

Registration Date:	14-Dec-2015	Applic. No:	P/02278/018
Officer:	Mr Smyth	Ward:	Central
		Applic type:	Major
		13 week	
		date:	

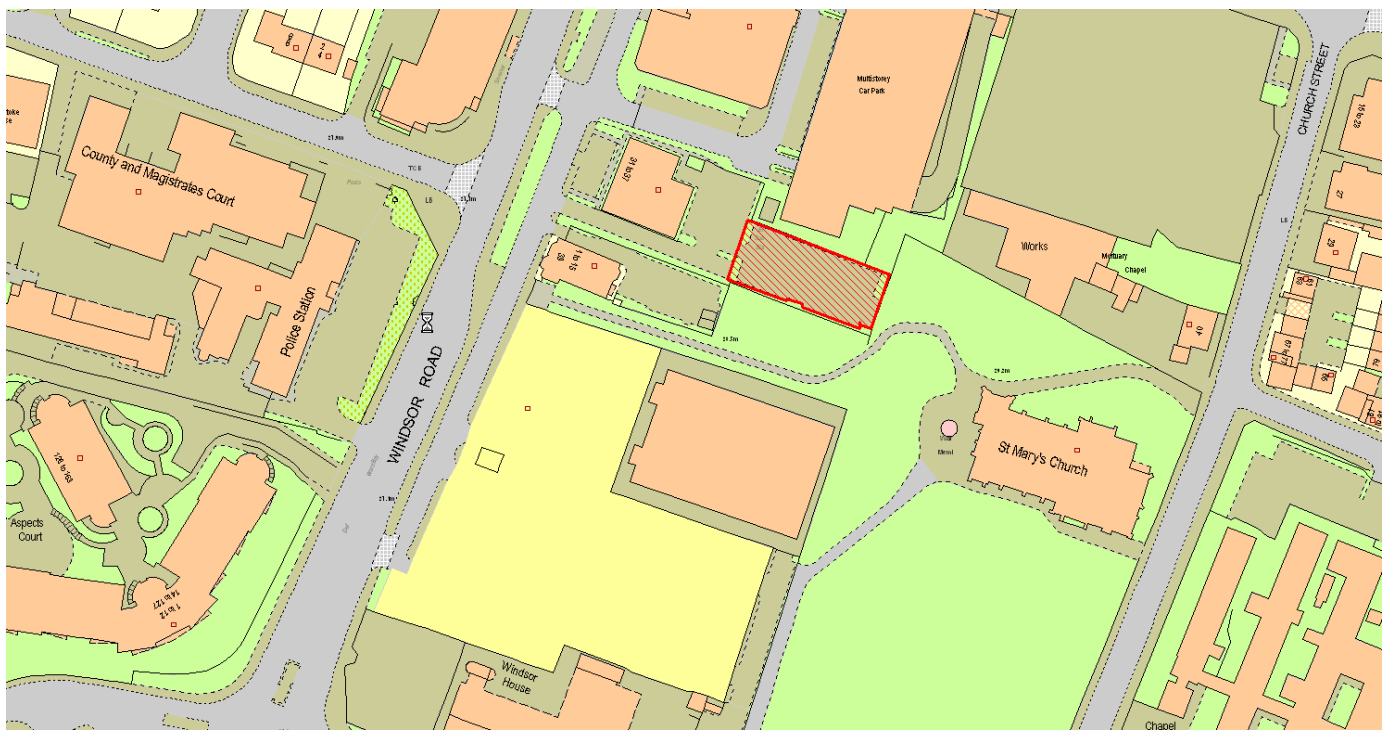
Applicant: Mr. Ahmed Naseem, MNK Estates (UK) Ltd

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. X studio apartment, 1 no. X 1 bed flat & 1 no. X 2 bed flat
First, Second & Third Floors: 6 no. X 1 bed flats & 6 no. X 2 bed flats
Fourth Floor: no. X 3 bed & 1 no. X 2 bed flat
- 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 procedure 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 |
|-----------------------|---|

	<p>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</p> <p>Notice placed on site and advertised in the local press.</p> <p>NO COMMENTS RECEIVED</p>
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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

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

*surroundin
g highway
network.*

*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.

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

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.

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

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.

Conditions required

Should the application be revised in accordance with my comments the following conditions will apply:

- 1. The cycle store shall not be used for any other purpose*

Reason: To encourage cycle use / ownership

- 2. No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.*

Reason: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough LDF 2006-2026.

Informatives:

Should the application be revised in accordance with my comments the following informative(s) will apply.

The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.

The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

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 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

Historic England (Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015)

Historic England's interest in the application is due to the potential impact on the setting of the Grade II listed Church of Saint Mary, Slough. While a high quality building on this site has the potential to enhance the setting of this building the design quality of the current proposal is very poor. Consequently we recommend that planning permission is refused on the grounds that it would harm the setting of the church and fail to take the opportunity presented to improve the character and quality of the area. We would encourage the applicant to review the proposals, take design quality much more seriously, and submit a much better scheme.*

The first Church of Saint Mary was a neo-Norman Brick building by W. Scamp of 1835-6. J. O. Scott added a chancel to this in 1876-8 and in 1911-13 replaced Scamp's nave with a new nave and west tower. By the time Scott added the nave and west tower Windsor Road was lined with semi-detached houses, as shown on the 1899 and 1925 25" OS maps.

As with most churches St Mary's was conceived as a building standing alone and therefore designed to be seen from all sides but the west elevation is clearly the principal elevation. This contains the front door and is the most impressive and formal composition in architectural terms. A key view of the building is therefore from the west. This is a sequential view, first experienced at the gate on Windsor Road to a narrow path leading to the churchyard. Here the west end and spire are tightly framed by the much larger modern successors of the late Victorian semis (the plot to the south is currently in the throws of redevelopment). The view opens out where the churchyard proper is reached, allowing clear views of the west front from this point. The proposed development site does play a role in this key view of the listed building as by virtue of standing empty as this creates the impression of space around the church. While the nearby multi-storey car park is very ugly it is at least set back some distance from the church and doesn't make its presence felt strongly in this view. A large building on this site would be seen with the church and markedly change this view of the west end of the building: it would become much more tightly framed and

the viewer would always be aware of its presence. This would significantly change the experience a visitor has when approaching the church from this side as both buildings would be viewed and experienced together. This change could be a good thing. A well-designed building on this site which positively addressed the church could provide a much better and more dignified setting than it currently has. Unfortunately the current proposals are completely without architectural merit. Tellingly even the Heritage Impact Assessment submitted in support of the application “does not claim that the application proposals represent an attempt to introduce an entirely different or ‘better’ style of architecture to the found in the several ongoing redevelopment schemes”. Very little thought appears to have been given to the composition of the principle elevations: the materials and detailing proposed is the cheapest possible and appears to have been driven by minimising costs rather than as a response to the site; no attempt has been made to create a pleasing rhythm and proportions to the principle elevations. The result is bleakly functional. Given that the viewer would be very aware of this building in key views of the church, and it would detract from an appreciation of these views, we conclude that, it would materially harm the significance of the church through harm to its setting.

Section 66 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires the Council to have “special regard to the desirability of preserving the building or its setting”. In our view the proposals would harm rather than preserve the setting of this grade II listed building and this should be an important consideration for the Council when deciding how to determine the application. Furthermore, paragraph 132 of the NPPF requires great weight to be given to the conservation of a designated heritage asset when considering the impact of a proposed development and clear and convincing justification for any harm to a heritage asset. As it would be possible to avoid this harm altogether by improving the quality of the architecture we do not consider the harm justified. In addition paragraph 64 of the Framework states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.” As the proposals are of poor design and singularly fail to take the opportunities presented to improve the setting of the church it follows that permission should be refused for the application in this form.*

Recommendation

It is recommended that this application is refused as it would harm the significance of the Church of St Mary and the opportunity for a high quality new building on this site which would enhance its setting would be missed. However, we have no in principle objection to development on this site. We would encourage the applicant to take design more seriously and create a building that enhances the setting of this grade II listed building. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.*

Response

The applicant has worked closely with Historic England and have redesigned the elevational treatment of the building in accordance with the aspirations of Historic England. Officers are now in a position to make a positive recommendation for the scheme.

6.4 **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.

The following conditions should be placed on the decision notice:

1. Phase 1 Desk Study

Development works shall not commence until a Phase 1 Desk Study has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

2. Phase 2 Intrusive Investigation Method Statement

Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the

methodologies, sampling and monitoring proposed.

REASON: To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Policy 8 of the Core Strategy 2008.

3. Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy

Development works shall not commence until a quantitative risk assessment has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Core Strategy 2008.

4. Remediation Validation

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Core Strategy 2008.

6.5 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.

6.6 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

6.7 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 40mgNOx/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
- 4) Impact on neighbouring amenity;
- 5) Parking and highway safety;
- 6) Trees
- 7) Quality of Housing
- 9) Affordable Housing & S106 Planning Obligations;
- 9) Sustainable Drainage
- 10) 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.

- 8.2 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.

8.3 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.

8.4 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 23.5m deep X 10.5m wide. It displays a fairly typical modern design, with clean lines with render on the ground and part of the top floor of a colour and texture to be determined and brickwork at first to third floor levels of a type and colour also to be determined. "Art" stone cornice copings are proposed at roof level. Full height windows and doors with ornate Juliette balconies are proposed on the north west and south elevations with glazed balconies serving the fourth floor garden terraces. Planting is also proposed at this level. The flank elevations elongated windows with intervening render panels.

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 Following a consultation with Historic England changes have been made to the elevational treatment of the building in line with the guidance given. Whilst Historic England were not supportive of the original design and recommended that planning permission be refused, they were not opposed to the principle of the development subject to changes being made to the external appearance of the building. The revised design now meets their aspirations and their original objection is withdrawn.

- 10.5 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.

- 10.6 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.

- 10.7 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.

10.8 However, the proposed building would infringe the wider openness of the setting of the north west corner of St Marys Church which is considered to be the one of the most important aspects of the building itself. Whilst the Council's heritage adviser has recommended refusal, on this basis alone, Historic England have advised a more pragmatic approach which hinges on an improved design. Changes have been made to the design which are now acceptable.

10.9 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 the wider openness and setting of the listed building, 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. This coupled with the improved design would make the development more acceptable.

10.10 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.

10.11 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 the re-siting of the development block further away from the boundary with the church, the setting back of the fourth floor, the presence of existing mature boundary trees and the improved design, 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 Diary. 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 Material
6. Parking Provision to be provided and maintained
7. Cycle parking to be provided and maintained
8. Refuse storage to be provided and maintained
9. No gating of service road without prior written approval
10. Working Hours
11. Land Contamination
12. Electric Charging Points
13. Sustainable Drainage
14. Construction Traffic Management Plan/Working Method Statement
15. External lighting
16. Waste Management Plan
17. Car Park Management and Servicing Plan
18. Restriction on Delivery Times during Construction
19. No additional windows any elevation
20. Flank wall windows to be obscurely glazed & high level opening
21. Angled bay windows in northern elevation
22. Landscaping & boundary treatment
23. Insulation from external noise
24. Low emission boilers