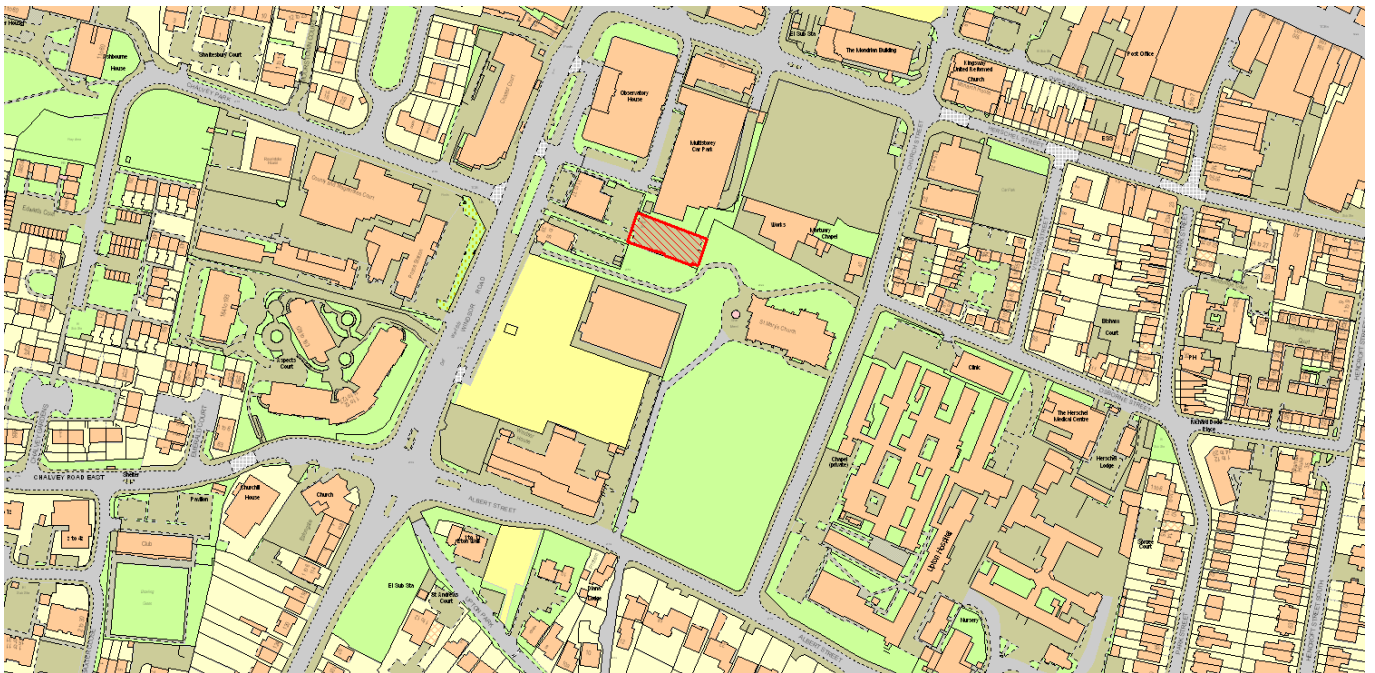


Registration Date:	14-Dec-2015	Applic. No:	P/02278/018
Officer:	Mr Smyth	Ward:	Central
Applicant:	Mr. Ahmed Naseem, MNK Estates (UK) Ltd		
Agent:	Maurice Spafford 11, Park Terrace, The Park, Nottingham, NG1 5DN		
Location:	WESTMINSTER HOUSE, 31-37, WINDSOR ROAD, SLOUGH, BERKS., SL1 2EL		
Proposal:	Construction of a 5 storey building to provide 17 no. flats on land to the rear of 31-37 Windsor Road together with 6 no. car parking spaces.		

Recommendation: Delegate to the Planning Manager for approval



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 and all other relevant material considerations, it is recommended that the application be delegated to the Planning Manager for approval, subject to any minor design changes if required, completion of a Section 106 Agreement and finalising conditions.

PART A: BACKGROUND

2.0 **Proposal**

2.1 The proposal is for construction of a 5 storey building to provide 17 no. flats on land to the rear of 31-37 Windsor Road together with 6 no. car parking spaces.

2.2 The building comprises:

Ground Floor: 1 no. studio apartment, 1 no. one bed flat & 1 no. two bed flat

First & Second Floors: 4 no. one bed flats

Third Floor: 1 no. studio apartment, 1 no. one bed flat & 1 no. two bed flat

Fourth Floor: 2 no. two bed apartments

2.3 The application is accompanied by full plans, including site plan, block plan floor plans elevations and sections. The application is also supported by a number of statements including:

- Arboricultural Survey
- Arboricultural Method Statement
- Daylight & Sunlight Study
- Design & Access Statement
- Transport Statement
- Heritage Impact Assessment

2.4 Pedestrian and Vehicular access is from Windsor Road utilising the existing access. Parking for 6 no. cars is provided at the rear of the site adjacent to the eastern boundary with the neighbouring listed building at St Marys Church.

3.0 **Application Site**

3.1 The application site which has a site area of 0.065 hectare comprises land rear of Westminster House which is currently hard surfaced and formerly provided surface car parking for Westminster House when it was in use as offices. Westminster House itself which is a modern 4 storey brick –clad building with its principle elevation facing towards Windsor Road, has received an approval under the prior approval notification process to convert the building from Class B1(a) offices to Class C3 flats, comprising 11 no. one bedroom, 8 no. two bedroom and 8 no. studio apartments.

- 3.2 Access to the site is available from an existing vehicle crossover off the existing adopted front service road which runs parallel to the main Windsor Road. The access road is lined with mature trees along the southern boundary of the site and there are further trees along the eastern boundary of the site which adjoins the Grade II* listed church of St Marys. There is a confirmed tree preservation order (TPO 1 of 2004) in place along the eastern boundary which covers a total of 3 no. trees.
- 3.3 The site is enclosed by a close boarded fence along its northern southern and eastern boundaries. Adjoining the fence along the eastern boundary is a section of the Victorian churchyard wall, which is protected under the general listing for the church.
- 3.4 Immediately adjoining the site to the north is the Herschel Street multi storey car park and to its west is Observatory House which is undergoing a major external refurbishment and fit out. To the west of the site is Westminster House, a modern 4 storey office building. To the south west of the site is 39 Windsor Road, also a 4 storey modern office building, which has planning permission for extension and conversion to residential use (P/00861/012). Immediately south of this building is a gated tree lined pedestrian entrance into the grounds of St Marys Church. To the south of the pedestrian access is a decked car park and there is currently under construction a 10 storey residential and 8 storey hotel scheme, both fronting Windsor Road. To the far west of the site is the Urban Building which is a substantial 8 storey office scheme fronting onto Albert Street.
- 3.5 The site is immediately to the west of St Mary's Church, a grade II* building. It is surrounded by a churchyard, with boundary walls, and gateways and gate piers east and west, all of which are listed by virtue of being within the curtilage of the church. The Gothic Revival church of 1876-78 with additions of 1911-13 is an elaborate design in Decorated style by John Oldrid Scott, son of the leading Victorian church architect Sir George Gilbert Scott. To the west of the church is a war memorial which is grade II listed in its own right.

4.0 **Site History**

- 4.1 Westminster House to the north west of the site was the subject of a prior approval notification application for a change of use from B1(a) offices to Class C3 residential for the provision of 27 no. flats.
- 4.2 As referred to in paragraph 3.2 above, the site benefits from the existence of a Tree Preservation Order (TPO 1 of 2004). This relates to 3 no. horse chestnut trees which are located on the eastern boundary of the site with St Marys Church.
- 4.3 Pre application advice was provided prior to the submission of this application.

5.0 **Neighbour Notification**

- 5.1 Neighbours Consulted: The Occupier, Page House, 39, Windsor Road, Slough SL1 2EL
The Occupier, I C L, Observatory House, Windsor Road Slough, SL1 2EY
The Occupier, St. Marys Church, Church Street, Slough SL1 1PJ

The Occupier, Thames Valley Police, Police Station Windsor Road, Slough, SL1 2HH
 The Occupier, H S B C, Westminster House 31-37 Windsor Road, Slough, SL1 2EL
 The Occupier, Bettison & Johnson, 35, Windsor Road Slough, SL1 2EB
 The Occupier, Office Angels, Westminster House 31-37 Windsor Road, Slough, SL1 2EL
 The Occupier, Airwave Solutions Ltd, 50, Windsor Road Slough, SL1 2EJ
 The Occupier, Affinion Ltd, 50, Windsor Road, Slough SL1 2EJ

Notice placed on site and advertised in the local press.

NO COMMENTS RECEIVED

6.0 **Consultation**

6.1 **Transport & Highways**

This is an application for the construction of a 5 story building which will contain 17 flats (nine 2 bed, one studio, seven 1 bed), along with 6 parking spaces. It is located behind Westminster House on Windsor Road, on the site of a redundant car park. The site of Westminster house is also owned by the developer and has prior approval for change of use from office to residential, it is expected that 27 flats may be included in this development. Although no planning application has been submitted for these proposals as yet, some aspects are considered throughout these comments for the new build. A design and access statement and drawings have been submitted in support of the application for 17 flats.

Trip Generation

A TRICS assessment has been carried out for the proposed development. It is expected that the development will produce a total of 25 daily trips, 12 arrivals and 13 departures. These figures along with AM and PM peak trips are illustrated in the table below. This number of trips is not expected to have an adverse effect on the surrounding highway network.

	Arrivals	Departures	Total
AM Trips	1	3	4
PM Trips	1	0	1
Daily Trips	12	13	25

As it is likely that the existing Westminster House, previously used as offices, will also be converted into flats (27 expected) the trip generation for this has also been calculated and added to that for the 17 flats above, essentially treating this as one development. The numbers for both developments together are shown in the table below; a total of 72 daily trips would be expected.

Arrivals	Departures	Total
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AM Trips	3	7	<u>10</u>
PM Trips	4	2	<u>6</u>
Daily Trips	35	37	<u>72</u>

Westminster House was recently used as offices, though now it is disused. Therefore to calculate the net trip generation of the two blocks of flats, the trips generated by the previous office use have been calculated and subtracted from the trips generated by the two blocks of flats. The results are shown in the following table. As can be seen there is a net decrease in trips meaning the flats will have a smaller impact on the highway than the office use does currently.

	Arrivals	Departures	<u>Total</u>
AM Trips	-11	5	<u>-6</u>
PM Trips	0	-11	<u>-11</u>
Daily Trips	-39	-34	<u>-73</u>

In summary, it is expected that the number of daily trips from both of the residential developments combined will total 73 fewer than from the previous office use.

Car Parking

It is proposed that 6 car parking spaces will be provided for the development. According to the Slough Developers Guide Part 3 residential developments in town centre locations (where this development is located) have a minimum parking requirement of nil. Therefore this number of spaces is accepted.

The spaces themselves have been measured as well as the distance behind the spaces and these are found to be in line with standards.

It has not been stated anywhere how these spaces will be allocated however, or if they will be first come first serve.

Cycle Parking

16 cycle parking spaces will be provided in the form of Sheffield stands, these are an accepted form of cycle rack. In the Developer's Guide it is stated that 1 space per unit should be provided per flat therefore an additional parking space, to total 17 should be provided at the development. However 16 spaces will be accepted as this is a town centre development located very close to amenities.

The location for the cycle parking, to the side of the entrance area to the building is considered good, however it is recommended that there is just one door that leads into the store and this is from the secure entrance hall and therefore reducing the opportunity of theft. The space between each stand has been measured and found to be in line with guidelines which state a preferred minimum distance of 1 metre, while the distance from the stands to the store walls are just over half a metre.

Cycle Parking for Adjoining Prior Approval Application

Concerning the cycle parking that is marked on the plans for Westminster House, it is considered that the door should be moved to the other side of the shelter to provide more natural surveillance. It is also proposed that the area of parking is moved to where parking spaces number 12 and 13 are currently positioned. This will not only mean that 2 or 3 parking spaces that are easier to manoeuvre into are located where

the current cycle parking is, but will also mean that no ground floor flats are overlooking the brick wall that will be the back of the bike building.

Access

Access to the development will be from Windsor Road service road. Vehicle access will be shared with that for the existing car park for Westminster House. There will be no new or altered vehicle access from Windsor Road service road. It is noted that the footway area of Windsor Road service road in front of the site is adopted.

The access road is measured to be between 3.8 and 4 metres wide. According to guidelines in Manual for Streets this allows for one car- for which the minimum width would need to total 2.75 metres. For 2 cars to pass the width would need to increase to 4.1 metres. Therefore as the access is to remain unchanged it will be suitable for one car and the rest of the space can be used by pedestrians and cyclists.

As the access is located off the Winsor Road Service Road, it is considered that a width of 3.8 metres, sufficient for one car, is acceptable

Being located in the town centre means that there is good pedestrian and cycle provision in the area. It is assumed that pedestrians and cyclists will use the same access as vehicles, as it stands the width of the access is acceptable for this use.

Servicing

No details have been submitted on servicing arrangements apart from stating that storage provisions will be shared with Westminster House and the capacity will be increased as necessary. In line with guidelines set out in the Developer's Guide, 2 euro bins for general refuse will need to be provided for the flats and 1 recycling bin. It is noted that Westminster House belongs to the developer, however if this building is currently under commercial use then the refuse area cannot be shared with the new residential development. If this is the case the three bins for the 17 flats will need to be separate and could be stored next to the building on the western edge where there is plenty of room. However, if Westminster House is due to be changed to residential use then the refuse area could be shared. This will not be possible however until both are of the same use.

The bin area is stored within 30 metres of the entrance to the building in line with guidelines in the Developer's Guide. However the refuse store is not located within 10 metres of the road, meaning that either the refuse vehicle would need to travel down the access road, reverse into the car park and then exit the site in forward gear, or a refuse collection area will need to be introduced at the end of the access road and a management company would have to be employed to move the bins down to this area as the distance will exceed 10 metres.

For both options drawings need to be submitted before a decision on this application can be made. If a vehicle were to travel down the access road to the car park a vehicle tracking drawing will need to be submitted showing that the manoeuvre for the vehicle to turn in the car park and then exit the site in forward gear is possible. The vehicle should not have to reverse more than 12 meters.

It is also noted that the current arrangement of bins as illustrated in the drawings is

not acceptable as all bins would have to be removed to take out those at the back.

Development Impact

Based on the information provided it is not considered that the development will have a significant impact on the highway network. However, before a decision on the application can be made the refuse collection and servicing arrangements need to be clarified and agreed.

Recommendation

Subject to the applicant providing tracking drawings demonstrating that a refuse vehicle can enter the site, turn and leave in a forward gear then I see no reason for a highway objection.

6.2

Heritage Adviser

The application site is land to the rear (or east) of Westminster House at 31-37 Windsor Road, currently a car park with a tarmac surface and flanking greenery. The proposal is to erect a five-storey block of seventeen flats and retain six parking spaces on the site.

The site is immediately to the west of St Mary's Church, a grade II* building, which means it is among the top six-per-cent of the country's listed buildings. It is surrounded by a churchyard, with boundary walls, and gateways and gate piers east and west, all of which are listed by virtue of being within the curtilage of the church. The Gothic Revival church of 1876-78 with additions of 1911-13 is an elaborate design in Decorated style by John Oldrid Scott, son of the leading Victorian church architect Sir George Gilbert Scott. The tall stone-built spire is a landmark in the town. Although all sides of the church are interesting designs, the west front, including as it does a north-west tower and soaring spire, is perhaps the most important. To the west of the church is a war memorial which is grade II listed in its own right.

The immediate setting of this group remains verdant and unspoilt, and the area to the west is at present a fine green space. The wider setting is eroded by large buildings on Windsor Road. The application site however is east of Windsor Road and near the north-west corner of the church. The proposal looks likely to significantly erode the setting of church and war memorial, and to damage the key view of the two from the west. The impact of the proposal is exacerbated by details such as security lighting, upvc windows, mixed materials, and balconies, which would add to the impact.

The application provides no information about the historic environment affected, contrary to NPPF 128, and no justification for the proposal, contrary to NPPF 132. The site plan does not show the listed walls of the churchyard or indicate whether they are affected, and there is no survey of the application site. Accordingly no case is made for approval. This deficiency is evident when contrasted with the very detailed information about the historic environment provided for a development further south at 43-61 Windsor Road (P/00906/030) .

The setting of a listed building is protected by legislation and planning guidance. The Planning (Listed Buildings and Conservation Areas) Act 1990 section 66 requires that, "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to

the desirability of preserving the building or its setting." The NPPF sections 129 and 132 also require weight to be given to the conservation of the setting of a listed building, especially one of grade II*.

The current car park is infinitely preferable for the setting of the listed buildings to a five storey block of flats, and the application makes no case for the proposed change.

Recommendation: refuse for lack of information and justification, contrary to NPPF 128 and 132, and negative impact on setting of a high grade listed building, contrary to NPPF 133/134

Officer's Response: In response to these comments the applicant appointed a heritage consultant and a heritage statement was submitted. In turn the Heritage Statement was considered by the Council's heritage Adviser who responded as follows:

Slough Borough Council (= LPA) previously sought the advice of BEAMS on this application and a response was sent on 7th October 2015.

In this advice letter Dr Valerie Scott reviewed the application site and considered the matter in the light of conservation priorities. Notable these are that the development site is close to the Grade II* church of St Mary's (1876-78 and 1911-13) and the adjacent War Memorial.

As a result of this setting advice was given that the application lacked attention to the requirements of NPPF 128 and NPPF 132.

Therefore and in conclusion the recommendation was made:

Refuse for lack of information and justification, contrary to NPPF 128 and 132, and negative impact on the setting of a high grade listed building contrary to NPPF 133/134.

Later in October a Heritage Impact Assessment was submitted on behalf of the developers, MNK Estates (UK) Ltd, by Asset Heritage of Oxford (ref AHC/9400). Paragraph 1.7 of this states that 'this report takes account of the comments made by the Council's Conservation Consultants, BEAMS'.

As a result we now are in possession of more information and a justification statement.

The relevant documents have been reviewed including the application documents and the Heritage Impact Assessment.

The advice of BEAMS to the LPA remains the same as what is stated in the second page of Dr Scott's letter of 7th October 2015 and the information as now supplied in the Heritage Impact Assessment does not overturn this view.

REASONS:

St Mary's Church is a Grade II* listed building and is thus one of the most important items of historic fabric in the LPA area as well as being of 'regional importance' due to the II* status. The church is one of only 7 Grade II* listed items or groups in the Borough.

The setting of the church has already been the subject of intense development in the form of multi-storey buildings encroaching on its setting. This encroachment has been on each flank of the building. What remains of the openness of its setting is to be found at the ends and thus may be found in the churchyard and the remaining open areas beyond this.

The scheme as proposed in P/02278/018 would contribute further to this encroachment of multi-storey development and would thus represent 'substantial harm' to the setting in the terms of NPPF 133.

Effects on the setting of the church are considered to be detrimental to a degree that makes the assertions in paragraphs 2.15, 2.16 and 3.12 of the Heritage Impact Statement not acceptable.

CONCLUSION: although the evidence contained in the Heritage Impact Statement supplies the information previously lacking (viz. letter of 7th October 2015) its final paragraph is disputed. That the proposals 'preserve the setting of the church' is not accepted. The advice to the LPA of BEAMS is thus to refuse P/02278/081.

Officer's Response

Issues of heritage impact are discussed in more detail elsewhere in this report.

6.3 **Land Contamination Officer**

I have reviewed the information submitted for the above property, as well as our records related to potential contaminative land uses at the property and within 150 m of the property.

While there are no potentially contaminative land uses associated with the development site, the nearest potential sources of contamination are: a former Laundry, a Graveyard, and a former Dairy. In addition, the proposed development is located within 150m of three other sites with Disused Tank Registry entries and a former Brickfield/ Gravel Pit.

At least two of the neighbouring sites with Disused Tank Registry entries have had reports of leaks, and while some of the tanks were removed as part of subsequent planning application, the majority were made safe by slurry/sand filling and still remain on site.

Based on the above, it is likely that the prevalent contamination pathway at the site will be the inhalation exposure pathway. Thus, further information is required in order to assess the risk of any active potential vapour/ground gas inhalation pathway and to demonstrate that there are no unacceptable risks to the human health receptors from the proposed development.

No objection raised subject to conditions.

6.4 Tree Officer

Consent granted as per Sylva Consultancy arboricultural method statement

Recommendation –Works are carried out to BS3998 Standards also would recommend using an Arboricultural Association Approved contractor.

6.5 Housing Development

Based on the 17 units, the commuted sum payable as below;

Affordable Housing

Unit Type	Full scheme	Number (at 30%)	Funding Shortfall	Total Funding Shortfall
Studio (66% 1BF)	2	1	£19,800	£19,800
1BF	7	2	£30,000	£60,000
2BF	8	2	£35,000	£70,000
total	17	5		

Total commuted sum payable

£149,800

6.6 Environmental Quality

This development relates to the construction of a 5 storey building (providing 17 flats) on land rear of 31-37 Windsor Road together with 6 car parking spaces.

There are currently 30 existing car park spaces and this will reduce to 6 (a reduction of 24 car park spaces). There will also be 16 cycle spaces included within the scheme.

The development sits just outside the Town Centre AQMA and is sufficient distance from the Highway to ensure there is no adverse impact from poor air quality or significant road traffic noise.

In line with Institute of Air Quality Management Guidance on Land-Use Planning & Development Control: Planning For Air Quality and our forthcoming Low Emission Strategy we would expect on site mitigation to mitigate the impact against air quality as follows:

- 1) The developer to install one mode 3 post mounted dual electric charging point in the car park to serve the new flats. (There would be no objection to installing this EV charger in the existing office to residential car parking area.) The developer to ensure the electric charging point is separately metered and is

managed by service contract.

- 2) The developer to design a suitable car parking management plan, as it is not clear how car parking will be allocated, and to which property. Details within the car parking management plan to cover the provision and operation of the electric charging point, its management and operation.
- 3) Low Emission Boilers installed within the development that meet the following standard less than 40mgNO_x/kWh.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National guidance

- National Planning Policy Framework

Local Development Framework, Core Strategy 2006-2026, Development Plan Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 4 (Type of Housing)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 9 (Natural & Built Environment)
- Core Policy 10 (Infrastructure)

Adopted Local Plan for Slough

- H7 (Town Centre Housing)
- H14 (Amenity Space)
- EN1 (Standard of Design)
- T2 (Parking Restraint)

7.2 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.

The Council has also formally announced its intention to prepare a Local Plan Development Plan Document and is seeking comments on the proposed scope and content of the document – this consultation period runs from Friday 4th December 2015 to 15th January 2016.

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) Heritage Impact
- 3) Impact on neighbouring amenity;
- 4) Parking and highway safety;
- 5) Trees
- 6) Quality of Housing
- 7) Affordable Housing & S106 Planning Obligations;
- 8) Sustainable Drainage
- 9) Land Contamination

8.0 **Principle of Development**

8.1 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.

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 being:-

- 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.

8.2 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.

8.3 Core Policy 1 sets out the overall spatial strategy for Slough requiring all developments to take place within the built up area, predominately on previously developed land. The policy seeks to ensure high density housing is located in the appropriate parts of Slough Town Centre with the scale and density of development elsewhere being related to the sites current or proposed accessibility, character and surroundings.
This feeds through into Core Policy 4.

8.4 Policy 7 of the adopted Local Plan for Slough supports the principle of residential use/development within the town centre and particularly mixed use schemes.

8.5 The principle of high density flats within the town centre is acceptable in principle subject to the consideration of the other matters as set out below.

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

9.1 The National Planning Policy Guidance, in its overarching Core Planning principles state that 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 ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildingshousing applications should be considered in the context of the presumption in favour of sustainable development.....good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

9.2 Core Policy 8 states that all development in the borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change. With respect to achieving high quality design all development will be:

- a) be of a high quality design that is practical, attractive, safe, accessible and adaptable
- b) respect its location and surroundings
- c) 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 requires that development proposals reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of: scale, height, massing, bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water courses.

9.4 The proposed building is rectangular in shape with a footprint of 25.5m deep X 10.5m wide. It displays a fairly typical modern design, with clean lines with facing brick on the ground and top floors of a colour and texture to match that of the existing Westminster House to the west, and contrasting render on the first to third floor levels.

However, with respect to the elevation which faces east towards the church alternative finishes are under discussion, with a view to improving the buildings relationship with the listed church. One option under consideration is to use a reflective cladding which would reflect the trees which currently line the boundary. In addition the projecting balconies have been removed and replaced by Juliette balconies to improve the appearance of this elevation. There is a set back at third and fourth floor levels on the eastern elevation facing towards the listed church of St Marys forming terraces which would be planted again to soften the appearance of the more sensitive elevation facing towards the church.

9.5 There would only be very restricted views/glimpses of the proposed building from the main public realm which is within Windsor Road itself, this is because of the screening already provided by existing/proposed high rise developments along this part of Windsor Road together with the existing tree screen.

10.0 **Heritage Impact**

10.1 In response to the initial comments received from the Council's heritage advisers, the applicant submitted a heritage statement submitted a heritage statement prepared by Asset Heritage Consulting.

10.2 The heritage statement summarises the situation as follows:

“The churchyard of St. Mary's Church stands by way of contrast to this late 20th- and ongoing early 21st-century development and redevelopment. The church itself, which was built in a Decorated style by the architect, John Oldrid Scott in 1876-78 with Heritage Impact with additions and alterations made in 1911-13, and which has a particularly striking interior (plate 9), is listed at Grade II*, its tall stone-built spire in particular being a notable landmark in this part of Slough.

The war memorial, which stands alongside the west front of the church is individually listed at Grade II and, as stated in the Beams letter of 7 October 2015, the boundary walls, gate piers and gates to the churchyard can also be regarded as 'listed by virtue of being within (or defining) the curtilage of the church'. The churchyard, 'remains verdant and unspoilt, and the area to the west (of the church) is at present a fine green space', as indeed it is on all sides of the church. Parts of the churchyard are enclosed by its original Victorian brick wall, but in others this has been removed as the churchyard has been extended or the wall simply replaced by a close boarded fence.

The application site is separated from the churchyard on its western side by a section of the original walling and to the south (the side alongside which the public footpath from Windsor Road to Church Street cuts across the churchyard) by a close boarded fence. Both wall and fence, together with the lines of mature trees running next to them within the application site, provide an effective screen between the application site and the churchyard, in which connection it is important to note that the photographs of the application site used in this report were obtained by standing on churchyard monuments close to the wall, rather than by looking directly over the wall at eye level.

In terms of the contribution that the application site makes to the setting of the churchyard and the Grade II* listed church and the Grade II listed war memorial, this can therefore be seen to be minima”.

Critically, the application site has never formed part of the churchyard and, while some might argue that its ‘openness’ somehow contributes to the setting of the churchyard and church, I do not see how this position could be justified or sustainable. This is particularly so given the clear views of the looming mass of the rear elevation of the Herschel Street multi-storey car park directly to the north of the application site and the ongoing redevelopment immediately to the north of Westminster House, both of which are clearly visible from various points in the churchyard, including from the public footpath running across it from Windsor Road to Church Street.

In short, there is nothing to suggest that, although the application site abuts part of the extensive churchyard belonging to St. Mary’s Church, it forms an important part of the ‘setting’ of the churchyard as a Grade II* listed building, or adds in any meaningful way to an appreciation of its ‘significance’ as a designated heritage asset. Such views as there of the application site from within the churchyard can fairly be described as ‘incidental’ and, in my professional opinion, the changes to these views as a result of the application proposals are, most unlikely to be harmful “.

In conclusion, for all the reasons set out in the body of this report, I am satisfied that the application proposals will not result in harm to what is significant about the setting of the nearby Grade II* listed St. Mary’s Church, the separately and individually listed Grade II war memorial, or to the churchyard in which they stand. It is therefore my firm professional opinion that there is no material reason in heritage terms why planning permission should not be granted for the application proposals.

10.3 In response to the submitted Heritage Statement, the Council’s heritage advisers have stated: “although the evidence contained in the Heritage Impact Statement supplies the information previously lacking (viz. letter of 7th October 2015) its final paragraph is disputed. That the proposals ‘preserve the setting of the church’ is not accepted. The advice to the LPA of BEAMS is thus to refuse P/02278/081”.

10.4 In consideration of the heritage issues reference is made to the guidance given in the National Planning Policy Framework:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 10.5 Having regard to the guidance given in the NPPF there are a number of factors to consider.

St Marys Church is a grade II* listed building and is thus one of the most important items of historic fabric in the LPA area as well as being of 'regional importance' due to the II* status. The church is one of only 7 Grade II* listed items or groups in the Borough.

- 10.6 The application site adjoins but is not within the curtilage of the listed building.

In terms of the setting of the listed building, it is concluded that views of the Church from the public realm in Windsor Road are limited to glimpses. A partial view is currently available between Observatory House and Westminster House, although the view is reduced by the invasion of the Herschel Street multi storey car park. The development as proposed to the rear of Westminster House will result in some further reduction of what is already a restricted view. The other views are available along the existing access road serving Westminster House and the development site to its rear and via the existing pedestrian footpath to the south of 59 Windsor Road. Both of these existing views would remain, albeit views of the church are restricted by the existence of existing mature trees, including those along the eastern boundary of the application site which are protected by an existing tree preservation order. Further south along Windsor Road views of St Marys church are restricted by the redevelopment of land to provide a 10 storey residential and 8 storey hotel scheme, both of which are currently under construction.

- 10.7 In conclusion it is considered that the impact of the proposed development on existing views from Windsor Road would be minimal and in this respect would not be harmful to the setting of the listed building.

- 10.8 When assessing the impact of the development on the setting of St Marys Church in terms of the views from within the churchyard towards Windsor Road and hence the impact on its wider openness, it is accepted that the development would be visible from the immediate setting of the church and that at present the north west corner is quite open in nature. There is already some natural screening provided by the existing trees within the church grounds and those on the eastern boundary of the site. From other positions within the wider church grounds the development is largely screened from view. Whilst the concerns of the Council's heritage adviser relating to the further erosion of the setting of the listed building are noted, the proposed development has been considered in the current context. For the most part this section of Windsor Road is already characterised by substantial modern high rise developments, to the extent that the setting of the listed building along its western boundary is already severely compromised. It is not considered that the proposed development by itself would add significant additional harm. In addition it should be noted that the scheme has been amended such that the whole development block has been re-sited further west, approximately 3.3m further away from the boundary with the listed building. This increases its distance from the boundary with the church to just under 15 metres and

circa 47/48 metres from the north west corner of the church itself. In addition the scheme has been redesigned to allow a set back at third and fourth floors. In addition other improvements to the design have been secured, as set out in paragraph 9.4 above. Notwithstanding the advice offered by the Council's heritage adviser, it is concluded that these measures coupled with the presence of existing mature boundary trees would provide sufficient mitigation against any further erosion of the setting of the listed building.

The re-siting of the block further west would also allow the proposed car parking spaces to be moved away from the eastern boundary which contains part of the listed wall to the church. This provides additional protection for the wall in addition to the close boarded fence which already exists on the inside of the boundary.

10.9 In determining this application, it is considered, by reference to the NPPF that a proportionate approach is required when considering the impact of the development on the setting of what is a significant heritage asset. It is concluded that given the sites heavily developed context, the minimal impact on existing views from Windsor Road to the west and the less than significant harm to the setting of the listed building through proposed mitigation measures including the re-siting of the development block further away from the boundary with the church, the setting back of the third and fourth floors and the presence of existing mature boundary trees, that the development can be supported in heritage terms. In addition it allows full economic maximum use to be gained from the site whilst at the same time providing additional residential accommodation within the town centre area to meet an ongoing housing need together with a financial contribution towards the provision of affordable housing off site.

11.0 **Impact on Neighbouring Amenity**

11.1 The NPPF provides guidance on impact stating that: planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings. The main issues, here, relate to window to window distances and the potential for overlooking or loss of privacy with the potential for sterilising neighbouring land.

11.2 The re-siting of the block further towards the west, results in the window to window distance between the proposed development and the existing building at Westminster House, which is being converted to residential use under the prior notification procedure, being reduced from 21 to 18 metres. It is considered that such a relaxation is acceptable for a town centre site, where development space is at a premium and maximum use is being made of a brownfield site. To the south west there is a further residential block at 39 Windsor Road, although the window to window distance being maintained between the two developments is circa 31 metres. Along the north facing elevation most windows are shown as obscurely glazed and high level opening serving principally kitchens and bathrooms or providing secondary light to habitable rooms. However, in relation to flats nos. 3, 5, 8, 9, 10, 13 and 14 the proposed bedroom windows in the northern elevation are shown as angled bays to reduce the likelihood of there being direct overlooking of the neighbouring land. Conditions will cover these matters. Full height openable windows are proposed along the southern boundary with the open land which forms part of the wider pedestrian access into the

church grounds. On the basis that this land is highly unlikely to come forward for development in the future and given the presence of heavy tree cover along the southern boundary of the site, no objections are raised on grounds of overlooking.

11.3 Having regard to guidance given in the NPPF, no objections are raised in relation to the impact on neighbouring amenity subject to appropriate planning conditions being imposed.

12.0 **Parking and Highway Safety**

12.1 A Transport Statement has been submitted as part of the application and which has been assessed by the Council's transport and highway engineers, in terms of traffic impact, access arrangements, car and cycle parking and refuse.

12.2 In terms of traffic impact no objections have been raised. Further as no changes are proposed to the existing access arrangements from the Windsor Road service road, no objections are being raised. The existing access road is not wide enough to accommodate two way traffic, but is nonetheless considered to be acceptable. Parking is provided for 6 no. cars, which although low in terms of the overall housing provision, is consistent with policy as the site is located within the town centre, for which nil car parking is required. Secure cycle parking is provided on the ground floor, with the provision of 8 no. Sheffield stands, which complies with the Council's requirements. The refuse store is sited within a 30 m travel distance for the occupiers of the flats, but would exceed defined drag distances for operators. However, the applicant has advised that collection will continue to be carried out by a private contractor and therefore the drag distance would not be an issue.

12.3 No objections are raised in relation to Core Policy 7 of the Slough Local Development Framework Core Strategy Development Plan Document on grounds of highway safety nor Policy T2 of the adopted Local Plan for Slough in relation to car and cycle parking subject to appropriate conditions being imposed.

13.0 **Trees**

13.1 An arboricultural survey was undertaken in April 2013 and submitted as part of the planning application. That survey identified a total of 33 no. trees plus 3 no. tree groups across the wider site with Westminster House to the west.

13.2 Since the survey was undertaken a total of 9 no tree have been removed (3 no. tree of heaven & 6 no. lime trees). Of this total 7 no. of the trees felled were rated as being of low quality and value and the remaining 2 no. trees were rated as being of moderate quality and value.

13.4 An arboricultural method statement has also been submitted which identifies 5 no. trees which require some crown lifting and crown reduction. This to provide adequate clearance over the access road or to provide adequate working room around the proposed development. That document also identifies 3 no. individual trees plus 1 no. group which are covered by tree preservation orders. The trees in question are all located along the eastern boundary with the listed church. The statement also provides guidance on tree protection and construction exclusion zones.

13.5 The statement has been considered by the Council's tree adviser and no objections are being raised subject to any tree works being undertaken by a qualified arboricultural Association Contractor and all tree works being carried out to British standards.

14.0 **Quality of Housing**

14.1 All habitable rooms have a reasonable aspect

A daylight and sunlight study has been submitted and which concludes:

"All rooms meet or surpass the BRE Average Daylight Factor targets.

All rooms pass the room depth test.

Living rooms which face within 90 degrees of due south have been tested for direct sunlight. Not all windows receive ideal levels of direct sunlight. However, the BRE guide acknowledges that it is not always

possible for every dwelling to be well situated to receive direct sunlight.

The report confirms that the proposed design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.

14.2 The flats have been assessed in terms of room sizes and it is confirmed that the room sizes comply with the Council's approved guidelines for flat conversions, which although not strictly applicable to new build schemes, do nonetheless provide a reasonable rule of thumb.

14.3 Having regard to guidance given in the NPPF which states that: planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings, no objections are raised on grounds of housing quality.

15.0 **Affordable Housing & S106 Planning Obligations**

15.1 In accordance with Core Policy 4 of the Slough Local Development Framework Core Strategy Development Plan Document, as the development proposes more than 15 no. residential units on the site, the proposal attracts and affordable housing financial contribution. Having considered the amended scheme the Council's Housing Development section advises that in line with the developers guide, a financial contribution of £149,800 is payable to fund affordable housing provision off site. This will be a requirement under the terms of a S106 Agreement.

15.2 In accordance with the requirements of Core Policy 4 of the Slough Local Development Framework Core Strategy Development Plan Document and the guidance given in the developers guide, no objections are raised on grounds of affordable housing provision subject to the applicant entering into a S106 Agreement.

16.0 **Sustainable Drainage**

16.1 Two soakaways are proposed on the site, which combined would provide a total

effective volume of approximately 12m³ to drain a roof of 213m² area. This would provide more than sufficient capacity to allow for the effective sustainable drainage of surface water run off from within the site.

16.2 No objections are raised on grounds of sustainable drainage subject to the imposition of appropriate conditions.

17.0 **Land Contamination**

17.1 While there are no potentially contaminative land uses associated with the development site, the nearest potential sources of contamination are: a former Laundry, a Graveyard, and a former Dairy. In addition, the proposed development is located within 150m of three other sites with Disused Tank Registry entries and a former Brickfield/ Gravel Pit.

At least two of the neighbouring sites with Disused Tank Registry entries have had reports of leaks, and while some of the tanks were removed as part of subsequent planning application, the majority were made safe by slurry/sand filling and still remain on site.

Based on the above, it is likely that the prevalent contamination pathway at the site will be the inhalation exposure pathway. Thus, further information is required in order to assess the risk of any active potential vapour/ground gas inhalation pathway and to demonstrate that there are no unacceptable risks to the human health receptors from the proposed development.

17.2 In light of the above findings a number of conditions are proposed as set out in paragraph 6.3 above. No objections are raised in relation to Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document, subject to appropriate conditions being imposed.

PART C: RECOMMENDATION

18.0 **Recommendation**

It is recommended that the application be delegated to the Planning Manager for approval subject to any minor design changes if required, completion of a Section 106 Agreement and finalising conditions.

19.0 **PART D: LIST OF CONDITIONS**

1. Time limit, 3 years.
2. Approved Plans
3. Development to be carried out in accordance with the findings and recommendations of submitted statements
4. Samples of external materials
5. Samples of Surface Materials
6. Parking Provision to be provided and maintained
7. Cycle parking to be provided and maintained
10. Refuse storage to be provided and maintained
11. No gating of service road without prior written approval
14. Working Hours
15. Land Contamination

- 16 Electric Charging Points
- 17 Sustainable Drainage
- 19 Construction Traffic Management Plan/Working Method Statement
- 20 External lighting
- 21 Waste Management Plan
- 22 Car Park Management and Servicing Plan
- 23 Restriction on Delivery Times during Construction
- 29 No additional windows any elevation
- 30 Flank wall windows to be obscurely glazed & high level opening
- 31 Angled bay windows in northern elevation
- 32 Landscaping & boundary treatment
- 33 Insulation from external noise
- 34 Low emission boilers