

Registration Date:	28-Aug-2015	Applic. No:	P/00619/006
Officer:	Mr. Albertini	Ward:	Central
Applicant:	Mr. Ali Raza, Comfort Care Services Ltd		
Agent:	Mr. Josh Harling, Yeme Architects The Diplomat Hotel, 144, Sunbridge Road, Bradford, West Yorkshire, BD7 1HR		
Location:	64, Mill Street, Slough, SL2 5DH		
Proposal:	Demolition of existing building (Gym) and construction of an apartment building. 5 Storeys high with 28 flats. (22 one bedroom 6 two bedroom)		

Recommendation: Refuse



1.0 **SUMMARY OF RECOMMENDATION**

Refuse

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 The scheme comprises 22 one bedroom and 6 two bedroom flats in a 5 storey building. 18 of the one bedroom flats would be social housing. The applicant says homes would be for vulnerable adults. The social rented homes would be for this group and the remaining 10 units would be open market sale. The applicant is involved with other Council's providing bedspaces as part of welfare provision.
- 2.2 The building sits tight on the north edge of the site and between 4.75 and 6 metres off the south edge of the site. The front and rear of the building will be close to the site boundary on Mill Street and the end of Grays Place or a rear garden fence of an adjacent Mill Street house. Habitable rooms are on each elevation of the building. Some windows are angled and many are set back in recesses. The top floor is set back from the edge of the building with rooms in the roof space and lit by dormers (3 rooms) or unusual top lit dormers (5).
- 2.3 3 car parking spaces are proposed; 2 off Mill St and one off Grays Place. The gap along the south side provides motor bike, cycle store, bin store and planting space.
- 2.4 Two entrances to the building are planned both off the south side gap which will be accessible from either Mill Street or Grays Place.
- 2.5 The application is supported with a design and access statement and a shadow analysis showing where the shadow of the proposed and adjoining buildings will occur on and around the site in June December and March at 9am, noon and 3pm.
- 2.6 All but one of the fourth storey flats are maisonettes with part of their accommodation on the top floor – either bedrooms or living room. 3 flats have normal balconies (Grays Place end). 5 of the top floor rooms have an unconventional, small outdoor space with limited view. These are the unusual dormers referred to in 2.2; they are effectively dormers with no window in the face but triangular side windows and a sky light and part of it being open to the air.
- 2.7 The applicant submitted a 'pre-application' scheme that was much larger. He was advised that the scheme would be unacceptable for various reasons and advised to support a substantially reduced scheme with evidence to show that it would be acceptable. In particular a day light and sun light study was requested and a drainage scheme.

3.0 **Application Site**

- 3.1 This 780 sq metre site..(0.078 ha) currently contains an unattractive two storey former light industrial building used as a gym. It is a narrow fronted but deep site which has an access at the front and back. It is set back from Mill Street footway 3.5 m (7.5m first floor) and from the end of Grays Place 4 to 9 metres on a slanting boundary line. Part of the building sits on the north boundary and the south side is 4.75 metres off the site boundary. There are windows on all elevations except that part of the north elevation on the boundary.
- 3.2 The gym has space for about 10 cars but at least 4 would not be approved if part of a planning application. The parking is located off Mill Street and Grays Place but not connected.
- 3.3 The site sits between 3/4 storey flats to the north and the recently completed apartment building off Railway Terrace known as Rivington Apartments – this is a combination of 5 and 7 storey rising to 9 storeys with a set back. Immediately adjacent to the south boundary is the ramp down to the basement car park of the latter building. The 3/4 storey block (Headington Place) has its flank next to the site (2.75 metres away) and part of its rear car park. The 5 to 9 storey building is between 6 and 8 metres from the site boundary and has habitable room windows in its north elevation some with balconies.
- 3.4 Opposite to the east is Noble Court a 4/5 storey building. To the west is the end of Grays Place and a rear garden of a two storey house in Mill Street the building of which is 5 metres away to the north west.
- 3.5 The site falls within the town centre area as defined in the Core Strategy. It is very close to the railway station and a short walk to the town centre via William Street bridge. There are trees on the north west corner of the site.

4.0 **Site History**

- 4.1 P/00619/005 application (2009) for change of use from business to gym use withdrawn 2012.

5.0 **Neighbour Notification**

- 5.1 Mill St Headington Place 1-12 14-20
Mill St Noble Court 1-12 14-16 17-23 48 50 52.
Grays Place 61 61a 63 65
Railway Terrace Rivington Apartments 10-15, 29-34, 48-53, 67-72, 84-88,98-102, 108-109, 112-113.
- 5.2 No comments received

6.0 **Consultation**

- 6.1 **Traffic/ Highways**
Access to the 2 Mill St parking bays does not comply with the Council's

crossover policy, it is too close to an adjacent access and has insufficient pedestrian visibility. Grays Place is a better place for access. Nil parking could be accepted under current parking guidelines. This may cause parking on-street in an area already suffering from high parking demand that cannot be controlled as there is no residents parking zone. The ground floor area could be used for car parking but there is insufficient space for 1 space per home. Alternatively the developer could fund a car club for three years with free membership for residents together with associated car club parking bay on the street. This can be provided by the Council if a financial contribution is made. The cycle store is not acceptable as it is not big enough to take the 20 cycles stated by the applicant. The refuse store should be closer to the Grays Place access to comply with minimum drag distance standards. The proposal will generate a small increase in vehicle trips. The proposal should be refused unless it is substantially altered.

6.2 Drainage

No drainage proposals submitted. These are required before any planning permission can be granted under the SUDS approval process. The applicant was informed at the pre application stage of the need for drainage details.

6.3 Environmental Quality (Contamination)

Comments to follow but standard contamination conditions would be applied as the area has had an industrial uses in the past.

6.4 Education

Request financial contribution towards new education facilities.

6.5 Housing

Request contribution towards affordable housing.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The site is identified on the Proposals Map (2010) as an existing business area. Under Core Strategy policy 5 loss of employment uses in these areas is strongly resisted. The Site Allocations Development Plan 2010 identifies the site as part of Selected Key Location 3. Under Core Strategy policy 1 there is flexibility to relax the 'no loss of employment' requirement in identified Selected Key Locations if various site objectives listed in the Development Plan are achieved. Comprehensively planned development is one objective.

7.2 The proposal is not a comprehensively planned scheme as indicated below and its poor design limits the scope for this particular proposal to be treated flexibility under the selected key location category. However replacement of the existing unsightly building would be advantageous.

7.3 Core Strategy policy 6 states that all community facilities/services should be retained. If an exception is made and loss occurs a financial contribution towards other local community facilities/services is required. No alternative or

compensatory facilities are proposed so the development does not comply with this policy. The loss of this small gym is unlikely to be significant in terms of overall leisure provision in the area. The loss need not therefore be considered a strong reason to reject the proposal provided the replacement development is good quality and well designed and assists local regeneration.

- 7.4 The site sits within the town centre of the Proposals Map regarding application of car parking standards and support for flatted developments.
- 7.5 The 64 % social housing proposed more than covers the Core Strategy policy 4 requirement for 25 % of homes above 25 units to be social rent. However the type of accommodation and likely tenants proposed may not align with the Housing Sections interpretation of those in most need of housing in this area. Further comments to follow on amendment sheet.
- 7.6 As this development is over the 15 unit threshold for seeking education contributions it would not comply with Core Strategy policy 10 Infrastructure unless the applicant could show that it would not be viable with such a contribution. Alternatively the applicant could provide evidence that, long term, residents are unlikely to generate the need for education places.
- 7.7 Regarding contributions to recreation facilities the development is only just over the 25 unit threshold for seeking such contributions. As the amount of development proposed will need to be reduced to comply with design policies etc. this requirement is not likely to be pursued. Similarly for contributions towards the station north forecourt enhancement that have been collected from other larger schemes in the area in connection with increased travel demand.
- 7.8 The applicant has said that reducing the scheme may affect its viability but no evidence has been submitted.

8.0 **Layout, Design and Access**

- 8.1 Access; cycle storage, parking arrangements, refuse store access are all unacceptable as indicated in the Transport and Highway comments above.
- 8.2 The distance between habitable room windows on the south elevation and the north elevation of the adjacent Rivington Apartments is 12 metres at ground floor and 14.75 metres above. Normally 18 metres would be a minimum acceptable distance on the private side of a development to prevent excessive overlooking and loss of privacy to residents of both developments. A large number of homes would be affected. The recessing and angling of some of the proposed windows is not sufficient to address the issue. Consequently the proposal is unacceptable as it would create unsatisfactory living conditions for some existing and some new residents. This is contrary to Local Plan policy EN1 design and Core Strategy policy 9 built environment.
- 8.3 The distance between habitable room windows at the front is 15 or 16 metres. Whilst this is below the desired 18 metres the 15/16 distance is found further along Mill Street and this distance is found elsewhere between frontages of

some terraced housing. Although it should be noted houses as opposed to flats usually have a rear elevation not affected by loss of privacy.

- 8.4 The relationship between the northern part of the building and adjacent windows at the rear of Headington Place and a house in Mill Street also creates some privacy problems and aspect problems. Views from some existing windows at a 45 degree angle would be about 8 or 10 metres away from the new building either looking at a wall taller than the existing building or residential windows compared to the smaller number of existing gym windows. Trees currently help screen views between the existing building and the nearby house but the new building would require their removal.
- 8.5 The proximity and height of existing buildings together with the proposed buildings extent, height and arrangement of windows close to the site boundaries will result in poor levels of light and sun light to many of the new homes. The new building will also reduce light to existing homes adjacent as the larger building will intrude on the skyline seen by existing residents. The proposed building is much larger than the existing building with more windows so overlooking from existing gym windows to nearby homes or the effect on light to existing rooms is modest compared to the proposal.
- 8.6 No day light or full sun light study has been submitted despite a specific request to do so at the pre application stage. Without that the full extent of the effect on living conditions for new or existing residents cannot be established clearly. However the proximity of buildings at 4 or more storeys in comparison to light studies elsewhere indicates that there is a high level of certainty that many rooms will have below standard levels of sun and light.
- 8.7 The 12 and 14.75 metre distance between a 5/7/9 storey building south of the proposed 5 storey building is the most obvious example of height/separation distance to judge that the proposal will be unsatisfactory.
- 8.8 The submitted shadow analysis does not indicate which rooms of homes have reduced levels of light compared to now nor the scale of change nor its acceptability compared to generally accepted standards. The shadow analysis does show that the building will receive little sun light and the south elevation very little.
- 8.9 Consequently the proposal is unacceptable as it would create unsatisfactory living conditions for some existing and some new residents. This is contrary to Local Plan policy EN1 design and Core Strategy policy 9 Built Environment.
- 8.10 The proximity of buildings; recessed windows and odd arrangement of dormer window on the top floor all contribute to many habitable rooms having a very poor outlook. This will contribute to the poor living conditions referred to above.
- 8.11 The 5/7/9 storey Rivington Apartments to the south will have an overbearing effect on south elevation windows. Whilst any residential scheme on this site will be affected by this the effect of it is made worse by the number of windows facing the existing tall building and the short distance between the two.

- 8.12 Building so close to site boundaries along the side of the plot particularly if habitable room windows are on or near the boundary is not good practice. The windows rely upon borrowed light and it may limit adjoining owners redevelopment opportunities in the future or cause conflicts where activities in the adjoining plot take place close to the boundary.
- 8.13 The amount of accommodation on the site is large for this narrow plot close to other buildings. There is no problem with the principle of reaching a height similar to that adjacent to the north and east. However the size and positioning of the building and its windows is crucial to achieve a good design. It is a difficult site to get a lot of good quality homes on; the fact that surrounding sites have large buildings does not by itself mean this small site can have a large building.
- 8.14 Amenity space for the development is limited. This may be a requirement that can be relaxed a bit to assist a successful redevelopment of the site.
- 8.15 The elevational treatment of the building is generally satisfactory in terms of appearance the recesses creating shadow and interest. However the top floor dormers with no proper window are unusual features that need careful treatment not to look odd. Use of render as a finish needs careful specification and application to limit the worst effects of weathering and staining in the future.
- 8.16 The through way along the south side of the building from Mill St to Grays Place is a potential crime problem. It may also be used as a short cut. Any revision needs to address this.
- 8.17 As outlined above the proposal does not comply with Local Plan policy EN1 design; Core Strategy policy 9 Natural and built environment; policy 12 community safety; nor Core Strategy policy 8 Sustainability in terms of surface water drainage.

9.0 **Conclusion**

- 9.1 In conclusion the principle of redevelopment and residential use is supported and a building larger than the existing one is probably acceptable. Because of the sites small size, depth and proximity of buildings means some compromise regarding living standards may be acceptable if this is the only way to achieve or secure redevelopment for a better looking building. However the size of this proposal and the arrangement of its rooms and windows etc. plus proximity to site boundaries means it results in unacceptable living conditions for new and existing residents. This is poor design. Day light, sun light, privacy and poor outlook from windows are all affected. The Council's policies expect good design and this is supported by the National Planning Policy Framework which says "high quality design should be secured and a good standard of amenity for all existing and future occupants of land and buildings"
- 9.2 The policies regarding loss of leisure facilities and an employment use are not fully met but this need not be a significant issue if the proposal is acceptable in terms of design and use and can clearly be seen to assist in regeneration of the area. The design is not satisfactory.

- 9.3 The type and level of affordable housing and justification for not contributing to education facilities will need to be made with any revised application. These matters have not been explored with the applicant so a holding reason for refusal has been attached.
- 9.4 Transport related items are also unacceptable although these might be addressed by redesign; consideration of on site parking or financial contributions for alternative travel/parking arrangements.
- 9.5 Too many changes are needed to make the scheme acceptable for the application to be negotiated. The application is lacking key information that was requested at the pre application stage. The applicant can submit a revised scheme with no fee.

PART C: RECOMMENDATION

10.0 **Recommendation**

Refuse

11.0 **PART D: LIST OF REASONS for refusal**

1. The development will result in poor living conditions for existing and new residents because of lack of day light and sun light, lack of privacy and poor outlook from windows. This is poor design and does not comply with Local Plan (2004) policy EN 1 design nor the Core Strategy 2006 - 2026 policy 9 Natural, built and historic environment.
2. The development fails to provide cycle parking in accordance with adopted Slough Borough Council standards and therefore does not comply with the Council's Integrated Transport Strategy and is therefore contrary to Slough Borough Council Local Plan (2004) Policy T8.
3. The layout as submitted does not comply with Slough Borough Council's Vehicular Footway Crossing Policy and as such would result in an unsatisfactory form of development. The development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.
4. The proposal does not secure affordable housing in line with Core Strategy 2006-2026 Policy 4 (type of housing) nor secure additional education facilities in line with Core Strategy Policy 10 infrastructure.
5. The proposal will result in off site parking in an area already suffering from high levels of parking demand and no alternative travel measures to reduce car use/the need for parking have been proposed. The proposal is therefore contrary to Core Strategy policy 7 2006 - 2026 Transport with regard to highway safety and the free flow of traffic on the nearby network.