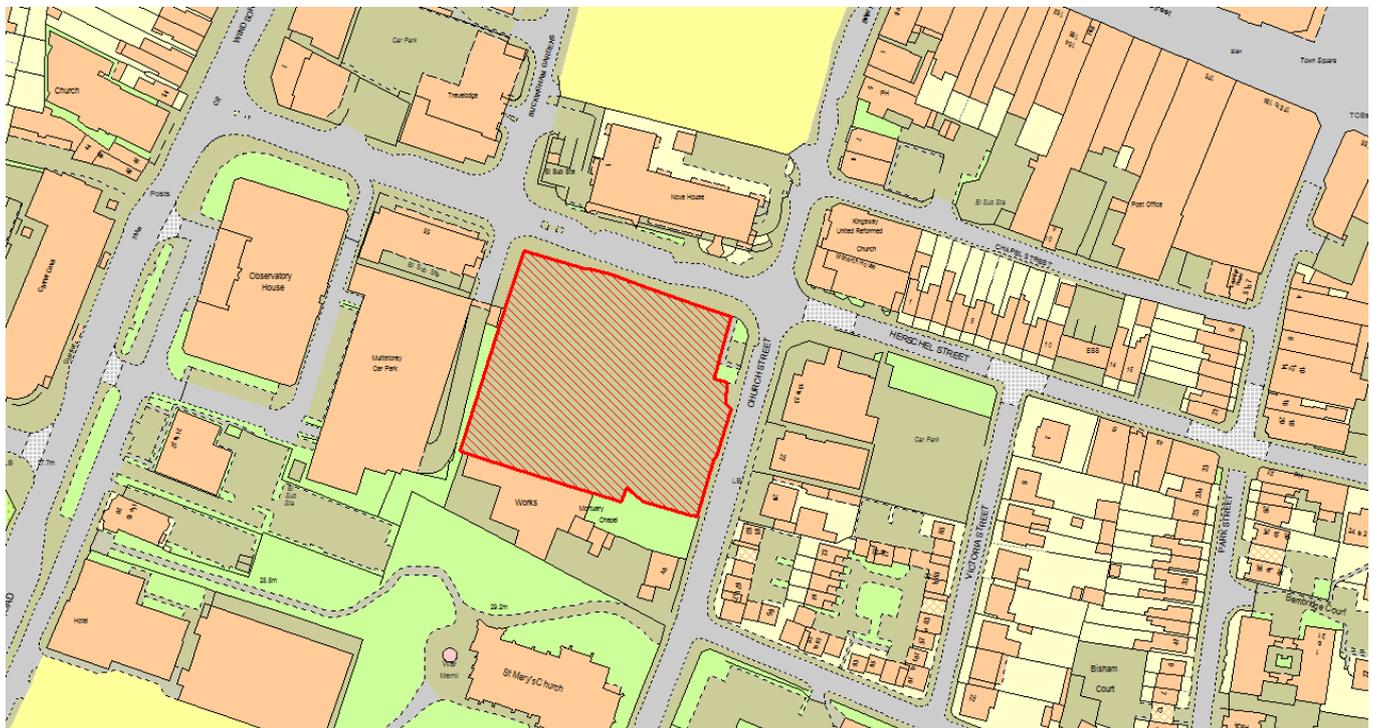


Registration Date:	25-Apr-2017	Application No:	P/01508/042
Officer:	Daniel Gigg	Ward:	Central
Applicant:	Mr. R McManus, Click Hershel Ltd (Co Agent)	Application Type:	Major
		13 Week Date:	25 July 2017
Agent:	Mr. Rory McManus, Turley Charlotte Building, 17 Gresse Street, London, W1T 1QL		
Location:	Aspire 2 Site, Corner of Church Street and Herschel Street, Slough, SL1 1PG		
Proposal:	Construction of a part eight and part nine storey building (Class C3 Use) to accommodate 238 flats together with 47 car parking spaces with landscaping and ancillary works.		

**Recommendation:** Application be refused for planning permission



## **P/01508/042**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Under the current constitution this application is being brought to Committee for decision because it is a major development.
- 1.2 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended that the application be refused planning permission.
- 1.3 This is on the following grounds: that the proposal would have a harmful impact on the townscape due to the siting, scale and mass of the development with limited opportunities for meaningful planting; there would be 'less than substantial harm' to the nearby Grade II\* listed Church with insufficient public benefits to outweigh the harm; and, the development would not create a safe and accessible environment. In addition, holding reasons for refusal are recommended in respect of the development failing to provide for a policy compliant level of affordable housing and insufficient financial contributions towards local infrastructure.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 Full planning permission is sought for a residential development comprising of 238 apartments to replace the temporary car park that exists on the site.
- 2.2 The apartments would be spread across the site in two separate blocks. On the West side of the site would be the smaller block (Block A) which would be 17m wide, 58m long and to a height of 23m/8 storeys (excluding the core over-run). Block B would be located on the East side of the site at the corner of Hershel Street and Church Street which would be 35m wide, 56m long and to a height of 26m/9 storeys.
- 2.3 Vehicular access would be from Church Street to an undercroft car park of 47 spaces. Either side of this vehicular access would be two entrance lobbies to access the apartments in Block B. The other two lobbies would be located further south along the Church Street frontage. There would also be another access from Hershel Street that runs from North to South and bi-sects the site. This access would be for pedestrians and cyclists and beyond the first 23m it would then form a shared surface because this 'street' in the site would be required for manoeuvring into and out of the undercroft car park. There would be lobbies at ground floor level off this new 'street' that would give access to both blocks of apartments.

2.4 Block A would comprise of 87 apartments over all 8 floors. Block B would comprise of 151 apartments over all 9 floors. 173 of these apartments would be 'open market housing' and the remaining 65 apartments would be 'affordable housing'. Across all tenures of housing will be a mix of 1, 2 and 3 bed apartments. The affordable housing will be located within Block A at its Southern end and would have its own lobby serving this part of the development.

2.5 Amenity space for the apartments will comprise of balconies, roof top gardens and a shared amenity space located at first floor level in Block B which most residents of the development would access from the shared surface 'street' via a set of stairs. The shared amenity space and the roof top gardens are proposed to be landscaped. Landscaping is also proposed at street level around the edges of the site between the boundaries and the blocks.

### 3.0 **Application Site**

3.1 The application site lies to the South of the High Street, located at the corner of Hershel Street and Church Street. The site is roughly square in shape and totals just under 0.5 hectares in size.

3.2 The site is currently being used as a temporary car park for around 100 cars. The vehicular access to the car park is off Church Street. There are no buildings on the site but there is a portakabin. The boundaries are enclosed by a part brick wall on the south side and a part solid/part chain link fence of around 2.5m height around the other boundaries.

3.3 Prior to the use of the temporary car park the site previously comprised of the following:

- Three office buildings (Berkshire House, 14-18 Church Street and Markham House);
- A terrace of 4 industrial units known as 'Hershel Industrial Centre';
- A disused public hall/club; and,
- A surface level car park for around 40 cars within a central courtyard.

3.4 The wider area is a mix of uses. To the south of the site is a Funeral Directors which comprises of single and two storey buildings, and beyond this is St. Mary's Church. To the east of the site is a mix of commercial and residential uses of predominantly two and three storey buildings including the Victorian terraces on Hershel Street. To the North is residential development comprising of the Nova Building which is 8 storeys and the Premier Inn hotel of 9 storeys (plus undercroft car park), and beyond this the more commercial uses of the town centre. To the West is a 4 storey public car park and offices of 5 storeys, and beyond this are the mixed commercial uses on the Windsor Road.

#### 4.0 **Site History**

4.1 The site has an extensive planning history. The site was first granted temporary permission for a car park in 2011 under permission P/01508/033 for a retrospective car park. A further application was approved for the retention of 96 car parking spaces in October 2013 (P/01508/037) which has been renewed several times. Prior to this, under reference P/01508/030, planning permission was granted on 2<sup>nd</sup> May 2007 for an office development in two blocks – one of part four/part six storeys, and one six storey building. This permission was varied under P/01508/031 to alter the approved windows in the West elevation, and an extension of time to allow for the development to be built was also granted in 2011 under application P/01508/032.

#### 5.0 **Neighbour Notification**

61, Church Street, Slough, SL1 1TH, 63, Church Street, Slough, SL1 1TH, Citizens Advice Bureau, 27, Church Street, Slough, SL1 1PL, E Sargeant & Son, 34-40, Church Street, Slough, SL1 1PJ, R C C Consultants Ltd, Nova Building, Herschel Street, Slough, SL1 1XS, 65, Church Street, Slough, SL1 1TH, Slough Council For Voluntary Service, 27, Church Street, Slough, SL1 1PL, 73, Church Street, Slough, SL1 1TH, 75, Church Street, Slough, SL1 1TH, 77, Church Street, Slough, SL1 1TH, 67, Church Street, Slough, SL1 1TH, 69, Church Street, Slough, SL1 1TH, 71, Church Street, Slough, SL1 1TH, Slough Labour Party, 29, Church Street, Slough, SL1 1PL, Vikrams Occasions Palace, 15-23, Church Street, Slough, SL1 1PL, Kingsway United Reformed Church, Church Street, Slough, SL1 1SZ, St. Marys Church, Church Street, Slough, SL1 1PJ, Shelter Southern Counties Housing Aid Centre, 27, Church Street, Slough, SL1 1PL, Herschel House, 58, Herschel Street, Slough, SL1 1PG, Travel Lodge, Herschel Street, Slough, SL1 1PG

2 objections were received summarised as:

- Overlooking to the Funeral Directors at 40 Church Street resulting in a breach of privacy of the business. There is manoeuvring of deceased and general staff operations which would be clearly viewed from the flats and the communal areas of the development.
- Residents of the development would be disturbed by the 24 hour operations (plant equipment, roller shutters, vehicles, coffin workers, etc) at the Funeral Directors.
- The design of the proposed building far exceeds the height and bulk of the previous office block which was 3 storeys high. The proposed development will be 9 storeys high. This would be uncomplimentary to the Funeral Directors and surrounding buildings.
- Noise associated with the building works would pose a disturbance for grieving families and friends coming to the Funeral Directors.
- The proposal would be detrimental to the business of the Funeral Directors as well as to the residents of the development.

- Overlooking from the close proximity of the proposed building to the flank wall of Herschel House.
- It is most likely that the office to residential conversion will commence in 2018 following the relocation of the tenants, Oury Clark Accountants. Adjacent development should not prejudice the future use of 58 Herschel Street either as offices or apartments.
- The Council operates a 'rule of thumb' advice of a minimum 21m between habitable windows. The separation distance between the windows of the proposed building and the east wall of 58 Herschel Street will be approximately 16.8m. The east wall of Herschel House includes windows at fourth level within no restriction on additional windows being created in flank walls. The building face adjacent to Herschel House should be set further away.
- The proposed building is 8/9 storeys so will be considerably higher than Herschel House. Herschel House will be dwarfed and overlooked by the proposed adjacent development. If the Council accept the size of the building the 21m separation distance must be achieved.

Officer comment: These objections are addressed in the main body of the report.

## 6.0 **Consultations**

### 6.1 Thames Water

No objection subject to a condition requiring details of the connection to the foul drainage system.

### 6.2 Lead Local Flood Authority

Request further information. See the main body of the report where this is assessed.

### 6.3 Highways

Request some further information and clarification. See the main body of the report where this is assessed.

### 6.4 Heritage Advisor

Objection. See the main body of the report where this is assessed.

### 6.5 Historic England

No comment. The LPA should use its own Conservation Advisers.

6.6 Crime Prevention Design Advisor

Objection. See the main body of the report where this is assessed.

6.7 Environmental Protection Officer

No objection. See the main body of the report where the impact on air quality is assessed.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 National Planning Policy Framework

Core Policies - Achieving sustainable development

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 12: Conserving and enhancing the historic environment

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 9 (Natural and Built Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 12 (Community Safety)

Local Plan for Slough March 2004 policies:

- EN1 – Standard of Design
- EN3 – Landscaping
- EN5 – Design and Crime Prevention
- OSC5 – Public Open Space Requirements
- T2 - Parking Restraint

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.

7.2 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- The impact on the character and appearance of the area
- The impact on heritage assets
- The impact on amenity of neighbouring occupiers and future occupiers of the development
- The impact on air quality
- A safe and accessible environment
- The impact on highway safety and convenience
- Surface water drainage
- Infrastructure requirements
- Other considerations

8.0 **Principle of development**

8.1 Although the site is being used as a temporary car park, the majority of the site was previously used for employment uses. The site is not located within one of the defined 'Existing Business Areas' and as such given the very sustainable town centre location where residential development would be a highly compatible use, there would be no objection to the redevelopment of the site for apartments. Other local spatial policies, namely Core Strategy Policies 1 and 4, also support residential development in this town centre location.

- 8.2 In addition, further support to the principle of the development is found in national planning policy which aims to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption on favour of sustainable development.
- 8.3 The site previously contained a community hall known as the 'Leopard Centre'. It was demolished some years ago. However, prior to the temporary planning permission for the car park, the land upon which the community facility would have been sited remains part of the lawful use of the site.
- 8.4 Both national and local planning policies recognise the importance of such facilities as they provide opportunities for people to meet and are therefore an important part of the mix of uses found in communities. However, given the fact that the facility has not been on the site for a number of years, it is highly likely that its former users would now be using alternative community venues and the fact that it was demolished would tend to indicate that the facility was surplus to requirements. Given these circumstances, there would not be an objection to the loss of the use of land under Core Strategy Policy 6 and Local Plan Policy OSC17.
- 8.5 However, Core Strategy Policy 6 would require a financial contribution towards new or enhanced community facilities/services locally. In this case a financial contribution is unlikely to be required, as the applicant has advised that they cannot provide the policy compliant amount of affordable housing and infrastructure payments – the viability of the scheme is currently being independently reviewed for the Council. An update on the viability will be presented to Councillors at the Committee but in terms of the balance of priorities it is likely that the priority would be to maximise the affordable housing and other infrastructure monies towards education and Public Open Space.

## 9.0 **Mix of housing**

- 9.1 One of the aims of national planning policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is largely reflected in local planning policy in Core Strategy Policy 4. The proposals would provide a mix of apartments but predominantly one and two bedroom homes, as would normally be expected in a town centre location. The scheme will also include 28 no. three bed units which could accommodate families and as such is welcome in the town centre as part of delivering mixed communities.
- 9.2 Core Strategy Policy 4 requires between 30 and 40% of homes to be affordable housing on sites proposing more than 15 dwellings. The Planning Statement submitted with the planning application states that "The viability study concludes that...the proposed project can deliver 27.3% affordable housing provision comprises of 65 units (43 – social rented and 22

Intermediate).” However, the actual viability report submitted by the applicant at the end of September 2017 refers to 47 units being proposed for affordable homes out of a total of 238 apartments; it states that “The 47 affordable units are all located in Block A South, with the affordable rented units on the ground to fourth floors and the intermediate units (a mix of shared ownership and starter homes) on the fifth to seventh floors”. The viability report is currently being independently reviewed for the Council.

- 9.3 There have not been any changes to the total number of dwellings proposed or the size of the development during the determination of the planning application which would have affected the level of affordable housing being proposed. However, the table below shows the affordable housing requirements taken from Developer’s Guide (September, 2017) against the proposed levels of affordable housing based on a development size of ‘70 or more homes’.

<b>Type of Requirement</b>	<b>Developer’s Guide Requirement</b>	<b>Proposed development</b>
Normal Requirement	40%	20%
Exemption (For brownfield sites where development viability is an issue)	35%	20%

- 9.4 Both of the ‘Requirements’ are set out above because the position with the viability is not yet know. The table below shows the tenure that is required against the proposed development:

<b>Type of Site</b>	<b>Developer’s Guide – Affordable Rent</b>	<b>Proposed Development</b>	<b>Developer’s Guide – Intermediate</b>	<b>Proposed Development</b>
Brownfield	25%	12%	15%	8%
Brownfield (Viability issue)	22%	12%	13%	8%

- 9.5 The proposed development falls significantly below the requirements of the Core Strategy Policy and the Developer’s Guide. Any update on the viability will be reported to Councillors at the Committee

## 10.0 **Impact on the character and appearance of the area**

- 10.1 The site lies at the corner of Church Street and Herschel Street. On the east side of Church Street and beyond the Church Street/Herschel Street junction for a significant length of Herschel Street there are a mix of 2 and 3 storey

buildings set mostly in relatively small plots. These are a mix of both residential and commercial uses and this area can be described as having a predominantly domestic character. There is some landscaping along Herschel Street but the more significant planting is found along the southern part of Church Street (beyond Osbourne Road) where there are some significant mature trees around the perimeter of Upton Court Hospital and within grounds of the Grade II\* listed St. Mary's Church. This area can be described as having an almost suburban character because of the predominantly domestic scale of the buildings and the verdant appearance that contribute towards this.

- 10.2 On the north and west sides of the application site the buildings are much larger with wider frontages. The scale and mass of the buildings on this part of Herschel Street are on large plots and they are substantial buildings. Immediately to the west of the site is the 4 storey Herschel Street car park and beyond this is the 5 storey (20m high) Herschel House office building. Immediately opposite the site is Nova House which is a 7 storey (25.5m high) building. The tallest building in the immediate vicinity of the site is the 8 storey (plus undercroft car park) hotel building. These are predominantly commercial buildings with the exception being Nova House which is a block of flats. Immediately to the south of the site set within large verdant grounds is St. Mary's Church; it is a typical historic Church building with a significant spire.
- 10.3 Townscape is made up of buildings, structures and spaces. It is the combination of these elements, their character and how they relate to each other that give the townscape an identity. In this case the identity of the townscape is the transition and relationship between the more suburban character on the east side of the application site and then the larger scale buildings more befitting of a town centre location, with the application site between these two varying character areas.
- 10.4 Block B would be 35m wide by around 56m in length for a height of 26m over 8/9 floors. This would be a substantial building in terms of its scale and mass taking up a significant part of the plot. The building would not have any significant relief with the minimal set back of the upper floors. These minimal set backs will not be appreciated because there is a very strong vertical appearance to the building by stacking the windows in a line over these floors and from the continuation of the brickwork which frame these windows. The brickwork would have a strong vertical emphasis as the horizontal breaks would not be so distinctive and in some areas of the horizontal faces would be a contrasting metal cladding material which would be a subdued feature. The brickwork to the upper three floors would be contrasting to the floors below, however, because of the strong vertical emphasis described above, this contrast will do little to reduce the scale and mass.
- 10.5 It is the overall scale and mass of the building emphasised by the strong vertical appearance and its siting very close to the 2/3 storey buildings that lie

to the south and east of the site that will result in an abrupt change in the townscape between the more suburban character and the larger scale buildings found to the north and west of the application site more closely associated with a town centre townscape.

- 10.6 Block A would be on the west side of the site and would sit closer to the larger scale buildings of the town centre. It would be of a similar height to Block B and sited in a similar way close to its north, south and side boundaries. It is less wide than Block A at around 17m but the same length. Block A would be sited within just 10m of Block B which is not a particularly significant gap for buildings of this height. As Block B would be sited very close to Block A it would create the perception of there being one large mass of built form. This further adds to the concerns about the abrupt in the townscape.
- 10.7 In terms of the architectural treatment of the building, overall it would be appropriate in this location although the view along the internal 'street' – which the applicant in the Design and Access Statement points out is an important feature in the design to give the views towards the Church – will be disappointing. This is because of the open appearance of the undercroft car park; landscaping will help to mitigate the utilitarian look to this element of the building but it will have a cavernous appearance particularly during night-time when artificial lights would be turned on giving clear views into space and which would become more prominent in views from Herschel Street than the spire of the listed Church. While finely balanced with the presence of landscaping and further details of the internal façade treatment to the car park, no objection would be raised in respect of this part of the architectural treatment of the building.
- 10.8 The palette of materials that would be used would be simple. The use of the brick slip cladding is welcome; up to the sixth floor would be a stock, yellow brick and the remaining floors would be a contrasting brick colour which is yet to be agreed but images supplied by the applicant show it to be a white/grey colour. In addition to this between the brick elements of the building will be grey metal cladding panels. In addition balconies would have grey, metal screens.
- 10.9 There is space provided for landscaping between the edge of the site and the two blocks. This would provide some space for hedges and shrubs to be planted but would leave little room for meaningful tree planting. Given the connections this site has with Church Street and the presence of mature trees in the backdrop of this site, more meaningful planting would have been more appropriate in the context of this townscape. This further adds to the concerns over the scale of the building will the lack of appropriate planting to help break up the mass and scale of the building.
- 10.10 Core Strategy Policy 8 and Local Plan Policy EN1 require developments to be of a high standard of design. These policies are consistent with the NPPF

which also requires development to be of a high quality design. The proposed development for the reasons set out above would be harmful to the character and appearance of the area and as such conflicts with the requirements of both local and national planning policy.

## 11.0 **Impact upon heritage assets**

- 11.1 The Heritage Statement submitted on behalf of the applicant identifies that the nearest heritage assets are listed building group of the 'Church of St Mary' which comprises: the Grade II\* Church; the walls, gate piers and gates of the Church of St Mary (Grade II); and, the Slough Town War Memorial (Grade II).
- 11.2 Section 66 of the Planning (Listed Buildings & Conservation Areas) act 1990 requires decision makers, in determining planning applications which affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The NPPF requires in considering the impact of a proposed development on the significance of a designated heritage asset that great weight be given to the asset's conservation. The more important the asset, the greater weight should be. National planning policy also states that significance can be harmed or lost through development within its setting. Further, the policy states that any harm or loss should require clear and convincing justification.
- 11.3 In terms of the NPPF, the applicant has provided through the Heritage Statement a description of the significance of the heritage assets affected and the contribution made by their setting. This statement recognises that the churchyard and its boundaries contribute to the significance of the building. However, it goes on to conclude that the 19<sup>th</sup> Century townscape within the vicinity of the site has been altered by 20<sup>th</sup> Century development which has reduced the setting of the heritage assets that they neither harm nor enhance the special interests of the listed buildings. The application site itself has also been altered over the centuries and is now an empty site; while greater views of the Church have been created the Statement concludes that this is not a recent and atypical situation.
- 11.4 The Heritage Statement concludes that from within the churchyard the impact would be consistent with the existing and emerging character of the townscape. The impact outside of the Churchyard on its setting is also not considered to be significant. The gap between the two buildings are considered to help provide a visual connection to the Church. In overall terms, the Heritage Statement produced for the applicant advises that the development will preserve the special interest of the heritage assets.
- 11.5 The Council's Heritage Adviser comments that at present there are good views of the upper part of the Church and Spire from Hershel Street and while the

development will result in the loss of these views it is noted that these have only come about since the previous buildings were demolished on the site. However, the courtyard between the two buildings will provide views of Church, which is a slight improvement on the previous (office) scheme the Church will still be somewhat overwhelmed by the new development in the foreground. The Adviser goes on to comment that the setting of the Church will be visible from the churchyard and Church Street. The proposal is not considered to enhance the setting of the Church and will result in 'less than substantial harm' to the heritage asset.

11.6 Paragraph 132 of the NPPF states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. Paragraph 134 of the NPPF requires that where the harm identified to a designated heritage asset would be 'less than substantial harm', that harm should be weighed against the public benefits of the proposal.

11.7 The Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in paragraph 7 of the NPPF. It further advises that public benefits should flow from the proposed development and should be of a nature or scale to benefit the public at large and should not just be a private benefit. The public benefits put forward by the applicant are set out below, with a corresponding Officer response:

<b>Public Benefit</b>	<b>Officer response</b>
<p>Deliver a residential development of high quality architecture, resulting in the efficient use of an unused brownfield site in the town centre.</p>	<p>Both the NPPF and policies of the Core Strategy and the Local Plan require high quality developments that make the most efficient use of the land. It is therefore a requirement of policy to deliver such development. However, as set out in this report harm has been identified to both the townscape and the Grade II* listed Church, it is not considered that this is a public benefit. No weight should be afforded to this.</p>
<p>A major contribution of 238 new homes to housing delivery in the Borough, including high quality family housing in an area of housing need.</p>	<p>A total of 238 new homes would make a contribution to housing delivery in the Borough but could not be described as being a 'major contribution'. Moderate weight should be afforded to this.</p> <p>High quality family homes would be provided and again this is a requirement of national and local</p>

	planning policy. Moderate weight should be afforded to this.
238 town centre homes would increase the foot fall to the High Street and aid the regeneration.	It is agreed that this would be a public benefit given the desire to regenerate the town centre. However, this has not been quantified by the applicant. Moderate weight should be afforded to this.
Delivery of new buildings which will enhance the street scene and positively contribute to the local townscape and sense of place.	Both the NPPF and policies of the Core Strategy and the Local Plan require high quality developments that make the most efficient use of the land. It is therefore a requirement of policy to deliver such development. However, as set out in this report harm has been identified to both the townscape and the Grade II* listed Church, it is not considered that this is a public benefit. No weight should be afforded to this.
£873,250 new homes bonus payment to Slough Borough Council.	While 'local financial considerations' can be a material consideration, in this case the new homes bonus monies is not afforded any weight because it is not required to make the development acceptable. Further, the Planning Practice Guidance advises "It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body."
Additional Council Tax revenue to Slough Borough Council.	While 'local financial considerations' can be a material consideration, in this case Council Tax revenue is not afforded any weight because it is not required to make the development acceptable. Further, the Planning Practice Guidance advises "It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body."
Significant job creation during the	The additional temporary jobs

demolition and construction phase of approximately 153 jobs (FTE per annum over two years).	would be welcome but they will be of a limited number provided only over two years. Limited weight is afforded to this.
Promotion of sustainable transportation through significantly improved provision of 238 cycle parking spaces.	This equates to 1 cycle space per apartment. Cycle provision is welcome but given that it is a requirement to provide cycle parking only limited weight is afforded to this.
Reduced traffic movements on Church Street due to the residential scheme replacing the surface car park.	Reduced traffic movements cannot be considered to be a public benefit when the car park has temporary planning permission.
12 more cycle bays for the Slough Cycle Hub positioned locally.	The submitted plans do not show where this facility would be provided and made public accessible. Furthermore, there are no details of how the developer will work with the provider to deliver the hub.
Provision of a high standard of design and construction that will be able to provide a high standard of accommodation in terms of residential amenity.	Both the NPPF and policies of the Core Strategy and the Local Plan require high quality developments that also deliver a high standard of accommodation. It is therefore a requirement of policy to deliver such development. However, as set out in this report harm has been identified to both the townscape and the Grade II* listed Church, it is not considered that this is a public benefit. No weight should be afforded to this.

11.8 When taken together in the round there is not a clear and convincing justification in terms of public benefits which would outweigh the harm that the proposal would cause. Less than substantial harm does not equate to a less than substantial objection; the NPPF states that great weight should be given to the conservation of heritage assets, and notes that such assets are irreplaceable. As such considerable importance and weight is given to preserving the setting of the Grade II\* listed Church. This development fails to achieve this.

12.0 **The impact on the amenity of neighbouring occupiers and future occupiers of the development**

*Future occupiers*

12.1 All apartments would have windows to the main living accommodation being

the sitting rooms, kitchens and bedrooms. Bathrooms would not have a window but this is not uncommon given the non-habitable nature of such rooms. In addition, there are some deep living rooms/kitchens which for residents would mean that they could be at their furthest point around 9m from a window. However, these rooms would still have a window either facing into the development or outside of the site. Overall, on balance, it is considered that the outlook for future occupiers of the apartments would be acceptable.

- 12.2 In terms of sunlight and daylight, the applicant has provided a technical report based on British Research Establishment guidance, which has assessed the level of light that can reach the inside of the apartments. The report concludes that the overall amenity of the proposed rooms is considered good and commensurate with an urban location. However, it recognises that there are some rooms which would not comply with the guidelines but that the non-compliance can be attributed to the inflexibility of the BRE guidance for an urban context. The technical report is currently being assessed on behalf of the Council and an update will be provided to the committee.
- 12.3 In terms of overlooking, it is not uncommon to have the types of relationships for facing windows and balconies as shown in the plans. In addition, there will be some overlooking from buildings surrounding the development but it is considered that these are acceptable in town centre locations and as such there would not be an unacceptable loss of privacy.
- 12.4 The future occupiers of the development would have access to some form of outdoor amenity space within the development whether it be from a balcony, the roof terraces on each of the buildings or the space at first floor podium level in Block B. However, it is considered that those apartments with balconies facing inwards in Block B particularly those at the lower level and for those residents using the podium level as an amenity space would experience limited levels of daylight and varying degrees of overshadowing during the day because of siting and scale of the development.
- 12.5 While it is unfortunate that some of the future occupiers would be affected by restricted daylight and sunlight levels to the outdoor amenity spaces, it is recognised that future occupiers could still benefit from the use of the shared roof top terraces elevated above other nearby buildings would experience high levels of light. Furthermore in terms of seeking publically accessible outdoor spaces, the future occupiers of the development would be able to walk or cycle to the nearby Hershel public open space where they could use for informal recreational activities and/or Upton Court Park where they could carry out both informal and formal recreational activities.
- 12.6 The site lies within a town centre where there is more activity throughout the day than would be expected in more suburban locations. While there may be some nearby uses that may lead to noise and disturbance it is not considered that the impact would be acceptable for future occupiers of the apartments. The future living conditions would be acceptable and notwithstanding this the residents of the development would be likely to be aware of the environmental factors associated with town centre.
- 12.7

### *Existing, neighbouring occupiers*

In terms of the Funeral Directors which lies to the South of the site, given that this is a business use it would not be expected to have the same level of amenity as a residential use. While there would be overlooking to the business and the outlook from the business would change, it is not considered that the impact would be a harmful one. Neither is it considered that the development would be harmful to the business or affect grieving families.

12.8 To the West of the site is Herschel House. This is currently an office building and it has recently received planning permission to be extended. In terms of this existing business use, as with the Funeral Directors the office would not be expected to have the same level of amenity as a residential use. The east facing elevation of the building comprises a glazed stairwell and a glazed top floor of office accommodation. While there would be overlooking and would change the outlook from the upper floor of the office, it would not result in an unacceptable impact. The upper floor has a dual aspect to the sides and rear and as such any changes in natural light would not result in an unacceptable impact.

12.9 A prior approval application to change the offices at Herschel House to residential development. This development has not been carried out but the objection letter on behalf of the owners of this building point out that the change of use will take place in 2018. This is a material consideration. However, even with a residential use of this building the plans show that the east facing side of the building will remain in the same arrangement as the office. The apartment on the upper floor will be dual aspect and as such it is considered that it will have an acceptable outlook and will still benefit from a good level of light. The separation distance between this apartment and the new development will be around 16m. The Council does not use any 'rules of thumb' for separation distances within town centres. The 16m separation distance would not be an unusual relationship within such locations and therefore there would not be any significant loss of privacy.

12.10 In light of the above, it is considered that the development complies with Core Strategy Policy 8 and paragraph 17 (Core Planning Principle 4) of the NPPF.

### 13.0 **Air Quality**

13.1 The application site is not situated within an Air Quality Management Area (AQMA). Therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development. However, as there would be parking for the development traffic would be highly likely to pass through the nearby AQMAs. In order to mitigate the impact to air pollution, the Environmental Protection Officer has recommended that the scheme includes: electric vehicle charging points; emission-compliant construction vehicles and machinery; a Travel Plan; and a financial contribution of £50,000 towards the Slough Low

## Emission Strategy.

- 13.2 Of the total contribution, £25,000 would be for the on-street rapid charging infrastructure network in the town centre, with the remaining balance being for the Alpha Street electric vehicle car club. In light of the elevated levels of pollution in the locality it is considered that the contribution is fully justified based on the tests for planning obligations; had the application been recommended for approval then this contribution would have been secured through a S106 Agreement.
- 13.3 The proposals are considered to accord with Core Strategy Policy 8 and paragraph 109 of the NPPF.
- 14.0 **Safe and accessible environment**
- 14.1 Paragraph 69 of the NPPF requires planning decisions to promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. These objectives are consistent with Core Strategy Policies 8 and 12, and Local Plan Policy EN5.
- 14.2 A residential development of this size with 238 apartments would increase the level of activity in this part of the town centre; with more people coming to and from the development throughout the day along with the natural surveillance from the apartments onto the surrounding streets, this would naturally increase the feeling of safety within this area. However, there would be areas of the development where criminal activity and acts of anti-social behaviour could take place.
- 14.3 There are three main areas where there would be more limited surveillance and which, in turn, would become unwelcoming and intimidating for users of the town centre and residents of the development. Firstly, the overhang to the vehicular entrance to Block B and secondly the unrestricted access route (to the bin stores) on the west side of Block A. Lastly, there would be a pedestrian entrance between Blocks A and B; the boundary gates would be set back which would provide a space where people could gather.
- 14.4 There would be excessive permeability particularly at the south east corner of the site. In addition with the boundary gates to Herschel Street for which no detail has been provided as to how these would operate and maintained in a secure way for the lifetime of the development. Further, the undercoft car park would have unrestricted access by people. The layout is such that there would be the potential for multiple escape routes.
- 14.5 In terms of other concerns, the residents' letter boxes would be provided in a room but it is not known how the area will be controlled. Uncontrolled access into the post room would affect the safety and security of the residential development. Furthermore, while the cores will serve an appropriate number of apartments which is welcome, there would be a lack of natural surveillance within the development. In addition, the north east corner of Block B would be

immediately on the boundary against a disused area of ground that is outside of the application site; there would be no defensible space between the building and the boundary and therefore this building could be subject to anti-social behaviour and future occupiers living inside the ground floor apartments could experience intimidation from any groups of people that might congregate in this area.

14.6 The Thames Valley Police Crime Prevention Design Adviser has objected to the development. The elements of poor design that have been identified would over time lead to a development which would not be a safe and accessible environment where people would experience crime and anti-social behaviour both within and outside of the development. These aspects would outweigh the increased natural surveillance and activity identified in paragraph 14.2. Once crime and anti-social behaviour take hold, the fear of crime would soon result in diminished surveillance and activity as people take less ownership of their space and will avoid certain areas both within and outside of the development.

## 15.0 **The impact on highway safety and convenience**

### 15.1 *Capacity of the road network*

In a worse case there would be 28 vehicle trips in both the morning and evening peaks. This will have an imperceptible impact on local background traffic.

### 15.2 *Parking*

Based on car ownership levels, the demand is likely to be 95 parking spaces. Within the development would be 48 on-site car parking spaces which equates to 0.2 spaces per dwelling. The suggested car parking management strategy is to give spaces to disabled drivers and larger families as the priority. This level of parking is considered acceptable in this highly sustainable location.

15.3 The remaining 47 spaces the applicant considers could be accommodated within nearby public car parks with Herschel Car Park, for example, have capacity to accommodate this demand. To minimise the impact on on-street parking, the applicant is willing to enter into a S106 Agreement precluding future occupiers from obtaining parking permits.

15.4 There is currently on-street parking on Church Street. The Highway Authority considers that the proposed access into the development could affect this parking and has requested that the applicant provide a plan showing the arrangements. The applicant has not provided this plan and therefore will be reported as an update to the Committee.

15.5 A total of 238 covered parking spaces will be provided within the development which is supported. The provision of cycle parking will help future occupiers to travel using this alternative mode of travel to the private car.

### 15.6 *Layout*

The Highway Authority has requested that the gates at the vehicular access should be set back at least 6m to allow vehicles to pull off the highway. However, there will be around 5m which would allow for a car to be positioned off the highway. Visibility splays of 2.4m by 43m should be able to be achieved at this access but the Highway Authority requests that a plan be submitted demonstrating this. The applicant has provided a plan showing that visibility to the north of 2.4m by 28m to the left and 2.4m by 48m to the right. While visibility will be substandard to the left vehicle speeds will be low travelling southwards from the junction of Herschel Street/Church Street and therefore this is considered acceptable. In addition, the existing temporary car parking which has an access in a similar position would also have substandard visibility to the left and operates daily in this way.

- 15.7 Concerns have been raised by the Highway authority regarding the location of the bin stores which would be too far for refuse collectors. It is considered that had the application been recommended for approval it would have been possible to secure some amendments by condition to the perimeter landscaped areas to provide bin collection points for refuse collection by the Council. In addition, the use of a S106 Agreement would have been recommended had the application been recommended for approval requiring a management company to move the bins to the collection point. It is therefore not considered that this would result in an unacceptable impact with the right collection points and management arrangements being secured.
- 15.8 The proposals are considered to accord with Core Strategy Policies 7 and 8 and Local Plan Policy T2.
- 16.0 **Surface water drainage**
- 16.1 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 flood which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of 'flash flooding'. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface. Both Core Strategy Policy 8 and paragraph 103 of the NPPF requires developments to not increase flood risk.
- 16.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.
- 16.3 In response to comments raised by the Lead Local Flood Authority (LLFA) that the applicant had not provided any information to address the requirements

referred to in paragraph 16.2 above, the applicant submitted a Flood Risk Assessment (FRA). The FRA states that the scheme can attenuate the runoff from relevant storm events through appropriate mitigation such as lined permeable paving. The LLFA has been consulted and comments will be report to the Committee.

## **17.0 Sustainable design and construction**

17.1 The Council's current Core Strategy Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes residential development should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions; specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

17.2 The applicant will provide an air tight building to meet with Building Regulations. However, the submitted 'Energy Review and Heating System Choices' report does not identify a specific option for low carbon technology / renewable energy to be used within the development. The sustainability measures should be an integral part of the design of the building rather than be a bolt-on to the development. While it is unfortunate that the applicant has not provided a specific option to achieve the reduction in the TER, it is considered on balance that there should be options that could be incorporated into the development and as such had the application been recommended for approval full details would have been secured through condition.

## **18.0 Infrastructure requirements**

18.1 There will be an update to the Committee in respect of the infrastructure contributions.

## **19.0 Planning Conclusion**

19.1 There are a number of benefits to the scheme namely the redevelopment of a vacant site in a sustainable location and the contribution to the supply of much-needed housing. As part of the housing supply there would also be 20% (47 units) of affordable homes which is welcome albeit below the requirements of policy; the final number will be determined through the independent findings in respect of viability. Additional people in the town centre will help to support the regeneration of the town centre.

19.2 While there are some areas of the development which are substandard in respect of amenity spaces and internal daylight levels to some of the

apartments it is considered that, on balance, the living conditions for future occupiers for the most part will be good but Councillors will be updated at Committee on the findings of the review of the daylight/sunlight report. In addition, it is likely that the development could incorporate sustainable design and construction measures including minimising surface water flood risk. Furthermore the proposals will not have a harmful impact upon the amenity of neighbouring occupiers, air quality or upon highway safety and convenience.

- 19.3 A number of the benefits set out above are afforded different levels of weight that should be afforded to their significance in the 'planning balance'; most of them are afforded either moderate or limited weight.
- 19.4 However, the proposed development will harm the setting of the Grade II\* listed Church and in accordance with the NPPF great weight is given the asset's conservation. In addition, by reason of the siting, scale and mass of the buildings particularly Block B the proposal would have a harmful impact on the townscape and will not provide meaningful planting that would help the integration of the development into the area. In addition, there are elements of the design which are poor which would give rise to crime and anti-social behaviour. Given the importance of securing high quality design and safe and accessible places in Slough, this is afforded significant weight. Therefore, the harm identified outweighs the benefits of the scheme.
- 19.5 It is recommended the application be refused planning permission for the reasons set out below.

## 20.0 **PART D: REASONS FOR REFUSAL**

### 20.1 Reason 1

The proposed development by reason of the siting, height, scale and mass of the buildings would result in a harmful impact upon the character and appearance of the area. In addition, there would be limited opportunities for meaningful landscaping and as such the development would not assimilate well into its surroundings. Lastly, there are elements of the scheme that would result in potential criminal activity and acts of anti-social behaviour. The development would be poor design that would fail to comply with Policies EN1, EN3 and EN5 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraphs 56, 58, 60, 61 and 64 of The National Planning Policy Framework (2012).

### Reason 2

The proposal by reasons of its siting, height, scale and mass would result in 'less than substantial harm' to the setting of the Grade II\* listed St. Mary's Church. This harm would not be outweighed by the public benefits of the scheme. The development is contrary to Policy 9 of the Core Strategy and paragraph 134 of the NPPF.

### Reason 3

It has not been demonstrated to the satisfaction of the Local Planning Authority that the development could provide the appropriate level of affordable housing and financial contributions towards infrastructure. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide.

### **INFORMATIVES:**

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. It is the view of the Local Planning Authority that the proposed development does not 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.