

<b>Registration Date:</b>	11-Nov-2014	<b>Applic. No:</b>	P/00471/015
<b>Officer:</b>	Mr. J. Dymond	<b>Ward:</b>	Chalvey
		<b>Applic type:</b>	<b>Major</b>
		<b>13 week date:</b>	10 <sup>th</sup> February 2015

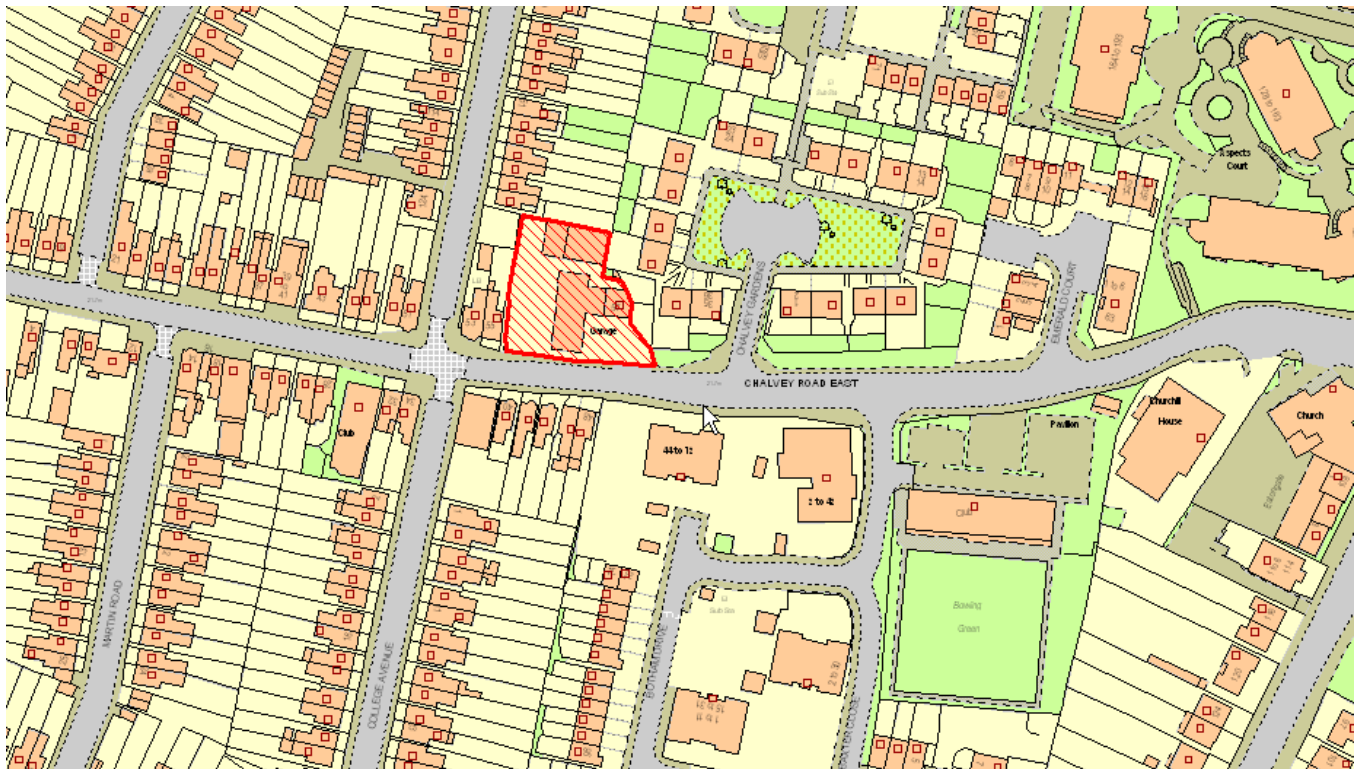
**Applicant:** Mr. Lee Ruddy, Patrick Ruddy Homes Ltd

**Agent:**

**Location:** 57, Chalvey Road East, Slough, SL1 2LP

**Proposal:** DEMOLITION OF THE EXISTING PETROL FILLING STATION INCLUDING FORECOURT, EXISTING RETAIL SHOP, EXISTING MOT STATION WORKSHOP AND REMOVAL OF ALL FUEL STORAGE TANKS AND THE ERECTION OF A NEW 4 STOREY BUILDING PLUS 1 MANSARD LEVEL TO PROVIDE 2 NO. THREE BEDROOM HOUSES AND 24 NO. ONE BEDROOM FLATS WITH PARKING FOR 16 CARS, BIKE STORAGE FOR 24 BIKES.

**Recommendation:** Delegate to Acting Planning Manager



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application has been referred to the Planning Committee for consideration as the application is for a major development.
- 1.2 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended to:

Delegate a decision to the Acting Planning Manager for the signing of a satisfactory Section 106 Agreement (or unilateral planning obligation) as necessary; to agree revised drawings requested; to consider any further observations from neighbours / consultees; to agree the outstanding matters referred to in the report; and to agree any minor amendments to the planning application, draft conditions and Section 106 planning obligation matters.

### **PART A: BACKGROUND**

## **2.0 Proposal**

- 2.1 This is a full planning application for the demolition of the existing petrol filling station including forecourt, existing retail shop, existing MOT station workshop and removal of all fuel storage tanks and the erection of a new 4 storey building plus 1 mansard level to provide 2 no. three bedroom houses and 24 no. one bedroom flats with parking for 16 cars, bike storage for 24 bikes.
- 2.2 Pre-application advice has been sought on the proposals.

## **3.0 Application Site**

- 3.1 The application site comprises a disused petrol filling station with an associated repairs and servicing workshop and shop. The site is bounded to the north and east by two storey semi-detached dwellings, and there are two storey flats to the east. To the south of the site is Chalvey Road East, from which the site is accessed.
- 3.2 On the other side of Chalvey Road East directly to the south is a series of detached dwellings, whilst further to the south east are several three storey blocks of flats. It is understood that these blocks were erected in 1996 (P/00830/009) as part of a comprehensive redevelopment of an area designated in the local plan for higher density residential.
- 3.3 Further east along Chalvey Road East, buildings become bulkier and are greater in height, culminating in the development known as Aspects Court. The area around the application site and the built environment to west is predominantly two storey residential.

## **4.0 Site History**

- 4.1 Previous applications considered to be of relevance relating to the site are as follows:

P/00471/014 DEMOLITION OF EXISTING PETROL FILLING STATION AND ASSOCIATED STRUCTURES AND THE CONSTRUCTION OF A THREE STOREY BUILDING PLUS ADDITIONAL MANSARD LEVEL TO PROVIDE FOUR NO. THREE-BEDROOM, FIVE NO. TWO-BEDROOM AND TWENTY NINE NO. ONE BEDROOM FLATS, WITH BASEMENT CAR PARK FOR THIRTY EIGHT NO. CARS (OUTLINE)

Refused 20-Jan-2009

For the following reasons:

1. The proposed development would adversely impact on the character of the street scene by reason of its excessive scale, bulk, height and overdevelopment of the site, which would not be in keeping with the prevailing character of the surrounding built environment and contrary to PPS1: Delivering Sustainable Development, PPS 3: Housing and Policies H13 and EN1 of The Adopted Local Plan for Slough (2004) and Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 -2026, Development Plan Document.
2. The proposed development would adversely impact the amenity and privacy of adjoining neighbours by virtue of overshadowing, overlooking and loss of outlook due to the excessive bulk and mass of the proposed structure within close proximity of adjoining dwellings, contrary Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development, Planning Policy Statement 3 (PPS 3): Housing, and Policies EN1 and H13 of The Adopted Local Plan for Slough (2004) and Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 -2026, Development Plan Document.
3. The proposed development fails to provide family housing in terms of the definition outlined in the Core Strategy for a development outside the Town Centre, contrary to PPS3 (Housing) and Core Policy 4 (Type of Housing) of the Slough Local Development Framework, Core Strategy 2006 -2026, Development Plan Document.
4. The proposal fails to provide acceptable amenity space for the type of residential development proposed, resulting in a development that would be detrimental to the residential amenity of future occupiers, especially the three-bedroom units that could be occupied by families with children in not being high quality housing. The proposal is therefore considered contrary to Policy H14 of The Adopted Local Plan for Slough (2004) and PPS3.

P/00471/013 DEMOLITION OF EXISTING PETROL STATION, ASSOCIATED BUILDING, STRUCTURES AND FORECOURT AND ERECTION OF A THREE STOREY BUILDING WITH MANSARD ROOF AND ADDITIONAL RECESSED ROOF TO PROVIDE 8 NO. TWO BEDROOM FLATS AND 30 NO. ONE BEDROOM FLATS ON UPPER FLOORS AND FIVE COMMERCIAL UNITS ON GROUND FLOOR, WITH BASEMENT CAR PARKING FOR 38 NO. CARS AND 38 NO. BICYCLES WITH OFF STREET SERVICING (OUTLINE)

Refused 15-Jan-2008

For the following reasons:

1. The proposed development would adversely impact on the character of the street scene by reason of its excessive bulk and overdevelopment of the site, not in keeping with the prevailing scale of the surrounding built environment and contrary to PPS1: Delivering Sustainable Development, PPS 3: Housing, and Policies H13 and EN1 of The Adopted Local Plan for Slough (2004).
2. The proposed development would adversely impact the amenity and

privacy of adjoining neighbours by virtue of overshadowing, overlooking and loss of outlook due to the excessive bulk and mass of the proposed structure within close proximity of adjoining dwellings, contrary Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development, Planning Policy Statement 3 (PPS 3): Housing, and Policies EN1 and H13 of The Adopted Local Plan for Slough (2004).

3. The proposed development fails to provide a suitable level of Family Housing for development outside the Town Centre, contrary to PPS3 (Housing) and Core policy 4 (Type of Housing) of the Slough Local Development Framework, Core Strategy 2006-2026, Submission Document.

4. The proposed development fails to provide adequate loading and unloading of service vehicles and poor access visibility to the detriment of pedestrian and vehicular traffic safety, contrary to PPG13: Transport and Core Policy 7 (Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, Submission Document.

5. The proposed development provides an unsuitable intensification of commercial development within a residential setting, serving to infringe upon the viability of other designated commercial sites contrary to Policy S1 (Retail Hierarchy) of The Adopted Local Plan for Slough (2004).

6. The proposal fails to provide a suitable level of amenity space for the type of residential development proposed, resulting in a development which would be detrimental to the residential amenity of future occupiers. The proposal is therefore considered contrary to Policy H14 of The Adopted Local Plan for Slough (2004).

P/00471/012 OUTLINE APPLICATION FOR ERECTION OF 5NO. RETAIL UNITS, 8NO. TWO BEDROOM FLATS AND 32NO. ONE BEDROOM

Refused 22-Nov-2005

P/00471/011 INSTALLATION OF ILLUMINATED FASCIA AND POLE SIGNS AND NON ILLUMINATED DIRECTIONAL POSTER AND INFORMATION SIGNS (AMENDED PLANS RECEIVED 19.12.96)

Approved with Conditions 19-Dec-1996

P/00471/010 INSTALLATION OF AN UNDERGROUND SPIRIT STORAGE TANK.

Approved with Conditions 03-Mar-1989

P/00471/009 INSTALLATION OF ILLUMINATED SIGN.

Approved with Conditions 28-Aug-1985

## **5.0 Neighbour Notification**

5.1 36, CHALVEY ROAD EAST, SLOUGH, BERKSHIRE, 53, Chalvey Road East, Slough, SL1 2LP, 31, Chalvey Gardens, Slough, SL1 2LW, 32, Chalvey Gardens, Slough, SL1 2LW, 29, Chalvey Gardens, Slough, SL1 2LW, 30, Chalvey Gardens, Slough, SL1 2LW, 44, Chalvey Road East, Slough, SL1 2LR, 55, Chalvey Road East, Slough, SL1 2LP, 33, Chalvey Gardens, Slough, SL1 2LW, 34, Chalvey Gardens, Slough, SL1 2LW, 40, Chalvey Road East,

Slough, SL1 2LR, 50, Botham Drive, Slough, SL1 2LY, 52, Botham Drive, Slough, SL1 2LY, 54, Botham Drive, Slough, SL1 2LY, 56, Botham Drive, Slough, SL1 2LY, 44, Botham Drive, Slough, SL1 2LY, 46, Botham Drive, Slough, SL1 2LY, 48, Botham Drive, Slough, SL1 2LY, 66, Botham Drive, Slough, SL1 2LY, 68, Botham Drive, Slough, SL1 2LY, 70, Botham Drive, Slough, SL1 2LY, 72, Botham Drive, Slough, SL1 2LY, 58, Botham Drive, Slough, SL1 2LY, 60, Botham Drive, Slough, SL1 2LY, 62, Botham Drive, Slough, SL1 2LY, 64, Botham Drive, Slough, SL1 2LY, 163, The Crescent, Slough, SL1 2LF, 46, Chalvey Road East, Slough, SL1 2LR, 161, The Crescent, Slough, SL1 2LF, 48, Chalvey Road East, Slough, SL1 2LR, 42, Chalvey Road East, Slough, SL1 2LR, 53a, Chalvey Road East, Slough, SL1 2LP

In accordance with Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, a site notice was displayed at the site and the application has been advertised in The Slough Express.

**5.2 Owner of 32 Chalvey Gardens – Object to the application for the following reason in summary:**

5.3 My property backs onto the plot and will be disadvantaged by overshadowing, loss of privacy and noise disturbance.

5.4 A petition has been received which has been signed by some residents living on Chalvey Road East and The Crescent. The petition states the following:

5.5 We would like to draw the above site to your attention and express our concerns of the eye sore. The site has been sat derelict for a number of years and has attracted both squatters and rodents to the area. We have discussed the issue in our local forum and have been made aware by the developers that they wish to make a vast improvement by developing the site. We are in favour of this as we feel it is overdue and we would be very grateful if the Council and Developer could work together to make progress on the situation.

**6.0 Consultation**

6.1 Transport and Highways

6.2 Comments are as follows, in summary:

- 6.3
- The proposal to use this site for 26 residential units compared to its operation as a petrol station will mean significant reduction in trips to the site;
  - A new access is proposed in the centre of the site and this is acceptable;
  - Vehicle visibility splays of 2.4m x 43m can be achieved in both directions;
  - This site is located outside of the town centre area and therefore the full parking standard within the Slough Local Plan applies. The applicant has been made fully aware of this at the pre-application stage, but taking account of the number of units proposed can only accommodate 16 parking spaces - 0.5 spaces for each flat and 2 spaces each for the 2 bedroom properties;
  - One option was for the developer to agree to fund a car club vehicle for three years providing free membership to the club for residents of the development – it is noted that this has not been proposed as part of the application and it is recommended that the application is refused;
  - Cycle parking has only been provided on the basis of 0.5 spaces per unit which is below the Local Plan standard;
  - The refuse store is located 18m from the back edge of the highway when the maximum drag distance by waste operatives for eurobins is 10m as set out in the SBC Developers Guide. The applicant will need to fund a management company to manoeuvre the bins every time they are collected, but as there is no suitable space to the store the bins for

collection then this is not really a workable solution.

As it stands it is recommended that the application be refused, however the highway objections will only be withdrawn if the applicant agrees to:

- fully fund the car club for a period of three years;
- provides a contribution to enable the car club bay to be provided on-street;
- re-designs the cycle store;
- re-designs the bin store;
- enters into a S278 agreement for the undertaking of the highway works;

Residents should also be excluded from being eligible to apply for a parking permit on any existing or future residents parking schemes.

6.4 The applicant has been made aware of these comments and amendments/further details have been requested.

6.5 Land and Highway Drainage

6.6 Whilst the site is not in a flood zone the Chalvey area is at risk of various types of flooding and the drainage of this development must be designed to contain a 100yr + 30% event within the curtilage, to avoid increasing flood risk in the area.

Where possible infiltration is the preferred means of disposal of water but it is recognised that contamination, on this site, may limit this and attenuation would be acceptable, with a max flow rate of 5l/s, discharging to SW sewer with Thames Waters consent.

The detailed drainage design can be conditioned.

6.7 Environmental Protection

6.8 No comments received.

6.9 Tree Officer

6.10 It is believed there are no existing trees affected by the above application, but the area would benefit from some trees being planted accordingly a good landscaping scheme would be desirable.

6.11 Thames Water

6.12 Comments received and condition recommended regarding impact piling.

6.13 Crime Prevention Design Advisor

6.14 No comments received.

6.15 Environmental Quality

6.16 Conditions regarding contaminated land recommended.

6.17 Asset Management

6.18 A previous review of an appraisal early in the year indicated that the viability on this site would be stretched due to the low values and high remediation costs, however the applicant will need to submit an up to date report.

- 6.19 Housing
- 6.20 Advised at pre-application stage that a commuted sum should be sought and further comments anticipated to be reported on the amendments sheet.

## PART B: PLANNING APPRAISAL

### **7.0 Policy Background**

- 7.1 The following policies are considered most relevant to the assessment of this application:

#### National Planning Policy Framework and the Planning Practice Guidance

##### The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document

Core Policy 1 – Spatial Strategy  
Core Policy 3 – Housing Distribution  
Core Policy 4 – Housing  
Core Policy 6 – Retail, Leisure and Community Facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 9 – Natural and Built Environment  
Core Policy 10 – Infrastructure  
Core Policy 11 – Social Cohesiveness  
Core Policy 12 – Community Safety

##### The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design  
Policy EN3 – Landscaping Requirements  
Policy EN5 – Design and Crime Prevention  
Policy H14 – Amenity Space  
Policy OSC15 – Provision of Facilities in new Residential Developments  
Policy T2 – Parking Restraint  
Policy T8 – Cycling Network and Facilities

#### Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

#### Other relevant documents

Slough Local Development Framework Proposals Map  
Slough Borough Council Developer's Guide Parts 1-4  
Guidelines for the Provision of Amenity Space Around Residential Properties (January 1990)  
Guidelines for Flat Conversions (April 1992)

- 7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and impact on the street scene;
- 3) Relationship with and potential impact on neighbouring properties;
- 4) Amenity space for residents;
- 5) Parking and highway safety;
- 6) Planning obligations.

## **8.0 Principle of Development**

### Loss of existing use

- 8.1 There is considered to be no objection in principle to the loss of a petrol filling station on this site. It is understood that the petrol filling station ceased operating some years ago and since this time, the site has remained vacant.
- 8.2 The applicant submits that the application site currently makes no positive contribution to the social wellbeing and cohesion of the local community. The closure of the petrol filling station and associated retail outlet has resulted in the site appearing dilapidated and this is considered to have an adverse impact on the surrounding area. The applicant submits that the unused condition of the site is likely to undermine community confidence, and could encourage anti-social behaviour and crime.

### Proposed use

- 8.3 The principle of the redevelopment of the site to bring it back into an appropriate use and at the same time improve its appearance is considered to be beneficial. The applicant submits that the site as it stands blights the locality and that the development would provide housing. A petition has been received in support of the application on the basis of the improvement to be made to the site.
- 8.4 Regeneration is taking place in Chalvey and the Council has recently implemented improvements to the local road layout.
- 8.5 In October 2013 Cabinet approved the second phase of the Chalvey Regeneration Strategy, which has a specific emphasis on delivering regeneration outputs and outcomes for a select number of key sites. This site forms part of this strategy.
- 8.6 It is understood that viability issues have played a part in preventing the site from being brought forward for development sooner. This aspect of the proposal is further discussed in the 'Planning Obligations' section below.



- 8.7 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a “golden thread running through both plan making and decision taking”. In respect of decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.
- 8.8 Twelve core planning principles are identified which both should underpin plan making and decision taking. A number of these core principles are relevant to the current proposals, as follows:
- Always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - Support the transition to a low carbon future in a changing climate, taking full account of flood risk, the reuse of existing resources and the encouragement for using renewable resources
  - Encourage the effective use of land by reusing land that has previously been developed, provided that it is not of high environmental value
  - Actively manage patterns of growth to make the fullest possible use of Public Transport, walking and cycling, and focus significant development to locations which are or can be made sustainable.
- 8.9 At paragraph 49 in respect of delivering a wide choice of high quality homes it states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 8.10 Core Policy 1 of the Core Strategy sets out the overarching spatial strategy for development within the Borough. This policy requires that the scale and density of development will be related to the site’s current or proposed accessibility, character and surroundings.
- 8.11 Core Policy 4 of the Core Strategy sets out the Council’s approach to the consideration of proposed housing development within the Borough. This states that in the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.
- 8.12 Given the location of the site, outside of Slough Town Centre, new residential development should predominantly consist of family housing.
- 8.13 It will be noted from the above planning history that planning permission has been refused for the proposed redevelopment of the site to provide 38 no. flats has been refused in the past. The most recent application, planning application P/00471/014 was for the construction of a three storey building plus additional mansard level to provide 4 no. three bedroom, 5 no. two bedroom and 29 no. one bedroom flats.
- 8.14 That application was refused on 20<sup>th</sup> January 2009 for a number of reasons, one of which related to the failure to provide family housing.
- 8.15 The application under consideration therefore differs from the previously refused scheme in a number of ways and a mix of flats and dwellings is proposed. Furthermore, the number of flats has been reduced.
- 8.16 The dwellings would appear to comply with the definition of a family house as contained within the Core Strategy. Whilst the development as a whole would not predominantly consist of family housing and the majority of the units would be flats, an element of family housing would

now be provided.

- 8.17 The applicant submits that whilst two storey housing adjoins the application site, there are numerous examples of more intensive developments including those for flats in the locality which indicate the transitional and evolving character of the area. Whilst it appears that these examples pre-date the adoption of the Core Strategy, the following are cited:
- The development of three storey flats with tall pitched roofs constructed on the south side of Chalvey Road East;
  - A four storey residential block has been constructed at 2A, 2B, 2C and 2D The Crescent;
  - An eight/nine storey residential block containing 192 flats has recently been completed at the former South Bucks District Council site (now known as Aspects Court), at the junction of Chalvey Road East and Windsor Road;
  - A 3 storey mixed use development known as Alexandra Plaza has been constructed to the west of the application site on the south side of Chalvey Road West;
- 8.18 In addition to the above completed developments, the applicant also notes that planning consent has been granted in the past for three and four storey, high-density flatted schemes at 10-18 Chalvey Road West and 2-18 Alexandra Road, both of which lie outside the designated Town Centre.
- 8.19 Furthermore, it is noted that on 26<sup>th</sup> February 2007, planning permission ref P/01201/ 006 was granted for a three and four storey mixed use scheme at the Forester's Arms site on the north side of Chalvey Road West.
- 8.20 It is considered that the principle of the redevelopment of the site to provide housing would be beneficial. The existing condition of the site is considered to have a negative impact on the area and the proposal would improve the appearance of the site. Redevelopment would align with the aims of the Chalvey Regeneration Strategy.
- 8.21 The scheme addresses the previous reason for refusal in that an element of family housing would now be provided. The number of units has also been reduced.
- 8.22 There are examples of developments comprising flats in the vicinity of the site, notably to the south of the site on the opposite side of Chalvey Road East, and to the east. Given that a mix of dwellings and flats is proposed, it could be said that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings.
- 8.23 It is concluded that there is justification to allow a departure from Core Policy 1 and 4 of the Core Strategy in this instance due to the circumstances as set out above and that the proposals are in accordance with the National Planning Policy Framework.

## **9.0 Design and Impact on the Street Scene**

- 9.1 Policy EN1 of The Adopted Local Plan for Slough 2004 and Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document require that the design of proposed development should be of a high standard of design and should reflect the character and appearance of the surrounding area. Policy EN1 of the Adopted Local Plan for Slough sets out detailed design criteria which development proposals are required to comply with and Core Policy 8 of the Core Strategy states the following:

*“High Quality Design:*

*All development will:*

*a) Be of a high quality design that is practical, attractive, safe, accessible and adaptable;*

*b) Respect its location and surroundings;*

*c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and*

*d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.”*

- 9.2 The proposed development would comprise a part four storey building comprising flats with accommodation within a mansard roof and a part two storey building comprising semi-detached dwellings with accommodation in the roof space.
- 9.3 The building would be sited to the front of the site, facing Chalvey Road East.
- 9.4 The four storey element would be sited to the east, and the two storey element would be to the west, adjacent to 55 Chalvey Road East.
- 9.5 A car park would be provided to the rear. This car park would be accessed via an undercroft access from Chalvey Road East. Areas of landscaping are proposed around the building and the dwellings would have private rear gardens.
- 9.6 The siting and layout of the proposed building is considered to respect existing development and is considered to be acceptable.
- 9.7 The design of the proposed development incorporates design features found in the locality, such as bay windows, and is considered to read as a comprehensive development and a contemporary addition to the street scene.
- 9.8 Proposed materials would comprise a mixture of brickwork and render, and the roof would be covered in plain concrete tiles. These materials are considered to be inkeeping with the surrounding area.
- 9.9 Whilst the height of the proposed development would be higher than neighbouring development, it is acknowledged that there are examples of developments of three or more storeys in the vicinity of the site. Given the on-going adverse impact on the street scene arising from the existing condition of the site, it is considered that the design and impact on the street scene of the proposal would constitute an enhancement and on this basis would be acceptable.

## **10.0 Relationship With and Potential Impact on Neighbouring Properties**

- 10.1 Core Policy 8 of The Core Strategy states that all development will be of a high quality and respect its location and surroundings. This policy also states that the design of all development within the existing residential areas should respect the amenities of adjoining occupiers.
- 10.2 The applicant has submitted a Sunlight and Daylight Report. The submitted Sunlight and Daylight Report includes a study of the levels of light that will be achieved to 31 and 32 Chalvey Gardens pre and post development to establish how they will be affected by the proposed development.
- 10.3 It is considered that the main areas for consideration in relation to the potential impact on

neighbouring occupiers would be with respect to:

- The potential impact on the occupiers of 31-32 Chalvey Gardens in terms of daylight, sunlight and overshadowing;
- The potential impact on the occupiers of 55 Chalvey Road East.

Impact on the occupiers of 31-32 Chalvey Gardens

- 10.4 31-32 Chalvey Gardens are located to the north east of the site. It appears that these flats are orientated with windows facing east/west. There is an external staircase on the south elevation. Associated outside amenity space is located to the rear, to the west of the flats.
- 10.5 The existing workshop building within the site abuts the rear boundary of 31-32 Chalvey Gardens. The workshop building spans much of this rear boundary. The separation distance between the rear elevation off the workshop building and the rear elevation of 31-32 Chalvey Gardens is 9.4 metres. Internally, the workshop building is understood to comprise a workshop with mezzanine floor for storage and it therefore appears to be of a height equivalent to a two storey building.
- 10.6 An objection has been received from the owner of 32 Chalvey Gardens on the grounds of overshadowing, loss of privacy and noise disturbance.
- 10.7 In assessing these potential impacts, it is considered that regard should be had to the existing situation.
- 10.8 The proposed building would be sited to the south/south west of 31-32 Chalvey Gardens. The rear elevation is stepped and the separation distance between the deepest rear projection and the rear corner of 31-32 Chalvey Gardens would be 10 metres at its closest point.
- 10.9 The separation distance between the stepped element and the rear corner of 31-32 Chalvey Gardens would be 7 metres at its closest point. The opposing elevation immediately opposite the side elevation of 31-32 Chalvey Gardens increases to 13.2 metres.
- 10.10 The siting of the building is such that the southern boundary and the south western corner of 31-32 Chalvey Gardens has the potential to be worst affected as a result of the proposal. Balanced against this however, is the potential improvement in the existing situation resulting from the removal of the existing workshop building which spans nearly the full width of the rear boundary of 31-32 Chalvey Gardens at a distance of 9.4 metres directly opposite the rear wall of the flats.
- 10.11 The applicant has been advised that overshadowing needs to be considered and it is anticipated that an overshadowing assessment will be submitted for consideration to inform the assessment of this aspect of the proposal.
- 10.12 Vertical Sky Component (VSC) calculations have been undertaken to the windows for plots 31 & 32 adjacent to the proposed development to determine to what extent the existing dwellings would be affected by the proposed development in terms of daylight.
- 10.13 The report finds that the ground floor windows adjacent to the proposed development would receive a marginal change and the potential loss of available daylight to the first floor casements falls well within the minimum 0.8x requirement. In addition, it is stated that all windows would exceed the 27% VSC threshold and therefore will still be receiving daylight in accordance with good practice and any change as a result of the proposed development would be minimal and unnoticeable to human eye.

- 10.14 It is submitted that the proposed development is in full compliance with all good practice guidance with regard to maintaining the levels of available daylight to the existing dwellings highlighted at 31 and 32 Chalvey Gardens.
- 10.15 Turning to matters relating to overlooking, there would be windows serving habitable rooms in the rear elevation of the building.
- 10.16 As noted above, the rear elevation is stepped. The portion of the rear elevation opposite the southern boundary with 31-32 Chalvey Gardens would have angled bay windows. The angled bay windows would direct views towards the north west in order to address the potential for direct views over the outside amenity space located to the rear of 31-32 Chalvey Gardens. The windows in the rear of the deepest rear projection would look out over the proposed car park and over the rear gardens of the properties beyond. These properties would benefit from the removal of the existing workshop and it is therefore considered having regard to this on balance that the proposed relationship would likely be acceptable in overlooking terms.
- 10.17 With regard to noise, the impact of construction activity would be mitigated through hours of working and other environmental controls.
- 10.18 Whilst the proposal includes the provision of a rear car park, the existing use of the site is a petrol filling station with associated workshop. When compared to the existing traffic movements and noise associated with activities taking place on the site, it is not considered that the proposed car park would be unacceptable in noise terms.

#### Impact on the occupiers of 55 Chalvey Road East

- 10.19 The proposed semi-detached dwellings would be sited to the west of the site, adjacent to the boundary with 55 Chalvey Road East.
- 10.20 The proposed dwellings would project 2.2 metres beyond the depth of the neighbouring rear wall of 55 Chalvey Road East. It is considered that the proposal would not likely give rise to unacceptable impacts as a result of overshadowing, overlooking or loss of privacy.

#### **11.0 Amenity Space for Residents**

- 11.1 Private rear gardens are proposed for use by the future occupiers of the two dwellings.
- 11.2 The proposed flats would be provided with no amenity space and in such circumstances, it is considered reasonable to seek to secure a contribution in lieu of private amenity space.

#### **12.0 Parking and Highway Safety**

- 12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.
- 12.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.

#### Trip Generation

- 12.3 The proposal to use this site for 26 residential units compared to its operation as a petrol station will mean significant reduction in trips to the site, which will be a benefit of the

development.

### Access

12.4 A new access is proposed in the centre of the site and this is considered to be acceptable. It will be provided in the form of a vehicle crossover. The existing bell mouth junctions will be removed and the footway re-instated. These works will need to be undertaken as part of a S278 agreement.

12.5 The access road will be 4.2m wide which is wide enough for 2 vehicles to pass each other.

12.6 Railings should be installed around the landscaped area at the front of the development to prevent vehicle parking on the green area as this would lead to unsafe manoeuvring and be detrimental to the street scene and the appearance of the building.

### 12.7 Visibility

12.8 Vehicle visibility splays of 2.4m x 43m can be achieved in both directions from the site access that is being provided in the form of a vehicle crossover. Pedestrian visibility splays can also be achieved around the site access.

### 12.9 Car Parking

12.10 This site is located outside of the town centre area and therefore the full parking standard within the Slough Local Plan applies. The applicant has been made fully aware of this at the pre-application stage, but taking account of the number of units proposed can only accommodate 16 parking spaces - 0.5 spaces for each flat and 2 spaces each for the 2 bedroom properties. Whilst additional parking cannot be achieved the applicant was encouraged to reduce the number of units proposed.

12.11 The applicant has been made fully aware that the local highway authority (LHA) was minded to refuse the application on the shortfall of car parking, but the LHA has had many conversations with the applicant in the last 12 months discussing whether this issue could be overcome. One option was for the developer to agree to fund a car club vehicle for three years providing free membership to the club for residents of the development (members would pay petrol and hire charges). The applicant has been requested to provide further details regarding this mitigation and to set out their commitment to the funding of a car club.

12.12 It has been noted that the two car parking spaces that fall partly under the overhang of the building will be very difficult for the driver to get in and out of the vehicle due to the design of the spaces, so unless this is re-designed it may mean only 15 spaces are actually usable.

### 12.13 Cycle Parking

12.14 Detailed comments have been provided at the pre-application stage on cycle parking and the applicant was made aware that one space per unit was to be provided and that the cycle parking should be provided in a high quality store in a secure area. Cycle parking has only been provided on the basis of 0.5 spaces per unit which is below the Local Plan standard. The cycle parking is located within the refuse store and therefore in terms of security is a poor design solution. Manoeuvring bins out of the store will potentially lead to the risk of bikes being damaged and will make it difficult to manoeuvre bikes onto the racks; this is considered to be a poor design solution. The applicant has been made aware of these concerns and has been given the opportunity to address cycle parking arrangements.

12.15 Refuse Store

- 12.16 The refuse store is located 18m from the back edge of the highway when the maximum drag distance by waste operatives for eurobins is 10m as set out in the SBC Developers Guide. The applicant will need to fund a management company to manoeuvre the bins every time they are collected, but as there is no suitable space to the store the bins for collection then this is not really a workable solution. The applicant has been made aware of these concerns and has been given the opportunity to address the issues identified with the refuse store.

12.17 Gates

- 12.18 It has been commented that the gates should be set back 6m from the rear edge of the footway so as when a vehicle is waiting to enter the site and the gates to open they are not obstructing pedestrians using the footway.
- 12.19 It is anticipated that amendments will be undertaken and any changes will be reported on the Committee amendments sheet.

**13.0 Planning Obligations**

- 13.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 13.2 The development is of a type and size that planning obligations relating to affordable housing and education should be sought.
- 13.3 Core Policy 4 requires that all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. At pre-application stage, the Council's Housing section advised that a commuted sum should be sought and an update is to be received on this application having regard to the housing needs register.
- 13.4 The Developer's Guide also sets out that on schemes of 15 or more dwellings, a financial contribution for each dwelling for education should also be sought. Comments from the Council's Transport and Highways section have also identified the need for planning obligations. It is considered that a contribution in lieu of amenity space should also be sought.
- 13.5 The Planning Practice Guidance states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.
- 13.6 The Guidance also states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
- 13.7 The March 2014 report to Cabinet on the Chalvey Regeneration Strategy advised that a revised development appraisal with up-to-date income and expenditure had been submitted (to Asset Management). The report goes on to state that having undertaken a viability assessment, Asset Management were satisfied that the scheme was not viable with a full s106 contribution.
- 13.8 Whilst this is acknowledged, and it is understood that that viability issues have played a part in preventing the site from being brought forward for development sooner, the applicant has

been advised that an up-to-date viability appraisal must be submitted for consideration as part of this planning application if there are issues relating to deliverability, the scale of planning obligations and other costs. If flexibility is to be agreed, mechanisms for capturing additional Section 106 contributions if development values change, such as overage clauses, would be sought. Further consideration is required in relation to viability and planning obligations.

#### **14.0 Process**

- 14.1 In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. Pre-application advice has been provided and amendments have been undertaken to the proposed development. The development is considered to be sustainable and in accordance with the requirements of the National Planning Policy Framework.

#### **15.0 Summary**

- 15.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments received, and all other relevant material considerations.
- 15.2 Whilst amendments have been sought along with additional information relating to neighbour impact, transport and highways, and viability, it is considered that the principle of the redevelopment of this site would be acceptable.
- 15.3 It is acknowledged that the site as it stands is viewed as having an adverse impact on the area and as such, its redevelopment would be welcomed. Given however that there are outstanding matters as discussed above, it is recommended that a decision is delegated to the Acting Planning Manager.

### **PART C: RECOMMENDATION**

#### **16.0 Recommendation**

- 16.1 Delegate a decision to the Acting Planning Manager for the signing of a satisfactory Section 106 Agreement (or unilateral planning obligation) as necessary; to agree revised drawings requested; to consider any further observations from neighbours / consultees; to agree the outstanding matters referred to in the report; and to agree any minor amendments to the planning application, draft conditions and Section 106 planning obligation matters.

### **PART D: LIST OF CONDITIONS - HEADINGS**

1. Commencement within three years from the date of this permission;
2. Development to be carried out in accordance with approved plans;
3. Submission of materials for approval;
4. Submission of details of surfaces for approval;
5. Submission of details of boundary treatment and gates;
6. Submission of details of cycle parking;
7. Submission of details of bin storage;
8. Removal of permitted development rights for alterations and extensions;
9. Parking, manoeuvring shall be laid out
10. Secured by Design;
11. Details to reduce transmission of noise between residential units;
12. Submission of details of landscaping scheme and tree planting;
13. Submission of details of lighting scheme;
14. Submission of details of drainage;
15. Hours of construction;



16. Submission of Working Method Statement;
17. Submission of measures to control waste during construction;
18. Submission of contaminated land reports;
19. Impact piling;
20. Provision of pedestrian visibility splays;
21. Provision of visibility splays;
22. Provision of new means of access;
23. Removal of redundant access points;
24. No future occupier to be entitled to a car parking permit.