

Registration Date: 16-Apr-2013
Officer: Mr Smyth
Applic. No: P/11826/005
Ward: Upton
Applic type: **Major**
13 week date: **16th July 2013**

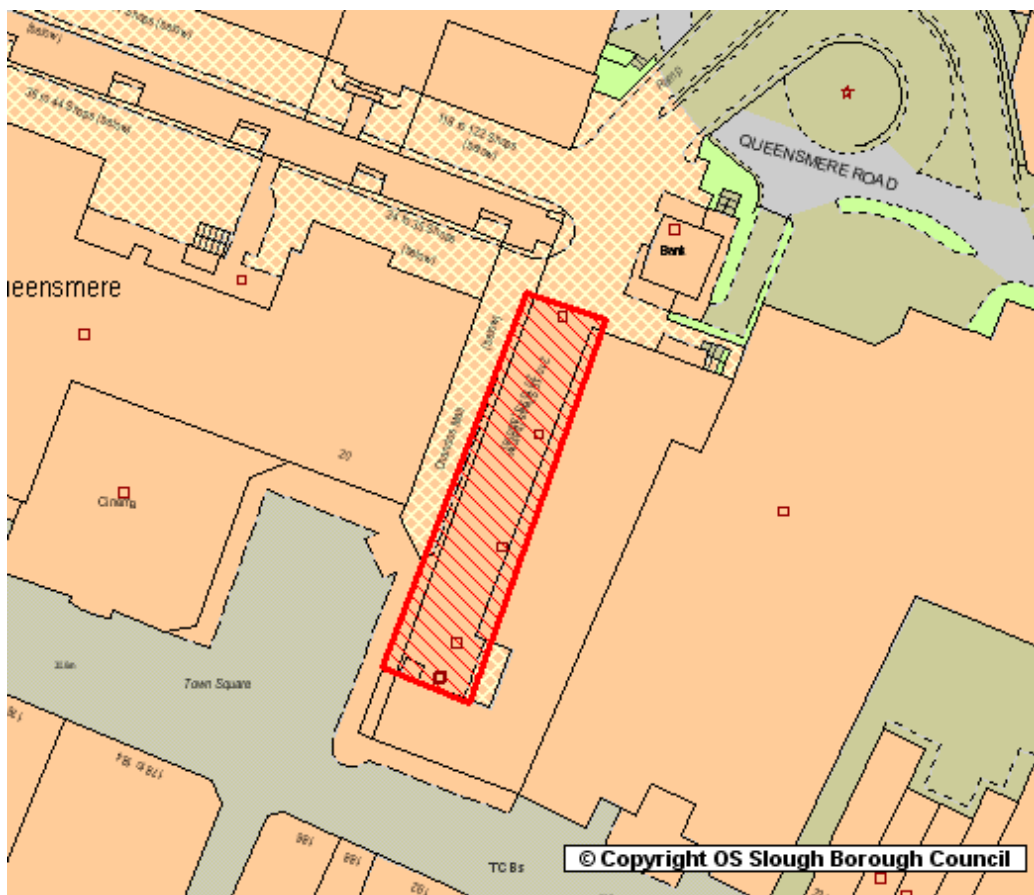
Applicant: Slough Shopping Centres LLP

Agent: Mr. Adam Beamish, Cunnane Town Planning LLP 67, Strathmore Road, Teddington, Middlesex, TW11 8UX

Location: Wellington House, 20, Queensmere, Slough, SL1 1DB

Proposal: CHANGE OF USE OF PART 1ST FLOOR FROM CLASS B1 (A) OFFICE TO CLASS C3, CHANGE OF USE OF 2ND FLOOR FROM CLASS B1(A) OFFICE/CLASS D1 NON RESIDENTIAL EDUCATION CLASS C3 RESIDENTIAL AND CHANGE OF USE OF 3RD TO 5TH FLOORS FROM B1(A) OFFICE TO CLASS C3 RESIDENTIAL. ERECTION OF A 6TH FLOOR FOR CLASS C3 RESIDENTIAL USE TO CREATE A SEVEN STOREY BUILDING CONTAINING A TOTAL OF 100 FLATS, COMPRISING, 2 NO. STUDIO FLATS, 76 NO. x ONE BED FLATS AND 22 NO. X TWO BED FLATS. PROVISION OF CYCLE AND BIN STORES ON REAR SERVICE DECK AND ROOF TOP COMMUNAL GARDEN.

Recommendation: Approve, with conditions



1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 This is a major application comprising 100 no. dwelling units which is bought before Planning Committee for decision.
- 1.2 Having considered the relevant Policies below the development is considered not to have an adverse affect on the sustainability and the environment for the reasons set out.
- 1.3 That the application be approved subject to conditions.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 The proposal is for *change of use of part 1st floor from Class B1 (a) office to Class C3 residential, change of use of 2nd floor from class B1(a) office / Class D1 non residential education to Class C3 residential and change of use of 3rd to 5th floors from B1(a) office to Class C3 residential. Erection of a 6th floor for class C3 residential use to create a seven storey building containing a total of 100 flats, comprising, 2 no. studio flats, 76 no. x one bed flats and 22 no. x two bed flats. Provision of cycle and bin stores on rear service deck and roof top communal garden.*
- 2.2 No physical changes are proposed to the external appearance of the existing building, other the erection of additional floor with a roof top garden terrace. This floor is set in 1m on all sides.
- 2.3 The following schedule of accommodation is proposed:

Level	2 Bed Units	1 Bed Units	Studio
First Floor	2	13	
Second Floor	5	13	
Third Floor	5	13	
Fourth Floor	3	15	
Fifth Floor	3	15	
Sixth Floor	4	7	2
Total	22	76	2

The two bedroom units range in size from 50 sq m to 71 sq m. The one bed units range in size from 32 – 57 sq m and the studio apartments from 32 – 33 sq m.

- 2.4 The application is accompanied by full plans showing floor plans and elevations. The applicant has also submitted the following supporting documents:

- Design & Access Statement
- Planning Statement
- Viability Appraisal
- Daylight Study

2.5 Design and Access Statement

The study concludes, that the proposals will:

- *Maximise the use of an urban brownfield site*
- *Provide a suitable use for the unviable office*
- *Secure a high level of design quality*
- *Contributes to the regeneration and redevelopment of the site and provide a more sustainable environment*
- *Contribute to the quality of the urban fabric*
- *Provide greater public safety and civic stability to the area brought by perceived ownership of the street*
- *Reduce the need for car travel*
- *Provide sufficient bin storage and cycling facilities*

2.6 Planning Statement

The Planning Statement concludes:

“The proposed conversion of the existing underused office and educational floorspace into residential units within a highly sustainable town centre location accords with relevant policies and has been previously supported by the Council with regards to the application site.

The proposed residential units would all benefit from high levels of daylight and provide high quality, sustainable accommodation and would neither be adversely affected by actual or perceived overlooking from other properties, nor would the occupiers of the proposed flats overlook any other properties. The proposed design of the additional storey is in keeping with the scale appearance and character of both the existing building and its surroundings and would deliver a high quality sustainable addition to this part of the town centre

As justified by the viability appraisal neither on site affordable housing or any other financial contributions can be provided.

2.7 Viability Appraisal

The Executive Summary states:

We determine the viability of the development marginal through the results of the affordable housing toolkit.

This conclusion assumes zero affordable housing, any inclusion of affordable housing in substitute to private for sale tenure would further reduce the economic viability of the proposed development

The residual value generated by the toolkit is in the value of £2,815,000

The current capitalised value of the existing use is estimated in the value of £3,500,000 based upon an assessment of actual and the EUV/Estimated Rent Value

On this basis the economic argument would be one or the development to retain its current use.

We conclude that this development proposal does not support the inclusion of affordable housing on the basis of economic viability.

2.8 Daylight Study

The study concludes:

The results of our analysis demonstrates that all windows will achieve an Average Daylight Factor greater than 45 and that more than 90% of each room will lie in front of the No Sky Line.

The results of the analysis therefore demonstrate that the aims of the Building Research Establishments 2011 publication "Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice are met

The terms referred to above, are defined within the appendices to the study.

3.0 Application Site

3.1 Wellington House comprises a six storey building with plant room on top, together with a separate three storey annexe building to the west of the main building and accessed by way of a bridge link.

3.2 The property is located within the designated commercial core and primary shopping frontage. Pedestrian access is from Town Square off High Street and vehicular access and servicing is provided from a first floor rear service deck.

3.3 The primary authorised use of Wellington House is B1(a) offices, although the second and third floors of the annexe now comprise nine residential apartments (8 no. one bed flats and 1 no. studio). Part of the second floor of Wellington House is used for non-residential education use by East Berkshire College. The college use the space as overflow office and student liaison. The lease held

by East Berkshire College has a six month break clause and terminates in 2015. East Berkshire College has advised the applicant that it wishes to vacate and negotiations are ongoing relating to the surrender of the existing lease. The third floor is occupied as offices, although details regarding the length of lease remaining have not been given. The ground floor forms part of the Queensmere Shopping Mall.

3.4 The telecoms equipment which is currently located on the roof top is all on rolling licence agreements. The intention is to remove most of the equipment, but retain it where there is least impact on amenity space.

3.5 A site inspection reveals that work has commenced on the conversion of parts of the building to residential units. Such works have been undertaken on parts of the first fourth and fifth floors. At present this work is unauthorised, although none of the units have been completed and are therefore not capable of occupation. Works ceased some time ago, and as all such works are internal they do not constitute development as defined in the Town and Country Planning Act and as such do not in themselves constitute a breach of Planning Control. Any such breach would only be triggered upon occupation, which is not the case here.

4.0 **Site History**

4.1 The most relevant planning history is set out below:

P/03167/0 21	05-Sep-2011	01-May-2012	Refused; Informatives
Appeal Lodged:		App Decision:	Appeal Dismissed 01-Nov-2012
Proposal:	CHANGE OF USE OF PART OF FIRST FLOOR FROM OFFICE USE (CLASS B1) TO RESIDENTIAL (CLASS c3) AND TO PROVIDE 6 NO. STUDIO FLATS AND 2 NO. ONE BEDROOM FLATS		

P/03167/0 20	03-Sep-2010	23-Dec-2010	Approved with Conditions; Informatives
Appeal Lodged:		App Decision:	

Proposal:	CHANGE OF USE OF FLOORS 2 AND 3 FROM OFFICE USE (CLASS B1) TO RESIDENTIAL (CLASS C3) AND PROVIDE 8 NO. 1 BED APARTMENTS AND 1 NO. STUDIO APARTMENTS
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P/03167/0 19	13-May-2010	08-Jul-2010	Approved with Conditions; Informatives
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Appeal
Lodged:

App Decision:

Proposal:	CHANGE OF USE FROM OFFICE (B1) TO NON RESIDENTIAL EDUCATION CENTRE (D1).
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4.2 In May 2010 planning permission was granted for a change of use for the second floor of Wellington House, from Class B1(a) Offices to Class D1 Non Residential Education Centre for occupation by East Berkshire College. That planning permission has been implemented.

4.3 In December 2010 planning permission was granted for a change of use from B1(a) offices to Class C3 Residential for the provision of 8 no. X 1 bed flats and 1 no. studio flat on the second and third floors of the Wellington House Annexe building.

4.4 In May 2012, planning permission was refused for a change of use of part of first floor from office use (Class B1) to residential (Class C3) and to provide 6 no. studio flats and 2 no. one bedroom flats. That application was refused on the following grounds:

1. *The proposed west facing units retain a separation distance of only 6.5 metres from the obscurely glazed windows which serve the access corridor to the flats opposite. This provides a poor aspect to those habitable rooms which will face due west with the potential for its occupiers to perceive overlooking. This represents poor design resulting in a development which is not therefore sustainable. Therefore the proposed development fails to comply with the National Planning Policy Framework or Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 (Development Plan Document), December 2008.*
2. *A holding objection is raised on the grounds that the applicant has failed to enter into a Section 106 Agreement under the Town and Country Planning act 1990 for the payment of financial contributions towards the cost of providing affordable housing off site based upon the cumulative effects of two separate planning applications within the same building, which when combined exceed the threshold as set down in Core Policy 4 of the Slough*

Local Development Framework Core Strategy 2006-2026 (Development Plan Document), December 2008, upon which such contributions are triggered.

4.5 The Appeal Inspector determined that the first main issue is the adequacy of the living environment that would be created for occupiers of the proposed residential units, primarily in terms of outlook and privacy. The second main issue is whether or not it is necessary to make provision for affordable housing.

4.6 Turning to the first issue, the Inspector concluded “*There is no doubt that this separation distance is substantially less than would normally be expected in a more conventional housing layout. I fully appreciate that some reduction in standards may well be necessary in a high density urban environment such as this one. Nonetheless, given that the west-facing windows would be the only source of light and outlook for occupiers of these three units, it is important that a good standard of amenity can be achieved.....*

In addition, I note the submitted Daylight Assessment shows that minimum Average Daylight Factors (ADF) would be achieved in all rooms. Even though this Assessment was not challenged by the Council it is also noteworthy that the ADF values for unit nos. 2, 3 & 4 indicate that supplementary electric lighting would be needed. Thus, whilst daylight levels in these units would satisfy the minimum requirement, in this respect also the scheme would not achieve the high quality design or good standard of amenity promoted in national and local policy 2.

In conclusion on this issue I find that, in combination, the matters set out..... above are significant shortcomings indicative of a poor quality design that would result in a poor aspect and poor standard of amenity for the occupiers of unit nos. 2, 3 & 4. In these respects the proposal would conflict with the Framework and with CS Core Policy 8...”

4.7 Turning to the second issue the Appeal Inspector concluded: “*The most recent adopted development plan policy relating to affordable housing is CS Core Policy 4, which requires all sites of 15 or more dwellings (gross) to provide between 30% and 40% of dwellings as social rented or other forms of affordable housing. The appeal application proposes 8 dwelling units, and the scheme previously permitted and implemented created 9 units. The Council now seeks a contribution towards the provision of affordable housing elsewhere, by means of a planning obligation, on the basis that a cumulative total of 17 new dwelling units would exceed the threshold in Core Policy 4.....*

However, neither the policy nor its supporting text makes any reference to either this cumulative approach or to requiring financial

contributions in lieu of on-site provision. The text refers to further detail being provided in due course in a Development Control and Site Allocations DPD and a Supplementary Planning Document (SPD) but, at present, the Council relies on a Developer's Guide entitled 'Developer Contributions and Affordable Housing (Section 106)'. This has been approved as an interim document by the Council and explains the Council's approach in requiring financial contributions for small sites but, again, does not mention the cumulative approach that the Council seeks to apply in this instance. Moreover as the Guide is not an adopted SPD, the weight I can give it is limited accordingly.....

In the absence of unequivocal development plan policy support for the Council's approach in this particular instance, I find insufficient grounds to conclude that it is necessary to provide for affordable housing in the form of a contribution towards off-site provision. I find no demonstrable conflict with CS Policy 4....."

5.0 **Neighbour Notification**

- 5.1 The Occupier, Poundland, 7, Queensmere, Slough, SL1 1DB
The Occupier, Unilever Graduate Recruitment, Slough, SL1 1YT
The Occupier, 17a Queensmere, Slough, SL1 1DB
The Occupier, Optical Express, 118, Queensmere, Slough, SL1 1DQ
The Occupier, C E X Games, 119, Queensmere, Slough, SL1 1DQ
The Occupier, The Entertainer, 120-121 Queensmere, Slough, SL1 1DQ
The Occupier, Allsports, 122, Queensmere, Slough, SL1 1DQ
The Occupier, Timpson Shoe Repairs 24a Queensmere, Slough SL1 1DB
The Occupier, Empire Cinemas, 45, Queensmere, Slough, SL1 1DD
The Occupier, 46-55 Queensmere Slough SL1 1JW
The Occupier, Ernest Jones, 56, Queensmere, Slough, SL1 1DD
The Occupier, The Barber Shop, 58, Queensmere, Slough, SL1 1DD
The Occupier, Pizza Hut (uk) Ltd, 59, Queensmere, Slough, SL1 1DD
The Occupier, 217, High Street, Slough, SL1 1BY
The Occupier, 219, High Street, Slough, SL1 1BY
The Occupier, City Cobblers Of Slough, 3a The Observatory, High Street
Slough SL1 1LE
The Occupier, Millets, 186-188, High Street, Slough, SL1 1JS
The Occupier, Boots The Chemists Ltd, 184, High Street, Slough
SL1 1JR
The Occupier 190, High Street Slough SL1 1JS
The Occupier Dixons Ltd 192, High Street Slough SL1 1JS
The Occupier Waterstones 103, Queensmere Slough SL1 1DQ
- 5.2 The 21 day consultation period expired on 6th May 2013.

No comments have been received

5.3 The press notice published and site notice displayed on 30th May 2013. and for which the 21 day period for comment expires on 21st June 2013. No comments have been received.

6.0 **Consultation**

6.1 **Transport & Highways:**

Late consultation.

6.2 **Town Centre Manager:**

No comments received

6.3 **Thames Valley Police:**

No comments received

6.4 **Waste Management Team:**

No comments received

6.5 **Land Contamination:**

In terms of potential contaminated land issues, a gas works was historically located adjacent to the north of Wellington House. However because the works will not involve excavation and there will be no residential use on the ground floor, no contamination-related conditions are necessary. If there was demolition and re-development of the existing building it would be a different matter but change of use from the first floor upwards is not an issue from my point of view.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 This application is assessed against:

- The National Policy Framework
- The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013
- Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008

Core Policy 1 (Spatial Planning Strategy),
Core Policy 3 (Housing Distribution),
Core Policy 4 (Type of Housing),
Core Policy 8 (Sustainability & the Environment).
Core Policy 12 (Community Safety)

- Adopted Local Plan for Slough 2004

Policy H7 (Town Centre Housing)

Policy H11 (Change of Use to Residential)
Policy H14 (Amenity Space)
Policy S12 (Change of Use from A1 to A3)
Policy EN1 (Standard of Design)

7.2 **The application is considered in relation to:**

- The Principle of Housing
- Design & Street Scene Impact
- Affordable Housing & Developer Contributions
- Quality of Housing
- Access Servicing & Parking
- Amenity Space
- Designing Out Crime

8.0 **The Principle of Housing**

8.1 The National Planning Policy Framework states planning should:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.....*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites..... normally approve planning applications for change to residential use and any associated development from commercial buildings.....*

8.2 Effective from 30th May 2013, the government has introduced some fundamental changes to the Town and Country Planning General Permitted Development Order. A number of new classes of permitted development have been introduced. Class J to Part 3 of Schedule 2 introduces as permitted development, a change of use from Class B1(a) offices to Class C3 residential. This relates only to buildings which were in Class B1(a) office use immediately before 30th May 2013, or where properties are vacant, it was the last such use before

the property became empty. The development has to be completed/occupied before 30th May 2016.

- 8.3 Such changes of use are permitted subject to a condition that before commencing the use, the developer applies to the Council for its prior approval in relation to:
- (a) transport and highway impacts of the development
 - (b) contamination risks on the site
 - (c) flooding risks on the site.
- 8.4 With respect to transport and highway impacts, if in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of the traffic in the vicinity of the site, the local planning authority shall consult with the relevant highway authority.
- 8.5 With respect to contamination risks, the local planning authority will need to determine, taking account of any proposed mitigation whether or not the site will be contaminated, and if so refuse prior approval.
- 8.6 With respect to flood risk the local planning authority will be required to consult with the environment agency where the site falls within flood zones 2 or 3 or in Flood Zone 1, which has been notified to the local planning authority by the Environment Agency.
- 8.7 The local planning authority can require the developer to submit further information on any or all of these matters as may be reasonable to allow the application to be assessed.
- 8.8 The local planning authority will be required to place a notice on site and to consult with neighbouring occupiers. Any representations received will need to be taken into account in determining the application for prior approval and the local planning authority must also have regard to the National Planning Policy Framework as if the application was a planning application.
- 8.9 Also effective from 30th May 2013, Class D has been introduced to Part 4, Schedule 2 to provide flexible interchange between a number of Classes of development for a single continuous period of two years with a floorspace of up to 150 sq metres. The property can interchange between the defined Classes, subject to notifying the Council on each of the occasions that such change is proposed. At the end of the two year period, the site reverts to its previous authorised use.
- 8.10 Under Class D it is permitted development for a change of use of a building and any land within its curtilage

from:

Any use falling within: Class A1 (shops) , A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non residential institutions) and D2 (assembly and leisure)

To

Class A1 (shops), Class A2 (professional & financial services), Class A3 (restaurants and cafes), of Class B1 (business).

- 8.11 With respect to the current planning application, it is the case that under the current changes to the Town and Country Planning General Permitted Development Order, the first floor, part of the second floor, and third to fifth floors of Wellington House, could change from its authorised use as B1(a) offices to Class C3 (residential) without the need for specific planning permission, subject to prior approval being granted. Given that the proposal is for a car free scheme, then there would be no material change to the character of traffic within the vicinity of the site; the Council's land contamination officer has confirmed that there are no objections on grounds of land contamination and the site does fall within Flood Zones 2 or 3. Whilst consultation with neighbouring occupiers can not be prejudged, it can be confirmed that no objections have been received from neighbouring occupiers in relation to this application. Further, the National Planning Policy Framework advises that: *normally local planning authorities should approve planning applications for change to residential use and any associated development from commercial buildings.*
- 8.12 Officers are of the view that in light of the above that if the applicants were to submit an application for prior approval for the conversion of the floors identified, then such approval is likely to be granted. In such circumstances, the Council's approved policies covering matters such as, affordable housing, education and open space contributions, bicycle parking, refuse storage and travel distances, internal space standards and layout, daylighting/sunlighting and outlook/aspect and privacy could not be applied. Whilst such policies could legitimately be applied in respect of this application, there would be little to be gained by applying such policies, given that it is only likely to generate a further application submitted under prior approval which would not need to be tested against such policies.
- 8.13 Whilst part of the second floor is used by East Berkshire College for Class D1 non residential educational use, therefore planning permission is required to change its use to Class C3 residential. Equally planning permission is required for the provision of an additional floor of accommodation on top of the existing building, the design implications fro which are set out elsewhere in this report.

- 8.14 Core Policy of the LDF Core Strategy states: *Proposals for high density housing..... will be located in the appropriate parts of the town centre.* Core Policy 3 allocates a minimum of 3000 dwellings to the Town Centre. Core Policy 4 states that: *High-density housing should be located in Slough town centre.*
- 8.15 Policy H7 of the Local Plan states: *.....Within the Town Centre Commercial Core area, priority will be given to the development of mixed use schemes, including a residential element, unless it can be demonstrated that the site is unsuitable for residential use.*
- 8.16 Policy H11 states: *Proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to their meeting all of the following criteria:*
- a. a satisfactory independent access is provided;*
 - b. any parking provision meet the aims of the integrated transport strategy;*
 - c. satisfactory minimum room sizes and internal layouts are achieved; and*
 - d. satisfactory sound insulation measures are taken between each residential unit and adjoining properties.*
- Proposals should also provide appropriate amenity area which can take the form of roof gardens, balconies, or more traditional forms of amenity space such as ground level gardens.*
- 8.17 The principle of providing housing in the Town Centre Area is acceptable as being a sustainable form of development. It would make effective and efficient use of an existing underutilised building, promotes a mixed scheme, in terms of retaining retail on the ground floor and would add to the vitality of the town centre in accordance with the principles underlying the aims and objectives of the National Planning Policy Framework. It further complies with the requirements of Core Policies 1, 3 and 4 of the Local Development Core Strategy, Development Plan Document, in terms of housing location and distribution, housing type and density. The proposals further comply with the principles of Policy H7 of the Adopted Local Plan which supports the principle of such schemes within the Town Centre Commercial Core Area.
- 8.18 No objections are raised to the principle of housing, in accordance with the NPPF, the Slough LDF Core Strategy or the adopted Local Plan for Slough
- 9.0 **Design & Street Scene Impact**
- 9.1 The National Planning Policy Framework states: *planning should always seek to secure high quality design and a good standard of*

amenity. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.2 Core Policy 8 of the LDF Core Strategy states: *All development will:*

- (a) Be of a high quality design that is practical attractive safe accessible and adaptable*
- (b) Respect its location and surroundings*
- (c) Provide appropriate public space amenity space and landscaping as an integral part of the design*
- (d) Be in accordance with the Spatial Strategy in terms of its height scale massing and architectural style*

9.3 *Policy EN1 of the Adopted Local Plan states: Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of:*

- a. scale;*
- b. height;*
- c. massing/Bulk;*
- d. layout;*
- e. siting;*
- f. building form and design;*
- g. architectural style;*
- h. materials;*
- i. access points and servicing;*
- j. visual impact;*
- k. relationship to nearby properties;*
- l. relationship to mature trees; and*
- m. relationship to water courses.*

These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused.

9.4 The main design issues relate to the erection of an additional floor and the siting and appearance of the secure bicycle parking and bin store. The proposals do not include any changes to the external appearance of the main building itself. The additional floor will be set back 1 metre from the edge on all sides to reduce its impact when viewed from ground level. The design and appearance will replicate

the rest of the building in terms of fenestration and external cladding. The only noticeable difference is the introduction of doors to allow access onto the terrace created by the set back. On top of the additional floor a roof top garden is proposed. Details of roof plant will be required by planning condition.

- 9.5 No objections are raised on grounds of Design or Street Scene Impact in accordance with the NPPF, Core Policy 8 of the LDF Core Strategy or Policy EN1 of the Adopted Local Plan.

10.0 **Affordable Housing & Developer Contributions**

Given the recent changes to the General Permitted Development Order, it is concluded that there would be little to be gained by not supporting the current application in terms of the principle of the proposed changes of use, given the government's aims of trying to introduce greater flexibility as to the way that commercial buildings are used. Given the relaxation of local planning authorities control over such changes of use, coupled with the previous appeal inspectors lack of support to secure affordable housing, it is not proposed that affordable housing, education and/or open space contributions be secured in respect of this application in relation to the conversion and that the Council's normal policies be applied only in relation to the new build element of the scheme and the change of use of part of the second floor from Class D1 to Class C3.

- 10.1 With respect to the new build element of the scheme, the total number of flats proposed is 13 no. which falls below the threshold whereby contributions would normally be sought for affordable housing education or open space. The change of use from Class D1 education to Class C3 residential does require planning permission and would, when combined with the additional floor increase the number of new units to 23. However, having regard to the previous appeal inspector's decision regarding affordable housing, she was unprepared to link separate planning applications within different parts of the building to provide a cumulative total. Applying that principle to the current proposal, it is concluded that if separate planning applications were to be submitted for the new floor and for the change of use from Class D1 to Class C3, that given the appeal precedent, that it would be unreasonable, in such circumstances to require affordable housing or other developer contributions.

- 10.2 The applicant has submitted a viability appraisal which concludes that it would not be economically viable to provide affordable housing. The viability appraisal has not been tested as the applicant was unwilling to pay any additional fees to allow the Council to carry out a full evaluation of the appraisal. In any event given the particular circumstances of this application and in particular, the governments changes to the General Permitted Development Order, to allow more flexibility in the use of commercial buildings between different use

classes and the precedent set by a previous appeal inspectors decision with regards to affordable housing, it is not considered necessary in this instance for the viability appraisal to be tested.

11.0 **Quality of Housing**

11.1 The overarching principles of the NPPF state that: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy H11 of the adopted Local Plan states: proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to meeting all of the following criteria:

(c) satisfactory minimum room sizes and internal layouts.

11.2 The quality of housing is normally assessed in relation to room sizes & layout, aspect and daylight & sunlight

Room Sizes & Layout

11.3 Internal floor areas are shown on the deposited floor plans. The two bedroom units range in size from 50 sq m to 71 sq m. The one bed units range in size from 32 – 57 sq m and the studio apartments from 32 – 33 sq m. In general, the floor areas shown comply with the minimum room sizes as set out in the Council's approved guidelines.

11.4 However, it needs to be stressed that matters of room sizes and layout could not be considered under a prior approval application other than by reference to the National Planning Policy Framework which includes as one of its core planning principles that, *planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*. Without reference to any minimum room sizes, against which the proposal could be tested, it could prove difficult to argue, in practice, a poor standard of amenity for future occupants.

Aspect

11.5 On part of the first floor which faces towards the Wellington House Annexe, is shown laid out as a storage area. This follows a previous refusal of planning permission (P/03167/002) to use this part of the first floor for flats, on grounds of poor aspect and resulting poor quality housing. A view which was upheld by the appeal inspector, when dismissing the appeal:

“All but two of the units proposed in this appeal scheme would be single aspect dwellings and their configuration is such that three units would have all their windows directly facing the annexe to the west, which is only some 6.5m away. Although these units would be at first

floor level, in terms of outlook from them the relationship between them and the annexe would be broadly comparable with that of ground floor habitable room windows facing a two-storey wall..... There is no doubt that this separation distance is substantially less than would normally be expected in a more conventional housing layout. I fully appreciate that some reduction in standards may well be necessary in a high density urban environment such as this one. Nonetheless, given that the west-facing windows would be the only source of light and outlook for occupiers of these three units, it is important that a good standard of amenity can be achieved”.

- 11.6 Whilst similar issues would also apply on the second and third floors, it could be argued that the impact would be less severe given the opportunity for more vertical aspect, whereby it is possible to achieve a 45 degree vertical line of sight, something which would not be possible on the first floor.
- 11.7 The views from the flats improve the higher up the building, with the most panoramic views from the fifth floor and potentially from the proposed sixth floor
- 11.8 However, it needs to be stressed that matters of aspect and views could not be considered under a prior approval application other than by reference to the National Planning policy Framework which includes as one of its core planning principles that, *planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.* Without reference to appropriate minimum separation distances, against which the proposal could be tested, it could prove difficult to argue, in practice, a poor standard of amenity for future occupants.

Day and Sunlight

- 11.9 The applicants have submitted a daylighting/sunlighting study, although the study itself evaluates the scheme of development only in terms of daylighting. Daylighting is analysed in two ways, *the average daylight factor (ADF) and the no sky line NSL)* . The ADF, takes into account the size of the window it serves and any other windows serving the room. The recommended minimum ADF levels depend on the room use with these being 2% for kitchens, 1.4% for living rooms and 1% for bedrooms. The NSL tests the daylight distribution within a room. The BRE guidelines state that a significant area of the room should not lie behind the NSL and that bedrooms are less important than living rooms.
- 11.10 The study concludes that all windows will achieve an ADF of more than 4% and that more than 90% of each room will lie in front of the NSL and that the BRE guidelines are met.

11.11 On the basis of the submitted study, although it has not been tested, on face value at least it would appear that the levels of daylight would meet the test of the BRE guidance and therefore that the future occupants would experience acceptable living conditions. As such, in relation to matters of daylighting and resulting living conditions no objections are raised in relation to the National Planning Policy Framework, insofar as the proposals will provide a reasonable level of amenity for future occupants.

12.0 **Access Servicing & Parking**

12.1 The NPPF states that: *planning should aim to safe and accessible developments, containing clear and legible pedestrian routes.....`*

12.2 Core Policy 8 of the LDF Core Strategy states that: *All development will be of a high quality design, attractive, safe, accessible and adaptable.*

12.3 Policy H11 of the Adopted Local Plan states: *proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to meeting all of the following criteria:*

- a) *a satisfactory independent access is provided*
- b) *any parking provision meets the aims of the integrated transport strategy*

12.4 Policy T2 of the Adopted local Plan states that: *....the maximum level of on-site parking provision for the private car will be restricted to a maximum level in accordance with the integrated transport strategy.* The supporting parking standards require nil car parking and 1 no. bicycle parking space per dwelling for residential schemes in the town centre.

12.5 Pedestrian access would be via the existing entrance onto Town Square. There are three pedestrian lifts plus stairs serving the first to fifth floors. It is proposed to extend the lifts and stairs to the sixth floor.

12.6 Servicing including refuse collection is via the existing rear service deck at first floor level. A bin store has been provided on the rear service deck accessed via rear service door/fire escape door, large enough to accommodate 28 no. 1100 litre euro bins (10 no. bins for recycling & 18 no. bins for general refuse), in accordance with guidance given in the Developers Guide. The Council's Waste Management Section and Highway Engineers have been consulted on the servicing proposals but no comments have been received.

12.7 Travel distances may exceed the guidance given in the building regulations which indicate a 30 metres travel distance as being the

normal maximum acceptable carrying distance. This matter is being addressed by the Building Control section in relation to a concurrent building regulations application.

12.8 1 no. principle cycle store is provided on the service deck containing 105 bicycle racks. There is a small additional bicycle store proposed for the 6th floor. As this is a car free scheme, good quality bicycle parking is required. Officers have requested that cycle storage be provided within the building given that the principle pedestrian entrance is from the Town Square and given that the existing lifts would be large enough to accommodate a person with a bicycle. By locating the cycle storage on the service deck will require either that cyclists access the cycle store from the rear by using the service deck, which is not desirable from a crime/fear of crime perspective, or that the bicycles are taken through the building from the frontage to the rear service deck down a flight of stairs. Whilst, this may not be ideal, it is not considered sufficient justification to warrant a refusal of planning permission.

13.0 **Amenity Space**

13.1 The overarching principles of the NPPF state that: planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

13.2 Policy H11 of the adopted local Plan states: Policy H11 of the adopted Local Plan states: *proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to meeting all of the following criteria.....proposals should also provide appropriate amenity area which can take the form of roof gardens, balconies, or more traditional forms of amenity space such as ground floor level gardens.*

13.3 Policy H14 of the adopted Local Plan states: *The appropriate level will be determined through consideration of the following criteria:*

- a. *type and size of dwelling and type of household likely to occupy dwelling;*
- b. *quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;*
- c. *character of surrounding area in terms of size and type of amenity space for existing dwellings;*
- d. *proximity to existing public open space and play facilities; and*
- e. *provision and size of balconies*

- 13.4 The set back of the new sixth floor has allowed a 1 metre wide terrace to be formed around the building, the elevational plans for which appear to show access for the occupiers of the flats at this level. The elevational plans also show a safety glazed balustrade with stainless steel railing around the building at this level. Privacy screens will be required between the individual flats for which details will be required by condition.
- 13.5 The remaining occupants will have access to a rooftop garden, although few details have been provided at this stage. This is a matter which will be covered by planning condition.
- 13.6 Given the scale of the development circa 100 flats and the limited amount of amenity space being provided within the scheme, an open space financial contribution would normally be sought. Private terraces are proposed for the sixth floor flats which would be new build. However, for the remainder of the scheme which would be a change of use and would be permitted development under the current government changes to the General Permitted Development Order, such matters could not be considered. Having regard to this factor it is concluded that there would be little mileage in trying to secure any such financial contributions as part of the current planning application.
- 13.7 Subject to the imposition of appropriate conditions, no objections are raised on grounds of amenity space provision in relation to the NPPF and policies H11 and H14 of the adopted local plan for Slough.

14.0 **Designing Out Crime**

14.1 The NPPF states: *Planning policies and decisions should aim to ensure that developments: create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion...*

14.2 Core Policy 12 of the LDF Core strategy states:

All new development should be laid out and designed to create safe and attractive environments in accordance with the recognised best practice for designing out crime.....

14.3 Policy EN5 of the adopted Local Plan states: *All development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour.....*

14.4 The Thames Valley Police Crime Prevention Design Adviser has not responded on this application, but in relation to other similar schemes, has advised whilst no objection in principle is raised, there are some concerns about pedestrian access which would be

available from the rear service deck, for those occupants who cycle, both in terms of the poor quality environment which this provides and due to concerns about crime or fear of crime. As a minimum secure entry should be provided.

- 14.5 On the basis that a rear access would remain for those occupants who cycle then it is proposed that a condition be imposed requiring the submission of a security management plan which could include measures to introduce CCTV, entry control and external security lighting. Subject to the imposition of an appropriately worded condition covering security measures no objections are raised on grounds of crime or fear of crime in accordance with the NPPF, Core Policy 12 of the LDF Core Strategy or Policy EN5 of the Adopted Local Plan.

15.0 **Summary and Conclusions**

- 15.1 A number of issues have been identified with the proposal relating to affordable housing, financial and open space financial contributions, poor aspect in relation to the western facing units on the second and third floor, siting of the bicycle store on the service deck and associated issues of fear of crime.
- 15.2 The local planning authority is in a rather unusual situation with respect to this planning application insofar as the government has introduced changes to the General Permitted Development Order, whereby changes of use from Class B1(a) offices to Class C3 residential is now permitted development, subject to the grant of prior approval relating only to matters of traffic and transport, land contamination and flood risk. As has already been established in this report there would no objections raised on any of these grounds. The changes also allow flexibility between other changes of use, including Class D1 education use to Class B1 business use for a period of two years (maximum 150 q m floorspace).
- 15.3 An application for prior approval would not extend to the construction of the sixth floor or to the change of use from Class D1 to Class C3, although it is already established that there is some flexibility relating to changes of use between Class D1 and Class B1. The number of dwelling units proposed on the sixth floor is less than the figure of 15 no. which would trigger affordable housing contributions.
- 15.4 In conclusion it is considered that there would be little merit in applying the Council's normal policies to this application on the grounds that to all intensive purposes the proposal (excluding the new build element) would be permitted development if submitted to the Council in a different format that is as a prior approval application. Further, the property is within the town centre area, where approved planning policies would support the provision of

higher density housing. An approval would support the government's proposals for greater flexibility in the use of commercial buildings and accord with guidance given in the NPPF.

PART C: RECOMMENDATION

16.0 **Recommendation**

16.1 Approve with conditions.

16.2 **PART D: LIST OF CONDITIONS -**

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

(a) Drawing No. A0-001, Dated 07/12/2012, Received 16th April 2013

(b) Drawing No. A0-002, Dated 07/12/2012, Received 06 June 2013

(c) Drawing No. A0-003, Dated 07/12/2012, Received 16th April 2013

(d) Drawing No. A0-004, Dated 07/12/2012, Received 16th April 2013

(e) Drawing No. A0-005, Dated 07/12/2012, Received 16th April 2013

(f) Drawing No. A0-006, Dated 07/12/2012, Received 16th April 2013

(g) Drawing No. A0-007, Dated 07/12/2012, Received 16th April 2013

(h) Drawing No. A0-008, Dated 07/12/2012, Received 16th April 2013

(i) Drawing No. A0-009, Dated 07/12/2012, Received 16th April 2013

(j) Drawing No. A0-010, Dated 07/12/2012, Received 06 June 2013

(k) Drawing No. A0-011, Dated 07/12/2012, Received 16th April 2013

(l) Drawing No. A0-012, Revision 02 Dated 29/05/13, Received

06 June 2013

(m) Drawing No. A0-013, Dated 05/12/2012, Received 16th April 2013

(n) Drawing No. A0-014, Dated 05/12/2012, Received 16th April 2013

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

3. Development shall not commence until an on site a security management plan has been submitted to and approved in writing by the local planning authority which shall include proposals to improve the personal security and safety of future occupants who may access the development from the rear service deck in terms of CCTV coverage and improved lighting and all flat entrance doors shall be to BS PAS 24 Security Standard. The development shall proceed in accordance with the details approved.

REASON: To ensure best practice for designing out crime in accordance with Core Policy 12 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policy EN5 of the Adopted Local Plan for Slough 2004

4. Development shall not commence until details of the bicycle store which shall be large enough to accommodate a minimum of 100 bicycles have been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved and the bicycle parking shall be available for use prior to first occupation and shall be maintained whilst the building is in residential use. .

REASON: This is a car free scheme and the provision of bicycle parking should be of a high quality convenient to use and secure in nature to encourage the use of cycling as an alternative mode of travel in accordance with the aims of the integrated transport strategy and Core Policy 7 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policies H11 and T2 of the Adopted Local Plan for Slough 2004

5. Before development commences details of the design and appearance of the proposed bin store enclosure shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved.

REASON: To ensure an acceptable design in accordance with

Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policy EN1 of the Adopted Local Plan for Slough 2004.

6. Development shall not commence until details of privacy screens and safety balustrade and railings to be provided for the proposed external terrace serving the new build sixth floor flats have been submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved and the privacy screens balustrade and railings shall be installed prior to first occupation of the sixth floor flats and so maintained for the duration of the residential use.

REASON: To ensure privacy safety and amenity for the future occupants of the flats in accordance with the National Planning Policy Framework.

7. The development shall not commence until a scheme for protecting the proposed flats from noise has been submitted to and approved in writing by the local planning authority. All works that form part of the scheme shall be completed before the flats are occupied

REASON: To protect amenities of the future occupants of the proposed flats in accordance with the National Planning Policy Framework (Paragraph 7 Core Planning Principles)

8. Development shall not commence until samples of external materials to be used on the development hereby approved and which shall match as closely as possible the colour texture and design of the existing building at the date of this permission have been submitted to and approved in writing by the local planning authority and the development shall proceed in accordance with the details approved.

REASON: In the interest of good design and to ensure a satisfactory appearance to the completed development in accordance with the National Planning Policy Framework, Core Policy 8 of the of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policies EN1 and EN2 of the Adopted Local Plan for Slough 2004

9. A ground floor pedestrian entrance to the proposed flats from High Street shall be maintained at all times.

REASON: To ensure good quality housing and security for the future occupiers in accordance with the National Planning Policy Framework, Core Policy 8 of the of the Slough Local Development Framework Core Strategy (2006 - 2026)

Development Plan Document December 2008 and Policy H11 of the Adopted Local Plan for Slough 2004

10. Prior to first occupation, details as to the siting and appearance of proposed plant and machinery shall be submitted to and approved in writing by the local planning authority. The plant and machinery shall be installed in accordance with the details approved.

REASON: In the interests of visual amenity and good design in accordance with the National Planning Policy Framework, Core Policy 8 of the of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policy EN1 of the Adopted Local Plan for Slough 2004

11. Any air conditioning or other ventilation plant to be installed at the site shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the nearest noise sensitive boundary when the equipment is not in operation.

REASON: To protect the amenities of future occupiers in accordance with the National Planning Policy Framework

12. Development shall not commence until details of measures to improve the environment of the rear service area within the general vicinity of the site have been submitted to and approved in writing by the local planning authority. The details as approved shall be implemented prior to the first occupation of the flats.

REASON: To protect the amenities of future occupiers in accordance with the National Planning Policy Framework

13. Development shall not commence until details of the roof top garden have been submitted to and approved in writing by the local planning authority. Development shall commence in accordance with the details approved.

REASON: To ensure usable amenity space to serve the development and to provide a suitable level of amenity for the future occupiers of the building in accordance with the National Planning Policy Framework and policy H14 of the adopted local plan for Slough 2004.

14. Prior to first occupation the pedestrian bridge link between the service core and the proposed flats within the north facing elevation on the first floor and within both north and south facing elevations on the 2nd, 3rd, 4th and fifth floors shall be obscurely glazed in accordance with a sample which shall be first

submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved and shall be so maintained whilst the building is retained in residential use.

REASON: To provide privacy and amenity of future occupants of the flats in accordance with the National Planning Policy Framework

- 15 There shall be no residents parking permitted on the service deck

REASON: This is a car free scheme which encourages the use of alternative modes of transport to the private car within the town centre in accordance with the integrated transport policy in relation to Core Policy 7 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008

Informatives

1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
2. The applicant is reminded of the requirements to obscurely glaze the western elevation of Wellington House Annexe on both of the second and third floors in accordance with the plans approved under planning permission reference P/03167/020 dated 23rd December 2010.
3. The applicant is advised that travel distance for refuse and proposals for bicycle parking will need to meet the requirements of Building Regulations.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.