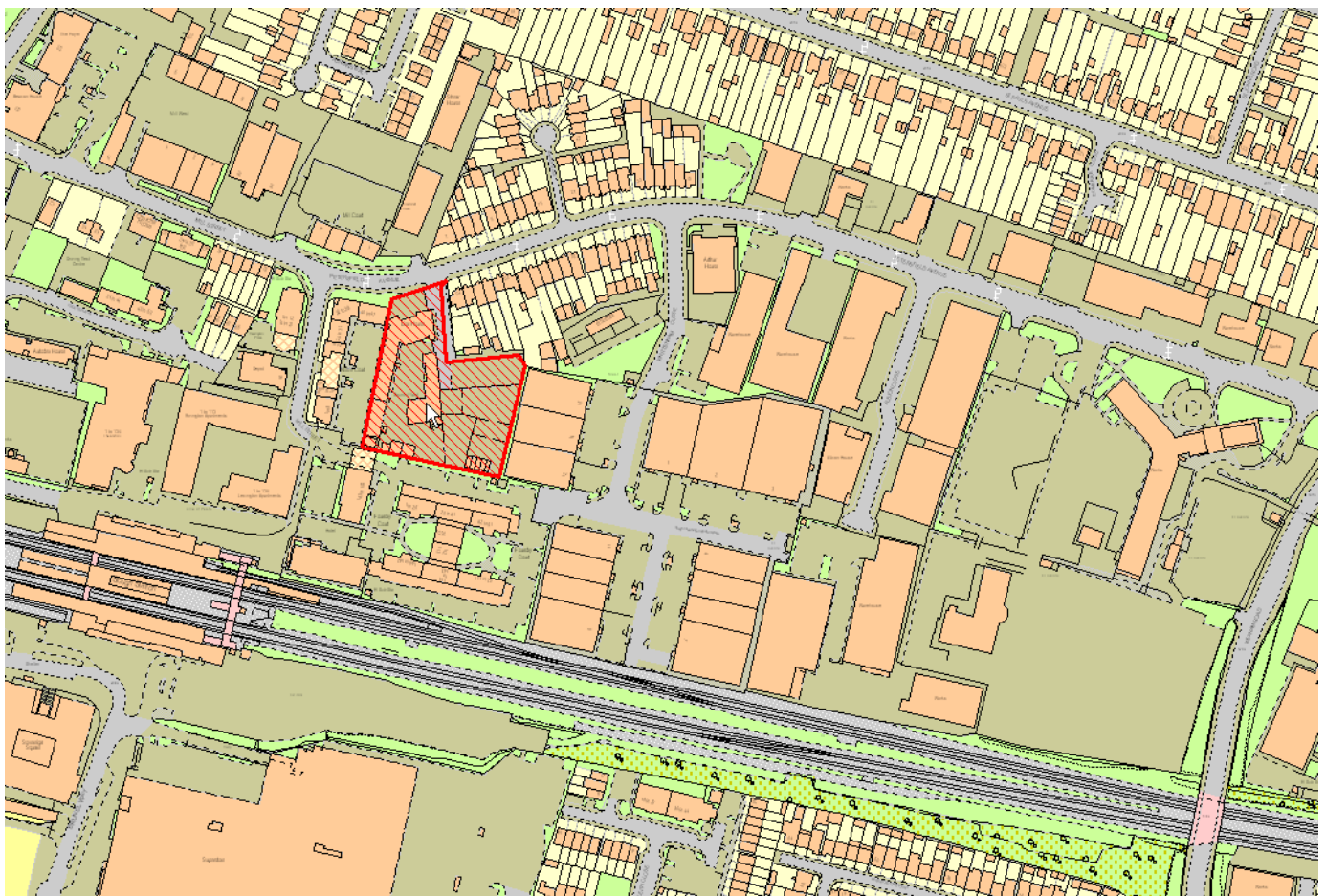


Registration Date:	23-Dec-2015	Applic. No:	P/06348/011
Officer:	Mr. Albertini	Ward:	Central
Applicant:	MHA London Ltd	Applic type:	Major
Agent:	Peter Bovill, Montagu Evans LLP 5, Bolton Street, London, W1J 8BA	13 week date:	23rd
Location:	Lion House, Petersfield Avenue, Slough, SL2 5DN		
Proposal:	Demolition of existing buildings and erection of a part four, part seven storey building and a part five, part seven storey building comprising residential accommodation, basement car parking, landscaping and associated works.		

Recommendation: Delegate to Planning Manager for approval



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Delegate to Planning Manager for approval, subject to Section 106 planning obligation.

2.0 Background

- 2.1 At the 31st March 2016 Planning Committee a decision on this application was deferred to allow planning officers to seek agreement with the applicants amendments to the design of the development. The original report follows this supplementary report.

3.0 Revised Proposal

- 3.1 The key revisions to the development proposal are :

Reduced number of flats from 172 to 155 (10 % change).
Removal of 8th storey from the eastern block (behind Petersfield Ave homes)
Reduction of flank wall from 5 to 4 stories behind Petersfield Ave. homes.
Some balconies rearranged to allow more light into rooms.
Enlarged (40%) central landscaped amenity space between the two blocks

- 3.2 The revisions have resulted in the schedule of accommodation being :

66 one bedroom flats (of which 9 studios)
88 two bedroom flats
1 three bedroom flat.
164 cars parking spaces (previously 172).

- 3.3 The affordable housing offered when the revision was submitted was 31 intermediate tenure homes representing 20% of the total. As a result of viability negotiation this has been changed to 29 social rent tenure homes which is 19% of the total homes in the proposal. This latest proposal comprises 9 one bedroomed and 20 two bedroomed flats. The previous scheme presented to the March Committee was 20% social rent.

- 3.4 An updated and expanded light study has been submitted. Some other supporting documents have been updated. The revised light study points out that the original light study concluded that some of the surrounding residential properties would receive a small reduction in light levels but within accepted (BRE) guidelines. It also states that the revised scheme is an improvement on the original submission. In terms of internal light levels of proposed flats the study concludes that the revised scheme results in fewer flats (6 compared to 13) fail the average daylight factor test. It also clarifies that of the rooms that fail all are in separate flats and that the rooms affected are 5 bedrooms and one living room.

- 3.5 As a result of the reduction in dwellings proposed the Section 106 package offered has been reduced in the same proportion. The revised affordable housing proposal is described above. A revised viability study to support this has been submitted.

4.0 Neighbour notification

- 4.1 Neighbours have been notified of the amended proposal. No further responses have been received.

5.0 **Consultation**

Highways/Transport – any comments will be on the amendment sheet.

Housing - prepared to support the revised affordable housing proposal.

6.0 **Appraisal**

- 6.1 The reduction of the mass of one building reduces the impact on nearby homes to the north and south in terms of visual impact or overbearing affect. It also reduces the adverse effects of changes to light levels to those homes.
- 6.2 The alteration to balconies increases light penetration into many of the living rooms of the new homes. This is a result of shortening or moving projecting balconies on living room windows to one side to not limit light to rooms below. The reduction of the number of flats that fail one of the light tests is a benefit.
- 6.3 The mix of flats is acceptable. The percentage of wheelchair accessible flats has increased from 10 % to 11 % despite the overall reduction of flats.
- 6.4 The reduction of dwellings means there is now a better car parking ratio of 1.06 spaces per flat instead of one per flat. This allows for all residents to have access to a space in the basement area with extra spaces (9 total) for visitors. At ground level the delivery bay remains and 2 of the visitor parking spaces are at this level. The rest are in the basement. The ground level parking spaces have been reduced to increase the amenity area.
- 6.5 The cycle storage remains the same at 180 spaces such that by proportion there are more cycle store places per flat.
- 6.6 Whilst the original proposal was acceptable overall the revisions to the development improve the scheme by reducing some of the adverse effects or less desirable features.
- 6.7 The 1 % reduction of the affordable housing proportion is an undesirable outcome of the loss of 17 dwellings from the scheme. Whilst 20% affordable housing can be achieved if intermediate tenure is accepted 19% social rent tenure is preferred. The revised viability study that justified the reduction in affordable housing has been accepted by the Council's Asset Management team.
- 6.8 The conclusions of the light study are being checked by the Council's specialist consultant. Any new information will be on the meeting amendment sheet.
- 6.9 Regarding the revised drainage information there is one outstanding matter but this may be resolvable through the drainage condition. Also there are some drawing discrepancies that need clarifying.
- 6.10 The revised proposal addresses concerns raised by the Planning Committee and is acceptable subject to confirmation that the light study is satisfactory, completion of a Section 106 Agreement.

7.0 **Recommendation**

- 7.1 Delegate to Planning Manager for approval, subject to the completion of a satisfactory Section 106 planning obligation and revisions to draft planning conditions.

PART D: CONDITIONS

1. Time

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

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

2. Approved plans

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

Prefix 6493

D1000 01 EXISTING LOCATION PLAN
D1100 00 EXISTING SITE PLAN
D1700 00 EXISTING NORTH ELEVATION
D1701 00 EXISTING EAST ELEVATION
D1702 00 EXISTING EAST ELEVATION 2
D1703 00 EXISTING SOUTH ELEVATION
D1704 00 EXISTING SOUTH ELEVATION 2
D1705 00 EXISTING WEST ELEVATION 1
D3000 06 SITE PLAN Received 10/5/16
D3100 15 PROPOSED GROUND FLOOR PLAN Received 10/5/16
D3101 11 PROPOSED FIRST FLOOR PLAN Received 10/5/16
D3102 12 PROPOSED SECOND AND THIRD FLOOR PLAN Received 10/5/16
D3104 11 PROPOSED FOURTH FLOOR PLAN Received 10/5/16
D3105 11 PROPOSED FIFTH FLOOR PLAN Received 10/5/16
D3106 11 PROPOSED SIXTH FLOOR PLAN Received 10/5/16
D3150 11 PROPOSED ROOF PLAN Received 10/5/16
D3199 11 PROPOSED BASEMENT PLAN Received 10/5/16
D3200 06 LANDSCAPE PLAN Received 10/5/16
D3500 01 SECTION AA Received 10/5/16
D3501 01 SECTION BB Received 10/5/16
D3502 01 SECTION CC Received 10/5/16
D3700 02 NORTH ELEVATION BLOCK AB Received 10/5/16
D3701 01 EAST ELEVATION BLOCK AB Received 10/5/16
D3702 02 WEST ELEVATION BLOCK AB Received 10/5/16
D3703 01 SOUTH ELEVATIONS BLOCK AB&C Received 10/5/16
D3704 01 NORTH ELEVATION BLOCK C Received 10/5/16
D3705 02 EAST ELEVATION BLOCK C Received 10/5/16
D3706 02 WEST ELEVATION BLOCK C Received 10/5/16
D3720 00 COLOURED ELEVATIONS

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004 and the Core Strategy 2006-2026.

3. Details and Samples of materials

Details of external materials and samples of bricks, balcony panels, panels for oriel windows with

restricted view to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. Lighting Scheme

The development shall not commence until details of a lighting scheme (to include the location, nature and levels of illumination) has been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the development and maintained in accordance with the details approved.

REASON To ensure that a satisfactory lighting scheme is implemented as part of the development in the interests of residential and visual amenity and to comply with the provisions of Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Bin storage

The bin stores on the approved drawings shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

6. Noise attenuation and ventilation.

No dwelling on the east elevation of the building (that which faces the industrial unit in Whittenham Close) shall be occupied until its respective approved noise attenuation and associated ventilation measures have been installed. The noise attenuation measures and associated ventilation measures shall have first been submitted to and have been approved in writing by the Local Planning Authority. Details of ventilation measures shall include air change information for habitable rooms (on the east elevation) at times when windows are closed.

REASON To protect the occupiers of the flats from the external noise environment in the interests of residential amenity and in accordance with Core Policy 2 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and National Planning Policy Guidance.

7. Soil - Phase 2 Intrusive Investigation Method Statement

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.

Soil - Phase 3 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.

8. Soil - 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.

9. Landscaping Scheme

No development shall commence on site until a detailed landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights of new trees and shrubs.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

10. Boundary treatment

No development shall commence on site until details of the proposed boundary treatment including

position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied the boundary treatment shall be implemented on site prior in accordance with the approved details and retained at all time in the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004 and in the interest of crime prevention re Core Strategy policy 12 community safety.

11. Alterations to existing access and sightline

No development shall commence until details of the alterations to the existing point of access between the application site and the highway have been submitted to and approved in writing by the Local Planning Authority and the access alterations shall be implemented in accordance with the details approved prior to occupation of the development. The details shall include sightlines of 2.4m by 43m. The sightlines shall be kept free of all obstructions higher than 600 mm above the adjoining carriageway level.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy 7 of the Local Development Framework Core Strategy 2006-2026 adopted 2008.

12. Off Site Highway Works

No development shall be occupied until off site highway works have been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The off site works shall comprise :

- Installation of street lighting modifications (as necessary);
- Drainage connections (as necessary);
- Alterations to site access junction;
- Reconstruction of footway fronting the application site;

REASON In the interest of conditions of general safety on the adjacent highway network.

13. Internal access roads and parking

Prior to first occupation of the development, the internal access roads footpath and vehicular parking and turning provision shall be provided in accordance with approved plans. The access road shall include a connection with the existing rear vehicular access for existing houses in Petersfield Avenue.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy 7 of Local Development Framework Core Strategy 2006-2026 adopted 2008.

14. Cycle parking

No development shall be begun until details of the cycle parking stand and security details have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details and the storage areas on the approved drawings prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON To ensure that there is adequate and secure cycle parking available at the site in accordance with Policy T8 of The Adopted Local Plan for Slough 2004, and to meet the objectives of

the Slough Integrated Transport Strategy.

15. Surface Water Drainage

The construction of the surface water drainage system shall be carried out and maintained in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences. The details shall include future maintenance of the system. The drainage system shall be completed in accordance with those details prior to the occupation of any dwelling. The system will require attenuation of surface water on site. The drainage system shall be retained and maintained in accordance with the approved details

REASON To prevent the increased risk of flooding and pollution of the water environment.

16. Security

Each entry points to the building (including front door, bin and cycle stores and basement car park) shall have installed a secure entry system prior to occupation of any dwelling served by its associated entry point. The system shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of crime prevention.

17. External Appearance Details

No development shall commence until detail elevational and section drawings of windows, doors, eaves and balconies have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at 1:100 scale.

REASON In the interest of visual amenity.

18. Restricted view windows/balconies

No development shall commence until detail drawings of oriel windows that have restricted view and balconies (to be completed) have been submitted to and approved in writing by the Local Planning Authority. The measures that restrict views out of the windows and balconies shall be retained and maintained thereafter.

REASON In the interest of the living conditions of nearby residents.

19. Archaeology

No development shall take place until the applicant has secured and implemented an archaeological watching brief as part of phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has first been submitted to and been approved by the Local Planning Authority.

REASON The site is within an area of archaeological potential. An archaeological watching brief is required to mitigate the impact of development and ensure preservation 'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

20. Electric vehicle charging points

No dwelling shall be occupied until 17 of the car parking spaces have been provided with 7 kW rapid charge electric vehicle charging points and all of the undercover car parking spaces have been

provided with electric cabling adjacent to the spaces, that is connected to the developments power supply and is suitable for supplying power to 7 kW rapid chargers (that can be installed and connected to the cable at a later date).

REASON In the interest of public health and air quality in particular encouraging use of low carbon emission cars in accordance with policy 8 of the Core Strategy 2006 - 2026

21. Construction Management Scheme

No development shall take place until a Construction Management Plan has been submitted and approved in writing by the local planning authority, which shall include details of the provision to be made during the construction period (1) to accommodate all site operatives', visitors' and construction vehicles loading, off-loading, parking and turning within the site and (2) for construction vehicle wheel cleaning. These details shall thereafter be implemented as approved before the development begins and be maintained throughout the duration of the construction works period.

REASON In the interest of minimising danger and inconvenience to highway users

INFORMATIVE(S):

1. Section 106 Legal Agreement. The applicant is reminded that a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

2. Highway Matters

- 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 units.
- No water metres will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water metres 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 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.
- The applicant must apply to the Highway Authority for the implementation of the works in the existing highway.
- Prior to commencing works the applicant will need to enter into a section 278 agreement of the Highways Act 1980 / Minor Highways Works Agreement with Slough Borough Council for the implementation of the works in the highways works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
- The applicant must obtain a licence from Slough Borough Council for maintaining the highway verge (once dedicated) fronting the application site under Section 142 of the Highways Act 1980.
- The car park shall be designed in accordance with Structural Engineers publication "Design Recommendations for Multi-storey and Underground Car Parks 2011- 4th Edition".

3. Car Parking The developer is asked to ensure that purchasers of flats are fully aware of the limited parking space on the development and that they purchasers should not expect to park on the public highway nearby. This is to help ensure flat owners do not have more cars than parking spaces available to them on site.

4. Positive and proactive statement. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

ORIGINAL REPORT 31st March 2016

1.0 SUMMARY OF RECOMMENDATION

- 1..1 Delegate to Planning Manager for approval, subject to Section 106 planning obligation. and resolution of outstanding matters. If affordable housing / Section106 planning obligation package not settled to refuse the application.

PART A: BACKGROUND

2.0 The Proposal

- 2.1 This proposal for 172 homes comprises 10 studios, 85 one bedroom, 76 two bedroom and 1 three bedroom flats. 35 homes are affordable housing (13 one bedroom and 22 two bedroom). Tenure is 'intermediate' but negotiations continue regarding the quantity and tenure. The homes are arranged in 2 blocks with varying storey height ranging from 4 on the frontage to 8 deeper in the site. The east side block reaches 8 storeys stepping down to 7 at the rear (east side) and at either end. It is 5 storeys nearest the rear of Petersfield Homes containing oriel windows preventing a direct view into adjacent homes. The west building is made up of two portions. The main portion rises to 7 storeys stepping down at the flanks and rear. That part near the front of the site is four storey. The elevation that faces existing Petersfield homes gardens has a combination of oriel windows as described above and windows with balconies. Both buildings are aligned north south on the site.
- 2.2 Car parking is provided at an average of 1 space per home. All but 10 of the car parking spaces are in a basement accessed by a ramp on the east side of the site. 10 spaces and a delivery bay are at ground floor level. There are 4 cycle stores integrated into the buildings at ground level.
- 2.3 The existing site access (approximately 4.5 metres wide) will be reformed and widened by 4.5 metres on the west side to form a 4.5 m wide carriageway, 2 m footway (west side) and 2 m strip (on the east side) to accommodate parking that already occurs on an informal basis. The existing access also serves some existing garages located at the rear of adjacent houses; those garages appear to be not in use for parking cars.
- 2.4 Communal amenity space for the flats is proposed in between the two blocks. Most ground floor flats have private patio amenity space immediately in front of the flat. Most upper floor flats have a balcony or a terrace.
- 2.5 Existing trees near adjacent gardens are just outside the site boundary but overlap the site. One tree on the south boundary will be removed. New trees are proposed between the two buildings in the communal amenity space.
- 2.6 All the flats comply with the new national space standard. 10% have been designed to comply with Part M4 Category 3 wheelchair user dwellings.
- 2.7 The buildings have a varied profile in response to the adjacent buildings and living conditions of those adjacent. Facades are broken up through variations of the mass of the blocks and the projecting balconies and oriel windows. Elevational treatment will be contemporary in style using primarily brick. Three tones of brick colour are proposed including creamy/yellow facing Petersfield Avenue, and red or brown tones elsewhere. Corduroy brick pattern (alternating protruding brick courses) appear at ground floor level and feature panels next to some window

openings. A soldier course caps the parapet of the flat roof buildings. Light grey powder coated aluminum or steel balconies articulate the facades.

- 2.8 The west wing is parallel to the Noble Court flats to the west 26 metres away. The southern flanks are 18 metres from Foundry Court flats off Mill St. The east façade is 10 metres from adjacent industrial unit. The distance of the west building 5 storey flank to the rear elevation of main façade of adjacent houses is 39.5 metres. The distance between the adjacent Petersfield House (No. 10) and the side of the four storey frontage building is 12 metres. Windows and balconies nearest Petersfield Ave homes have been designed to minimize overlooking. More detail is provided in the appraisal below. There are windows on all elevations.
- 2.9 The supporting information submitted includes design information, transport assessment, draft travel plan, planning statement, day light study, noise assessment, drainage strategy, flood risk assessment, ground investigation and Statement of community involvement.
- 2.10 A viability study submitted by the applicants states that the scheme is not viable if the Council's normal Section 106 infrastructure and 40 % affordable housing requirements are included. The applicants propose 20% affordable housing but not the requested social rent tenure. The level of infrastructure contribution is being discussed in connection with negotiations on the affordable housing.

3.0 **Application Site**

- 3.1 The 0.51 hectare site currently contains a part two and part three storey building used as a school plus second two storey building with yard used by the Council's property maintenance contractor. A few trees overhang the site near the rear sheds/garages in existing gardens adjacent. The existing private access road runs immediately adjacent to number 10 Petersfield Ave which is an extended house converted to flats. The access also serves a few rear garden garages that appear to be unused as garages.
- 3.2 To the west are 4 and 5 storey flats and associated car park (Noble Ct.). To the south is a 7 storey building part of the Linden Homes Foundry Court flats scheme. To the east is the rear of a large, relatively new industrial/business unit. It has no windows facing the site. On the Petersfield Ave. frontage two storey houses with long rear gardens adjoin the site. Opposite is the entry to a commercial site with houses adjacent. One of the commercial buildings is now used as a church

4.0 **Site History**

- 4.1 Part of Lion House was approved in 2006 for use as a private school.

Application for 119 flats (4/5 storey) refused October 2007; Appeal dismissed May 2008 (P/6348/5).

Application for 92 flats (3/4 storey) refused January 2008, Appeal dismissed May 2008 (P/6348/006).

The key issues considered at the 2008 appeal (for both the above schemes) related to the reasons for refusal comprised :

- Would loss of employment land be acceptable.
- Effect of building on the appearance and character of the surroundings (design/residential amenity).

- Adequacy of provision for family housing.
- Adequacy of provision for car parking.

The key reasons that the appeal Inspector used to dismiss the appeals were :

The design issues regarding the affect of the frontage of the larger building on the character of Petersfield Avenue.

The proximity and height of the building in relation to nearby Petersfield Ave. homes more so for the larger 119 unit scheme.

Inadequate car parking of the larger scheme (0.6 spaces per unit).

Lack of adequate landscape setting.

Concerns relating to family housing were not supported; loss of employment land was not supported because the Core Strategy, that firms up this policy was not, at the time of the inquiry, declared sound. The Strategy has since been found 'sound'.

- 4.2 90 flats (3/5 storey) and conversion of 2 flats to a 3 bedroom house.
Approved 23 October 2008 (P66348/7).

Extension of time for implementation of the above planning permission
Approved (1/4/15) with reduced Section 106 Agreement package but additional provision re off site parking control measures. Conversion of the two flats to a house deleted.

5.0 Neighbour Notification

- 5.1 Petersfield Ave 1-7 odd 10. 10A – 32 even. 22a.
Mill St. Noble Court 1-47 incl; Mill Court 1-4, Brooklands House, Shear House, 51 Whittenham Close units 12, 14, 15.
Foundry Court.
3,4,7,8,11,12,15,16,19,20,23,24,32,33,38,39,44,45,50,51,56,57,60,61,64,65,66,69,70,71,74,75,76,79,80,81,84,85,86,89,90,173,180,181,188,189.

- 5.2 3 letters of objection received raising issues of:

- Noise from more cars and people
- Privacy – human rights, overlooking
- Design – bulk of buildings, too tall, out of character,
- Low quality flats and over development, lack of amenities in the area.
- Reduced light – applicants light study not believed.
- Traffic; visible traffic issues that did not exist five years ago; question Town Centre planning rules.
- Parking – visitors cannot park near Petersfield Ave homes.
- Why has health centre been dropped ?
- Genuine planning concerns highlighted previously disregarded.
- General concern about high density of development and concentration of apartments in the area in recent years. Change from calm area to one with crime, social problems. Tower blocks being pulled down in other areas.
- Planning Inspector rejected previous design for being too dense etc. in proportion to nearby homes.

- Public exhibition misleading and questionnaire biased.
- No consideration of spill over issues likely to impact residents.
- Intrusion of privacy/overlooking
- Make traffic conditions worse/noise/safety risk.
- Petersfield Ave used for parking by residents of new flats nearby
- Building would create shadows
- Out of keeping with streetscape
- Church opened opposite since permission granted; this has lead to increased car parking in the street; the proposal site is used for overflow car parking.

5.3 Petition of 48 signatures objecting to proposal on grounds of :

- Appeal planning inspector declared previous plans over ambitious, poorly relating to existing houses and generally too big/dense for the area.
- Design and visual Impact on the area based on height, mass, design
- Privacy and long term effects on the immediate area and community.
- Overshadowing – Concern about studies; loss of light/sun o existing homes.
- Noise – people at night, cars using car park ramp at night, collective noise from more people on site.
- Pollution – car fumes, noise, light
- Landscaping and open areas – inadequate
- Transport and parking and road safety – flows will be radically different from current use.

5.4 In response to the comments traffic and parking matters are addressed in para 6.1 and Section 8. Visual impact is addressed in Section 7 and 9 and 10; affect on living conditions of residents is addressed in para 10. Regarding the 2008 appeal decision the Inspectors decision related to specific aspects of the scheme that was current at that time. The Inspector did not reject the principle of a high density scheme on the site. The Inspectors concerns are referred to in para. 4.1 above and Section 9 below. The affect of noise and pollution on existing residents will not be significant enough to warrant rejection of the application or implementation of planning controls. Regarding local amenities the sites central location means that key amenities are nearby. Expansion of schools to meet additional demand is a matter dealt in para. 11 under the Section 106. The applicants have not included the health centre of the permitted scheme. Whilst this is disappointing there is no substantive reason to insist upon it.

6.0 **Consultation**

6.1 Traffic/Highways:

The site will lead to an increase in person trips to the site (pedestrian, cycle and public transport), but an overall reduction in vehicle trips compared to the existing use.

Modifications are being made to the existing site access to make it a suitable width and included a footway leading into the site.

Car parking is provided at 1 space per unit which is an improvement on the previously consented scheme. A Parking Survey of the nearby Foundry Court development has been submitted which demonstrates that 81% of the spaces (0.83 spaces per unit) were in occupation at the time of the survey at midnight on 4th and 5th November 2015. The proposed level of parking provision including 20 electric vehicle parking bays provided at basement level are considered acceptable. Further discussions on how the bays are to be allocated are on-going.

The applicant has agreed to a mitigation package which is considered acceptable

Minor design changes are required to cycle parking, the access design and the Travel Plan. Clarity about right of access over existing private road sought. Conditions recommended. Section 106 obligations required for scheme to be acceptable are :

- Travel Plan;
- TRICS surveys for Travel Plan monitoring;
- £150,000 Transport contribution towards encouraging non-car modes of travel.
- Car Parking Space allocation/management system; and
- Residents excluded from being eligible for existing or any future on-street resident parking permit scheme.
- Sign Sec. 278 Highway Agreement for works within the Highway

- 6.2 Environmental Protection:
Request standard conditions re soil tests and remediation.
- 6.3 Housing :
Request scheme have social rent housing on site not intermediate tenure. Negotiations on this matter continue. Mix and size of dwellings acceptable.
- 6.4 Education:
Request contribution towards education facilities
- 6.5 Drainage:
Some concerns about detail of preliminary drainage strategy. Revisions requested.
- 6.6 Thames Water :
Response not yet received.

PART B: PLANNING APPRAISAL

- 7.0 **Policy**
- 7.1 The site is an existing business area. The adopted Local Development Framework Core Strategy seeks retention of business use. Local Plan policy EMP 6 encourages mixed use redevelopment in the Stoke Road/Mill Street area. This site can be considered to be an extension of this area; the inquiry Inspector supported this view. Nearby redevelopment has been approved as an exception to the previous Local Plan policy regarding retention of business use. Furthermore the 2010 Proposals Map identifies the area north of the Station, including this site, as a selected key location where the loss of existing business area policy can be relaxed if proposals provide comprehensive regeneration in particular residential or mixed uses.
- 7.2 Whilst the Core Strategy seeks to concentrate high density development in the town centre this site is so close to the expanded town centre area (Mill Street being the boundary) an exception can be made. This principle has been established by the existing planning permission for 90 flats and is broadly supported by the 'selected key location' proposal, referred to above on the Proposals Map and Site Allocations Development Plan.
- 7.3 In relation to the above policy matters the scheme can be considered acceptable in terms of land use/density provided that quality of design, living conditions and Section 106 matters are

satisfactory. These issues are dealt with below.

- 7.4 In terms of affordable housing Core Strategy policy 4 type of housing at present the proposal does not comply. Negotiations continue and an update will be reported at the Committee meeting. See also para. 11 below regarding affordable housing and infrastructure matters.

8.0 **Transport and Highway Matters**

- 8.1 There are no vehicle traffic impact problems compared to the existing use of the site. To help reduce car use convenient and attractive pedestrian and cycle links to the town centre (and other local facilities) are important. The applicants agree to the principle of making a financial contribution for Transport. Negotiation of the Section 106 of 2015 resulted in a sum less than established in 2008 but provided flexibility on how it was spent to address various transport and parking measures that will arise as a result of the development. This principle is still acceptable although the precise sum has yet to be agreed.
- 8.2 The parking ratio of 1 space per dwelling (average) is acceptable subject to provisions to encourage non-car modes of travel and restrictions to limit off site parking. The parking ratio is below the Council's parking standards but proximity of the site to the town centre means the standard should be applied flexibly. The site is quite accessible (to the station) but not highly accessible because of the walk distance to the town centre. However the parking ratio is better than the 0.8 ratio of the approved scheme and similar or better than many of the other recent residential schemes in the area.
- 8.3 A car parking management plan will be agreed to ensure affordable housing occupants and visitors will each have acceptable levels of parking and lessen demand to park of the site. The plan can also cover how electric charging point parking bays are used. The Sec. 106 will also prevent new residents having parking permits for existing or future residential parking schemes. The overall transport financial contribution offered by the applicant referred to in 8.1 above can cover the above measures.
- 8.4 Cycle parking on the revised drawings is acceptable in terms of overall space but more flexible storage has been requested. Provision of some parking bays with electric charge points is supported to help with town wide air quality.
- 8.5 The existing site access is private. The applicant has a right of way over it. The proposal involves widening the access over the applicants land to allow for existing car parking that takes place on it to remain and provide a suitable width for refuse vehicles and two way traffic. This is supported. As the development relies upon a combination of the existing and widened portion of the access for a satisfactory scheme the applicant has been asked to clarify how the portion of the existing access will be available for use in connection with the new development.
- 8.6 Overall the proposal, subject to the changes requested and satisfactory Sec 106 obligations, complies with Core Strategy policy 7 Transport, Local Plan policies for cycling and Site Allocation/Proposals Map site requirements re transport matters.
- ## 9.0 **Design Matters**
- 9.1 The scale of the scheme fits in with completed schemes to the south and adjacent to the station but it will contrast with the 2 storey houses along Petersfield Ave. This site is within but on the edge of the area promoted as an area for redevelopment because of its sustainable location near the station (Site Allocations Development Plan and Proposals Map 2010 'selected key location'). The transition from town centre scale development to traditional suburban areas does mean some standards related to the latter are more difficult to apply.

The affect on living conditions of homes nearby is covered below.

- 9.2 In comparison to the appeal Inspectors concerns about the frontage this new proposal does not extend so far forward as the permitted scheme. The previous two storey element that projected forward of the frontage block has been removed. The narrow frontage means the overall bulk of the scheme will not be so noticeable when passing along Petersfield Ave. However the bulk of buildings will inevitable be clear from a distance or when viewed from Petersfield Avenue homes.
- 9.3 Regarding the appeal Inspectors concerns about proximity and height of building in relation to nearby Petersfield Ave. homes this scheme has similar separation distances between existing and new homes. In terms of storey height the facades nearest to the existing homes were 3 storey rising to 4 and 5 storey behind. The proposed scheme has 4 storeys to the side of number 10 Petersfield Ave and 5 storeys to the rear of existing homes rising up to 8 storeys behind. The east side block of the new scheme is further east by 7 metres such that it will come into view of a more Pertesfield Avenue homes. The implications of these changes are referred to below. The separation from Noble Court is similar to the permitted scheme but storey height is a mixture of 4 to 7 compared to 3,4 and 5. In relation to Foundry Court the buildings are closer but have fewer windows and shorter elevations. The permitted scheme was U shaped with 5 storeys near Foundry Court. The proposal breaks the 'U' resulting in two flanks facing Foundry Court homes at 5 and 6 storeys rising behind to 7 and 8 compared with 5 storeys before.
- 9.4 Regarding appearance the contemporary design fits in with some of the schemes near the station. It will however contrast with the more traditional designs on Petersfield Avenue. The site does however have a limited frontage onto this road. The use of brick will be better than metal cladding and render used on nearby new buildings. It is likely to look good for a long time as brick does not weather or stain like some other materials. The inquiry Inspector did not think contemporary design a problem. Overall the simple form of the building is satisfactory provided the quality of the elevational treatment indicated in the application documents is carried through to implementation. Control of materials, planting and detail design through conditions and careful consideration of any subsequent changes to the scheme will be important to achieve a satisfactory scheme.
- 9.5 The applicants energy strategy states low environmental impact will be at the heart of the design. As part of this a proposal to achieve better than current Building Regulations energy standard (11 %) is supported and a condition will be applied to secure this. Photovoltaic solar panels are proposed for the roof along with other energy efficiency measures incorporated within the building including scope to connect to a future district heating system.
- 9.6 The applicant states trees on or next to the site have low value. They are mostly sycamore up to 10 metres high. Two will be removed the other boundary ones will stay. Their roots can be substantially protected with a planting strip next to the basement ramp entrance. These trees will help soften the appearance of the new buildings behind when seen from the 3 nearest homes in Petersfield Ave. but they are not in the applicants control.
- 10.0 **Residential Amenity**
- 10.1 In terms of the living conditions of nearby residents three key issues are privacy/overlooking, light and outlook/overbearing buildings. Light is covered in a paragraph below. Dealing with Petersfield Avenue homes first the residents of the nearest 3 homes (No 10, 12, 14) looking directly out from their rear windows, will see a 5 storey façade between 39 and 42 metres away and the 7th and 8th storey behind. The permitted scheme was 33 metres away from 3 storeys rising to 5 storeys behind.

- 10.2 The view from the oriel windows on the proposed 5 storey flank is restricted to prevent direct overlooking. 7 flank windows above this height are further away and not restricted. This relationship is acceptable in terms of overlooking and outlook. Looking across to their right, more than 45 degrees, residents would see the west building at 4 storeys rising to 7 further away. The distance from the side of the nearest house (No. 10) is 12 metres (more than the permitted scheme at 8 metres from a 3 storey building); this distance increases as the west building façade rises to 7 storeys. At 45 degrees from the rear window of Number 10 the nearest window is 18 metres away. The windows on the new building at this point are either restricted view oriel windows or patio style windows serving balconies. These balconies have solid panels (instead of railings etc) to partly restrict direct views out from windows to nearby homes. This relationship is a bit unusual, with views looking directly down the private area at the rear of a house if standing on the balcony, but it is an acceptable relationship because of the distance. The height of the buildings and number of windows in the building will create a feeling of being overlooked or being overbearing but this is not unusual near a town centre and the separation distance, at over 18 metres, is sufficient to protect privacy.
- 10.3 Regarding Noble Court at 24 to 26 metres away privacy is acceptable. The outlook from homes on this side of the building will however change radically as the 6 and 7 storey element of the new building will be directly in front. This is quite overbearing for lower floor flats but not unacceptable in a town centre context. The same applies to north facing Foundry Court residents who will be 18/19 metres from the flank (with windows) of 6 storey facades.
- 10.4 Within the scheme some windows are 19.5m apart; this is 1.5 m less than the permitted scheme but is reasonable in terms of privacy.
- 10.5 Regarding day and sun light the applicants study indicates rooms will still have acceptable levels of light in accordance with nationally accepted guideline guidelines (published by BRE 2011). There are different test for studying light. Approximately 18% (58) of adjacent windows fail the first level light test but most comply with the secondary tests. Those that do not (20) are in Noble Court to the west but the applicants point out that similar circumstances exist in flats nearby in particular Lexington and Rivington apartments next to Slough Station. Some clarification of how this conclusion has been reached and some other points is being sought. However, whilst not desirable, some low levels of light, particularly in low level rooms, is often found in high density schemes.
- 10.6 Sunlight for some nearby homes and gardens would be reduced but the applicants study states the change is within accepted guidelines.
- 10.7 The permitted scheme, whilst acceptable in terms of effect on light, would, if built, result in changes to light to nearby rooms. The new scheme has a greater effect on some rooms because of the extra height. However subject to the clarification sought referred to above the scheme is likely to be acceptable. The BRE light guidelines state that a limited number of variations from the individual standards are acceptable particularly in urban environments.
- 10.8 As the east block is closer to the rear of the adjacent industrial building lower floor flats will have a poor outlook being 10 metres away compared 17 metres of the permitted scheme. Information on any below standard light for these flats has been sought from the applicant. Any below standard light is not likely to be a major issue as purchasers will be aware of what they are buying but it is important to be aware of the degree of deviation from standards.
- 10.9 Flats on the east side might suffer from noise from the industrial unit or from noisy equipment that might be mounted on it near the flats. The applicants noise study states a standard façade specification would be sufficient to meet current noise levels. As circumstances may change over time in particular different occupiers may cause more noise than now or add equipment that does not require planning permission, a condition is proposed to ensure

adequate insulation and ventilation is incorporated within flats. It is also relevant to point out that the flats are closer to the industrial building compared to the permitted scheme as described in the paragraph above.

- 10.10 Overall the proposal, subject to further consideration of the items referred to above, is acceptable and complies with Local Plan EN 1 Design EN3 Landscaping Core Strategy 2006-2026 policy 8 Sustainability and the environment; policy 9 Natural and Built environment. Policy 12 community safety.

11.0 **Section 106 planning obligation matters**

- 11.1 This is still being negotiated but the package expected is as follows and if agreed will comply with Core Strategy policy 10 Infrastructure and policy 4 type of housing :

- Affordable Housing - 20 % social rent (based on mix proposed). % subject to viability negotiations.
- A financial contribution for transport mitigation (contribution towards encouraging non-car modes of travel including pedestrian/cycle links to station and other local pedestrian/cycle links. station (north) forecourt enhancement Amendments to traffic regulation orders and the implementation of an on-street car club vehicle/bay, travel plan monitoring.
- Travel Plan including TRICS surveys for Travel Plan monitoring
- Car Parking Space allocation/management system (incl electric car bays);
- Residents excluded from being eligible for existing or any future on-street resident parking permit scheme.
- Sign Sec. 278 Highway Agreement for works within the Highway
- Financial contribution towards education facilities and local recreation facilities. Amount subject to negotiation of affordable housing package. Affordable Housing can be prioritised above the financial contributions for education and recreation as it provides a significant benefit to the Borough.
- Provision for a development viability review mechanism if a substantial start on construction is not made by a set date. The review would take account of costs and values to establish if a greater Section 106 package could be afforded closer to the Council's policy requirements. Inclusion of this provision is subject to the outcome of negotiations on the Sec 106 package.

- 11.2 The viability study has been checked by the Asset Management Section. Various items have been negotiated but the applicants consider the proposal would not be viable with social housing rather than the intermediate tenure proposed by the applicant. The applicant had been informed at the pre-application stage of the importance of social rent housing to meet Slough's needs. The 2015 Section 106 included social rent and was signed by the applicant (but not negotiated by them). The Council's Core Strategy policy 4, type of housing and associated Developers Guide Part 2 on Section 106 contributions is clear that social rent housing is needed to address the needs of many local people who cannot afford shared ownership or affordable rent tenures. The Asset Management Section consider that some social rent housing within the scheme is viable and the Assistant Director of Housing supports this. Although other matters are acceptable the affordable housing proposal is not and

consequently the application is not recommended for approval. Negotiations are expected to continue prior to the Planning Committee.

12.0 **Summary**

- 12.1 In comparison to the permitted 90 flat scheme the design is better quality. It is also better in terms of car parking ratio (0.8 compared to 1 space per home average), cycle parking and transport mitigation package. It is accepted that car parking is a local issue but the overall package should limit the opportunities for the development to cause significant harm. The size of the development will clearly have a greater impact than the permitted scheme but the arrangement of the mass of the buildings and windows limits the impact to broadly acceptable levels for a site next to the town centre. Some nearby flats to the west may be disadvantaged. The view out from the rear of nearby homes, in particular Petersfield Avenue, will clearly change. It is appreciated this may not be welcome but the effect on living conditions of those nearby will be within accepted limits. This point is subject to clarification of some points regarding the light study. The context of the site should also be noted in terms of application of normal suburban character standards to areas on the edge of the expanding town centre. The submitted scheme can be considered acceptable in terms of overall scale because of its context.
- 12.2 Whilst it is accepted that viability of development is a material consideration the Council is not yet happy with the applicant's conclusion that social rent cannot be included. Whilst further negotiation may resolve this matter at present the proposal is unacceptable and the recommendation includes the option to refuse the application if matters are not resolved before the Committee meeting. Financial contributions towards transport, education and recreation are required to make the proposal acceptable. The level of contributions will be settled through negotiation of the affordable housing package. The latter will be prioritised if this assists negotiation of affordable housing as it benefits the town in terms of addressing housing needs.
- 12.3 It should be noted that the existence of the permitted scheme of 90 units means the Council is not in a position to reject the principle of a high density or flatted scheme on this site.

PART C: RECOMMENDATION

13.0 **Recommendation**

Delegate to Planning Manager for approval subject to completion of a satisfactory Section 106 planning obligation agreement; resolution of outstanding matters referred to in the report, addition or alteration of planning conditions or if the affordable housing and Section 106 package has not been settled satisfactorily to refuse the application.

Reason for Refusal:

The proposal does not include nor secure affordable housing of a type that is needed to address local housing affordability issues and meet the needs of local people in acute housing need. The proposal therefore does not comply with the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document) adopted 2010 Core Policy 4 (Type of Housing).

AMENDMENT TO 31st March report presented at the meeting.

Revised drawings received are satisfactory. They address requested minor changes to cycle parking and access junction kerblines. The site boundary has been extended to include all the full width of the access way for the site. Re condition 2 revised drawing numbers below but minor changes to be made to incorporated access junction changes.

As part of negotiations on the viability study the applicant has agreed to the affordable housing being social rent and a Section 106 financial contribution to cover transport, education and recreation facilities. The sum is less than a full policy compliant scheme but proportionately more than achieved in the existing Section 106 for the 90 home scheme. The applicants have also agreed to a review mechanism i.e. the Section 106 package can be reviewed if the development is not started within a reasonable timescale. The precise wording has yet to be fully agreed regarding review mechanism and backstop provision re value of affordable housing. The transport contribution will include improvements to the station north forecourt re pedestrian access.

At para 2.8 third line west should read east. Regarding para 10.8 the applicants have submitted further information regarding light levels in the proposed flats. 5 % (13) of rooms will be below the guideline standard. The worst affected rooms (7) are bedrooms.

Apart from the Section 106 agreement the outstanding issues are related to clarification of light study information; surface water drainage detail (which might be covered by condition), update of some drawings to include submitted access junction detail.

Drawings list (not reproduced) SCHEDULE LH – 2 AMENDED – 22 MARCH 2016

CHANGE TO RECOMMENDATION

Delegate to Planning Manager for approval subject to completion of a satisfactory Section 106 planning obligation agreement; resolution of outstanding matters, addition or alteration of planning conditions.