an area of 14.86m², kitchen areas require 5.57m² and bedrooms require 11.14m². These guidelines go further to say that in the case of bedsits (studio units) the total floor space should not fall below those laid down for one bedroom flats. These proposals allow for 17.81m² and 15.68m² in the flats living rooms, and 11.13m² for the bed room resulting in a negligible shortfall which would not on its own form a basis for refusal of the application. However more concerning is the fact that the bedsits have a floor area (living area and kitchen) of between just 24.88m² and 25.65m² as opposed to the minimum of 31.57m² leading to a shortfall of between approximately 5.92m² to 6.69m² and would result in an unacceptable cramped form of accommodation for future occupiers of this unit having a detrimental impact upon their living standards, while failing to provide high quality housing. While it is accepted that some of the bedsits fell below these standards in the previously refused scheme the number of units and the amount by which they are substandard is increased under this application and such a shortfall is not considered to be acceptable and with an increased number of units an increase in the mix of type of unit would also be considered to be appropriate.

11.2 **Sunlight / Daylight:**

Although no details have been provided to assess daylight and sunlight issues the living conditions for future occupiers on the first level of residential accommodation is compromised by the orientation of the rooms inside the building in terms of outlook and lacking the benefit of any natural light the situation is improved from the previously approved scheme as the number of units that will be affected will be reduced and no objection is raised on this basis.

11.3 **Entrance:**

The layout of the proposed development is further compromised with the inclusion of only one entrance to the building. This entrance will have to be used for the offices, residential properties and the gym / leisure uses and although this was deemed to be acceptable for the previously approved scheme with the increase in the number of residents and office users of the building it will result in congestion and conflict within the small entrance / lobby area and will also create security issues with a greater range of people having access to the residential and office areas of the building which will

further impact upon the amenities of future residents, both residential and commercial.

11.4 **Tenure:**

The Applicant has sought to supply an increased number of small units at the lower end of the market, above that which was previously considered to be acceptable, but has failed at this stage to provide the necessary justification in the way of a market needs argument. However this would need to be considered in the round and it would not justify substandard accommodation. Whilst the previous tenure argument was never proven given the view taken on this application a reason for refusal could not be sustained on this occasion.

11.5 The development by virtue of its poor living conditions for the future occupiers by reasons of the cramped sizes and poor layout would not achieve high quality housing in accordance with PPS3 and Core Policy 8 of the Local Development Framework Core Strategy.

12.0 **Amenity Space**

12.1 Amenity space criteria is assessed against Local Plan Policy H14.

12.2 Policy H14 of the Adopted Local Plan states that development will only be allowed with the provision of the appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities. This policy goes further to say that in smaller schemes, such as one bedroom flats, demand for real gardens is not so strong.

12.3 This scheme proposes only one bedroom flats and bedsits with no real usable amenity area. Although not ideal it would not form a basis for refusal of the application as the site is within a Town Centre location where there is very limited private amenity space and is in close reach to publicly accessible amenity areas, such as at the High Street / Yew Tree Road junction or Upton Park slightly further afield.

12.4 The front units on the top floor have the benefit of small balconies as an amenity area but this causes issues of overlooking as discussed in the report above.

12.5 The proposal is considered to be in accordance with guidance given in PPS1, and Policy H14 of the Adopted Local Plan in terms of amenity space requirements.

13.0 **Traffic and Highways**

- 13.1 The relevant policies in terms of assessing traffic and highway impacts are Core Policy 7, Local Plan Policy T2 and the adopted parking standards.
- 13.2 Core Policy 7 requires that development proposals will have to make appropriate provisions for reducing the need to travel, widening travel choices and making travel by sustainable means of transport more attractive than the private car, improving road safety, improving air quality and reducing the impact of travel upon the environment.
- 13.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.
- 13.4 The applicant is not required to provide any parking spaces for this development, which is consistent with Policy T2 in the Slough Local Plan. As the development is located in a sustainable location in close proximity to the railway station, bus station and other facilities, including 24 hour car parks, there is no objection in principle to the development providing no parking.
- 13.5 With this development a car free development, it is vital to both the residential and commercial elements of the scheme that high quality cycle parking provision is included. The application proposes an area with the same cycle parking provision as the previously approved scheme with no allowances for the increase of 102 m² of office space and 7 residential units. This is clearly insufficient in size and thus it is unacceptable. Cycle parking must be installed to meet the Council's Cycle Parking Standards as set out in the Developer's Guide Part 3, Section 7.
- 13.6 No information has been presented by the applicant on the current or proposed trip generation of the site, however modelling shows that the proposed development is likely to generate an approximate total of 529 person trips per day of which 120 are vehicle trips as opposed to the previous permission which would have produced 464 person trips per day of which 106 are vehicle trips, a material increase.
- 13.7 This development would place additional demands on the transport network on a daily basis and the associated traffic and person trip movements would exacerbate existing problems in terms of the proposed residential and commercial uses. As a consequence of the existing delay and congestion within Slough town centre a contribution towards the Slough Transport Strategy is required so that the implementation of schemes within the Strategy to promote other forms of travel and manage congestion can be brought forward. A contribution of £36,000 should be secured by a S.106 Agreement and it would be put towards improving parking facilities at the nearby Herschel Street car park, towards the implementation of real time passenger information in the town centre to make bus travel more attractive and finally towards improvements to walking and cycling infrastructure in the town centre. The applicant did enter into a Section 106 Agreement for the last

approval for a transport contribution of £17,500.00 to fund improving parking facilities, the implementation of real time passenger information in the town centre and towards improvements to railway forecourt, which was reduced from the original figure of £31,800.00 after discussions with the then Head of Town Planning, the basis of which is unclear and unreported. The applicant has indicated that they would be willing to enter into another Section 106 Agreement for this scheme in a “similar nature as before”. However with the increase in funds that are required and as outlined above there are significant and severe issues with this application it is proposed to include a holding objection for the failure to provide an appropriate Section 106 agreement.

13.8 An objection is therefore raised in terms of lack of cycle parking and impact upon highway infrastructure. The proposal is considered to be inconsistent with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

14.0 **Other Issues**

14.1 This application involves the provision of more than 24 dwelling units and to comply with the requirements of Core Policy 4, 30% of the provision should be in the form of on site affordable housing. With respect to the extant outline planning permission, given the high proportion of bed sits equating to 66% of the total provision and the poor internal space standards, that such accommodation would be serving the lower end of the rental market and be tied to short term lets only, a view was taken at that time, that the normal affordable housing provisions would not apply. What is different with the current application is that both the number and proportion of one bedroom flats being provided has increased from 6 no. to 10 no. representing 40% of the total provision, compared with only 33% previously. It is the one bedroom dwellings rather than the bedsits which could house small families.

14.3 Were this planning application to have been supported in planning terms, the applicant would have been required to enter into a Section 106 Planning Obligation Agreement obligating the applicant/developer to extend proposals for short term lets to apply to the 12 no. bedsits and the 6 no. one bed flats as already approved plus the additional 3 bedsits now being proposed. A financial contribution would also have been sought for the additional 4 no. one bedroom flats which would equate to £120,000, on the basis that the lower threshold figures would apply.

14.4 With respect to education contributions, similarly in respect of the extant outline planning permission, given the high proportion of bedsits within the overall scheme, it was decided at the time not to apply the normal requirements on the grounds that the type of accommodation was unlikely to attract families. However, as stated in the paragraphs above, both the number and proportion of one bedroom flats is increased as part of the total development and as such it is considered that such accommodation could attract small families and as such a financial contribution, equating to £3632,

which reflects the increase in one bedroom flats (4 no.) would have been sought through the terms of a S106 Agreement.

- 14.5 The applicant has not submitted a viability appraisal to demonstrate that the development could not support such financial contributions. As such, the heads of terms for the S106 Agreement have been sent to the applicant for their written agreement, without such agreement it is considered that a holding objection be raised. Any responses from the applicant will be reported to members on the Amendment Sheet.

15.0 **Summary and Conclusions**

- 15.1 The Applicant has failed to demonstrate through the submission of illustrative plans and other details that the site is capable of accommodating a building of the height, scale and bulk proposed, nor the number of residential units proposed insofar as; this level of residential accommodation cannot be satisfactory accommodated on the site without prejudicing the privacy and outlook for nearby residential properties; that having due regard to the siting of the development in relation to neighbouring uses it would potentially restrict development / redevelopment opportunities on those sites; that the quality and standard of accommodation for some future occupiers due to the lack of adequate day light / sunlight and cramped and inappropriate accommodation / room sizes would result in sub standard housing; and that the height coupled with a lack of any setting around the building results in a building which is out of context with its immediate surroundings It is therefore considered that the scheme represents an over development of the site.

16.0 **PART C: RECOMMENDATION**

- 16.1 **Refuse.**

PART D: LIST OF REASONS FOR REFUSALReason(s)

1. The applicant has failed to demonstrate that the level of development being applied for can be provided on this site without compromising the character and appearance of the area through the buildings excessive bulk, scale and height therefore the proposed development is contrary to Planning Policy Statement 1, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004.
2. At a proposed height of seven stories the building will be visible from the High Street and will appear as a isolated and intrusive form of development given the domestic scale of the rest of the High Street. The applicant has failed to show that the amount of development sort can be delivered on this site and therefore the proposed development is thereby contrary to Planning Policy Statement 1, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004.
3. The siting and juxtaposition of the proposed building would introduce an unacceptable form of development for the occupiers of the residential properties at 6-10 Herschel Street, the rears of which face onto the south side of Chapel Street resulting in an overbearing form of development, and a loss of privacy for these occupiers and be visually intrusive for the occupiers of those properties with their amenity affected to an unacceptable degree. The development therefore has an unacceptable impact upon the amenities of neighbouring properties contrary to Planning Policy Statement 1, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Sough: 2004.
4. The increased provision of flank windows over and above that previously approved will result in potential and perceived overlooking over neighbouring sites to the extent that it would significantly effect the chances of future development on neighbouring sites therefore having an unacceptable impact upon the amenities of neighbouring properties contrary to Planning Policy Statement 1, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Sough: 2004.
5. The proposed building by virtue of its proximity to the rear of the properties in High Street with habitable room windows facing onto properties on High Street will result in overlooking to the proposed residential unites so that the

Applicant's have failed to demonstrate that a satisfactory internal layout can be achieved for the amount of development sort, contrary to Planning Policy Statement 1, Planning Policy Statement 3 (Housing), Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004.

6. The proposed building by virtue of its internal layout will result in a number of the residential units having inappropriately sized rooms, thereby impacting on the amenity of future residents and failing to provide high quality housing, to the extent that the Applicant's have failed to demonstrate that a satisfactory internal layout can be achieved for the amount of development sort, contrary to Planning Policy Statement 1, Planning Policy Statement 3 (Housing), Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004.
7. The proposed building would result in an unsuitable singular entrance for all uses resulting in a crowded and congested entrance leading to security and amenity issues with concerns over security and the failure to design out crime, so that the Applicant's have failed to demonstrate that a satisfactory internal layout can be achieved for the amount of development sort, contrary to Planning Policy Statement 1, Planning Policy Statement 3 (Housing), Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Slough: 2004.
8. Insufficient provision has been made for secure cycle parking to the detriment of the efficiency of the highway network. As such the proposal is contrary to Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document, December 2007).
9. A holding objection is raised on the grounds that the applicant has failed to enter into an Agreement under Section 106 of the Town and Country Planning Act for payment of a general transportation contribution, affordable housing contribution or education contributions contrary to Core Policy 7 of the Local Development Framework Core Strategy (2006 - 2026), Development Plan Document, December 2008.

Informative(s) *delete

1. The development hereby refused was submitted with the following plans and drawings:
 - (a) Drawing No. CS00c, Dated 26/11/2011, Recd On 05/12/2011
 - (b) Drawing No. CS01b, Dated 14/11/2011, Recd On 05/12/2011
 - (c) Drawing No. CS02d, Dated 14/11/2011, Recd On 05/12/2011

- (d) Drawing No. CS09a, Dated 14/11/2011, Recd On 05/12/2011
- (e) Drawing No. CS04b, Dated 14/11/2011, Recd On 05/12/2011
- (f) Drawing No. CS07b, Dated 25/11/2011, Recd On 05/12/2011
- (g) Drawing No. CS05d, Dated 17/11/2011, Recd On 05/12/2011
- (h) Drawing No. CS06c, Dated 17/11/2011, Recd On 05/12/2011
- (i) Drawing No. CS08d, Dated 26/11/2011, Recd On 05/12/2011