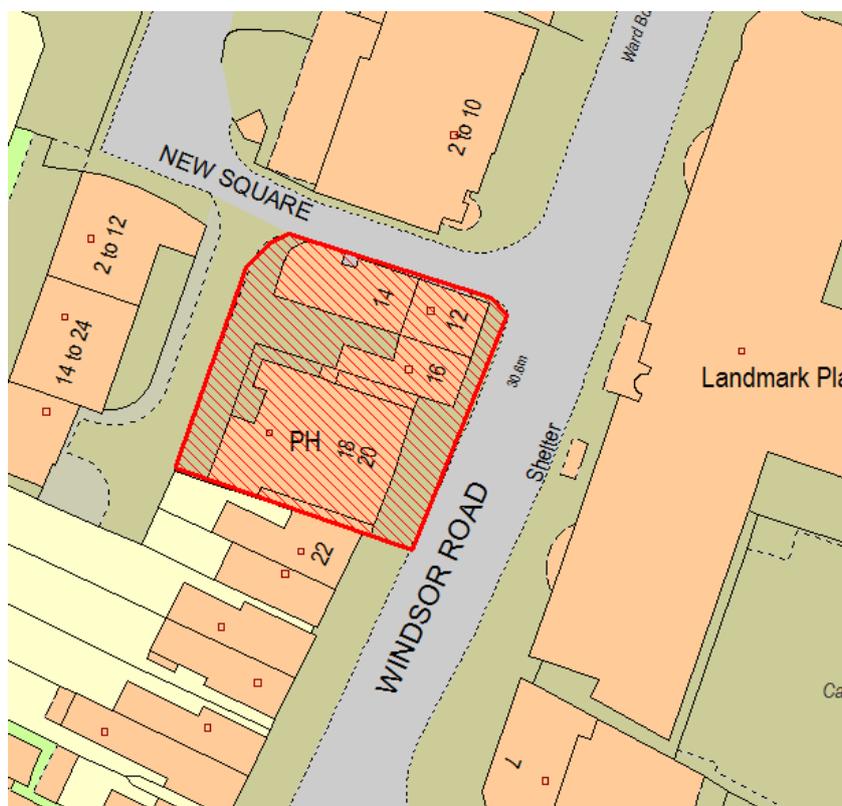


Registration Date:	18-May-2017	Application No:	P/16995/000
Officer:	April Waterman	Ward:	Chalvey
Applicant:	Stevco Ltd	Application Type:	Major
		13 Week Date:	17 August 2017
Agent:	Mr. Gavin Eyles, CSK Architects 93a, High Street, Eton, Windsor, Berkshire, SL4 6AF		
Location:	12-20, Windsor Road, Slough, SL1 2EJ		
Proposal:	Demolition of existing buildings and construction of part 3, part 4 and part 5 storey building comprising 3 no. ground floor retail units, 12 no. 1 bed flats and 9 no. 2 bed flats together with cycle and bin storage and landscaping .		

**Recommendation: Delegate to the Planning Manager**



## **SUMMARY OF RECOMMENDATION**

- 1.0 Under the current constitution this application is brought to the Planning Committee for decision because the application seeks permission for a major development.
- 1.1 The scheme has been amended during the course of its consideration, the amendments comprising the omission of one flat, the designation of one of the commercial units as a café (A3) use, and alterations to the footprint, layout and appearance of the scheme, together with the submission of additional information relating to heritage, drainage, land use policy and daylight and sunlight matters.
- 1.2 Having considered the relevant Development Plan policies and national planning policy and guidance, the representations received from consultees and from the community, and all other material considerations relevant to the scheme, it is recommended that authority is delegated to the Planning Manager to
  - A) grant planning permission subject to the recommended planning conditions, and to the securing of suitable planning obligations relating to highway matters and to the provision in the Borough of affordable housing and other infrastructure.
  - B) refuse planning permission if a satisfactory S106 Agreement is not completed by 1<sup>st</sup> November 2018.

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 Full planning permission is sought for the demolition of a pair of 19<sup>th</sup> century houses (latterly shops/offices) and an early 20<sup>th</sup> century Public House, all fronting the west side of Windsor Road near to its junction with the High Street.
- 2.2 In their place the scheme proposes three commercial units at ground floor (one to serve as an A3 café and two others as shops) with twelve one-bedroomed flats and nine two-bedroomed flats, together with cycle and bin storage, amenity land and new pavement areas.
- 2.3 The proposal, following revision, comprises a three-, four- and five-storey building, with flat roofing, and a graduated, diminishing footplate as the building ascends, to provide balcony and roof terrace space for a number of the apartments. The scheme shows a greater mass of building in a more solid form than the current combination of pitched- and flat-roofed buildings, together with their various extensions and infill elements.
- 2.4 The footprint of the new building would also represent an enlargement of that of the combination of buildings currently on the site. However the frontage of the proposal would be set further back from the carriageway than the varied building line currently on the site, and would instead align better with the neighbouring properties to the south and north (across the New Square junction), without the protrusion of built form into the street that no.s 12 and 14 presently show.
- 2.5 Subject to confirmation of details, the scheme proposes to employ brick, glass block, standing seam metal, and glass balustrade with metal trim on the building, and suitable paving for the private enclosed areas and the public pavement. Tree and shrub planting is also indicated.

- 2.6 Pedestrian and cycle access to the flats is shown at the rear of the property, from a spur off Windsor Road known as “New Square”, and both the residential and commercial bin stores are also shown with access onto New Square. The new shops and café would be entered from Windsor Road.
- 2.7 The plans for the proposed development have been supported by a Design and Access Statement (revised), Flood Risk Assessment and Drainage Strategy (revised), Heritage Assessment, Day and Sunlight Assessment (revised) and statements relating to policy on heritage and community uses matters.
- 2.8 The amendments to the proposal have been made to address amenity and highways issues.
- 3.0 **Application site**
- 3.1 As noted above the site is presently occupied in part by a detached two storey and tall roof space 1930s Public House, with a collection of single-storey flat-roofed extensions at its rear which face onto New Square. No.s 12 –14 Windsor Road comprise a pair of three-storey mid 19<sup>th</sup> century brick and slate-roofed terraced units which stand prominently at the junction of Windsor Road with New Square. No 16 is a lower one and two storey modern infill building, which has street-facing flat roofs over its main block, together with a mono-pitched outshot at the rear.
- 3.2 The site lies towards the western end of the current Town Centre, although historically at its hub, near the meeting of the Windsor and Bath Roads. This part of the town was designated in the 2004 Local Plan as “Old Slough Town” in reflection of the (then) retention of buildings of a variety of ages up to the early 20<sup>th</sup> century. No.s 12- 14 and the Rising Sun PH are locally listed buildings. The site is within the town centre Shopping Area, and along its Windsor Road frontage a highways widening area has been zoned for the improvement of traffic and pedestrian routes. The land is in Flood Zone 1, and Groundwater Source Protection Zone 2. The land to the immediate west of the site has a medium risk of land contamination, so the site falls within the 150m buffer of this.
- 3.3 The existing built forms are surrounded by others of a variety of ages, heights, styles and materials. To the west a new three storey block of flats faces onto the rear of the site, with access from New Square, and to the north a taller modern three storey commercial building includes a hipped-roofed tower feature at its junction with New Square. The four storey modern Landmark Place office building stands to the east on the opposite side of Windsor Road. To the south three pairs of early 20<sup>th</sup> century semi-detached two-storey former houses have been altered to offer A2 and A1 uses on their ground floors, opening directly onto paved forecourts and the public footway. A single detached house to the south retains a walled front garden, and the Slough Baptist Church beyond it also stands behind a short forecourt area separating it from the public footway. Except for the run of older property to the south of the site, all nearby buildings presenting onto Windsor Road are of a commercial scale, with relatively tall storey heights, and display large glazed areas (shopfronts and upper floor windows and curtain walling) with buff or yellow brickwork, Portland stone (or simulated) and metal or slate roofing. To the rear of the site the flats block has render and brick walls beneath a curved metal roof.
- 3.4 The site is located on a busy route through the town, onto which predominantly secondary shopping, A2, A3 and B1 uses face. Principal residential uses have been all but lost from the Windsor Road frontage. The location, being close to the junction of a number of key routes through Slough, is noisy, brightly lit and although not in a

designated AQMA is likely to suffer from poor air quality. It is also a highly accessible location (on bus routes and within easy walking distance of the train station and cycle hire hubs) and is in close proximity to employment, and to commercial, cultural and community services and facilities.

#### 4.0 **Site History**

4.1 Planning history for the site and neighbouring land includes:

Reference	Address	Description	Decision
00782/005	12 – 14 Windsor Road	Gable mounted illuminated advertisement panels	Refused Nov 2004 Appeal dismissed Jan 2005
00782/004	12-14 Windsor Road	Change of use to restaurant and wine bar	Approved Jan 1997
00782/002	12 Windsor Road	Renewal of use as offices	Approved Apr 1987
00782/001	12 Windsor Road	Change of use shop to estate agent	Approved Mar 1980
05364/006	16 Windsor Road	Installation of new shop window	Approved Jan 1999
05364/005	16 Windsor Road	Continued use of shop as estate agency	Approved Sep 1996
00666/045	2-10 Windsor Road	Internally illuminated advertisements	Approved Jun 2016
00666/044	2-10 Windsor Road	New bi-folding doors and shopfront	Approved Jun 2016
00666/041	2-8 Windsor Road	Variation of condition to allow additional D2 use to permission for A1, A2 and A3 uses	Approved Apr 2013
00066/040	2-10 Windsor Road	Change of use from office B1 to dental clinic D1	Approved Apr 2009
00666/0035	2-10 Windsor Road	Demolish existing building and erect 3 storey building (offices)	Refused Mar 2000
00666/034	2-10 Windsor Road	Erect 3 storey building ground floor A1/A2/A3 1 <sup>st</sup> and 2 <sup>nd</sup> floor B1A	Approved Aug 1999
00701/011	New Square Windsor Road	Erection of 12 one-bedroomed and 3 two-bedroomed flats	Approved Feb 2004

4.2 Pre-application advice was given in March 2013 on two alternative schemes:

- Scheme A comprising the demolition of no.s 12 – 20 Windsor Road, and the construction of a mixed use development of part 4 and part 5 storeys to include 3 ground floor A1 retail units with 20 flats above, and
- Scheme B comprising the demolition of no.s 12 – 22 Windsor Road and the construction of a mixed use development of part 3, part 4 and part 5 storeys to include 5 ground floor A1 retail units with 24 flats above.

4.3 The informal advice concluded that “*the principle of the proposed development would likely be considered acceptable. The main issues which would require further consideration would be with respect to the height of the proposed development and the number of storeys proposed, as well as the design and appearance of the building.*”

#### 5.0 **Press and site publicity, and neighbour notification**

5.1 As the application seeks planning permission for a major development (of more than 10 dwellings) it was advertised by notice in the local press on the 7th July 2017 and again (for its revision) on 11<sup>th</sup> May 2018. For the same reason site notices were posted in public locations around the site to advise that the planning application and revisions to it had been made (notices dated 4<sup>th</sup> May 2017 and 31<sup>st</sup> May 2018 respectively).

5.2 38 addresses in New Square and Windsor Road were notified by post of the original and revised proposals for this scheme.

5.3 No comments were received from neighbouring residents or businesses, or from the public, as a result of the notifications and publicity undertaken.

#### 6.0 **Consultations**

6.1 Highways comment on original submission 09.01.2018:

##### Scope of Assessment

- The quantum of residential and commercial accommodation proposed is below the threshold whereby a full Transport Assessment and a Travel Plan would be required.

##### Vehicle Access

- The proposed development does not have a vehicular access, which is acceptable.
- Waste is proposed to be collected from the rear of the development, via New Square (accessed off of Windsor Road).

##### Vehicle Parking

- Per Slough Developers Guide Part 3, Town Centre residential developments should provide nil car parking spaces.
- The development provides no parking for either commercial or residential accommodation; considering the Town Centre location of the site this is acceptable.
- Roads in Slough Town Centre are protected by traffic orders that control on-street parking; this eliminates opportunities for overspill or displaced parking. The owners / tenants of this development must be excluded from obtaining permits for on-street parking. This must be secured by condition.

##### Pedestrian Access

- Drawings for the proposed development show that the site will have pedestrian access to the retail units from the front, on Windsor Road and access to the residential units will be from the rear of the building on New Square.
- The applicant also proposes to introduce a new 1.8m wide pedestrian footway towards the eastern side of the building on New Square which would be adopted by the council. This would need to be secured through a Section 106 agreement.

##### Cycle Parking

- As per Slough Developers Guide Part 3 a minimum of 1 cycle parking space per residential dwelling and a minimum of 1 cycle parking space per 125m<sup>2</sup> of retail accommodation must be provided.
- Drawings submitted for the proposed development show that 17 individual cycle stores are provided on the ground floor, these were measured to be 2000mm x 400mm. The quantum of provision and the size of the stores proposed are not in line with SBC standards.
- 22 cycle parking spaces (minimum) are required for the residential accommodation and 2 cycle parking spaces (minimum) are required for the retail accommodation, totalling a minimum requirement of 24 cycle parking spaces.
- The individual cycle stores provided for residents each need to measure a minimum of 2000mm x 1000mm as per standards.

#### Refuse and Servicing

- The planning application form and associated drawings show both residential and commercial bin stores are sited on the ground floor and are proposed to be collected from the rear of the building, via New Square.
- 4 No 1100L Euro Bins are proposed for residential and 3 No 1100L Euro Bins are proposed for commercial waste, which meets standards as outlined in Slough Developers Guide Part 4.
- Both refuse stores are within the maximum permissible drag distance of 25m.
- The 1100L Euro Bins are shown with incorrect dimensions on the scale drawings submitted – bins are shown at 1000mm x 1280mm; Slough standard 1100L Euro Bins are 1160mm x 1280mm;
- Doorways are an insufficient width to enable the 1100L Euro Bins to be manoeuvred to/from the bin stores for collection: the door from the residential bin store is 1100mm wide and the door to the courtyard from New Square is 800mm wide. Whilst the commercial bin store door is 1300mm, which is sufficient, the door from the commercial entrance to the courtyard is 900mm which is insufficient.
- No Swept Path Assessments have been supplied for Waste storage or delivery / servicing vehicles.

#### Road Widening

- Part of the site is affected by the Windsor Road widening line (a 1:1250 plan showing these proposals is attached),
- The developer should be made aware that the Local Highway Authority will seek the land within the widening line as part of the development.
- It is proposed that the developer set back the new dwelling from the highway verge to conform to road widening lines.
- This land should be dedicated free of charge to be maintained at the public expense and secured as part of the Section 106 agreement.

#### Travel Plan

- The quantum of residential and commercial accommodation proposed is below the threshold where a Travel Plan would be required.

#### Recommendation

- Having regard to the above comments SBC Highways and Transport would recommend a holding objection until further information is submitted. However, if you are minded to determine the application prior to receiving the required additional information, SBC Highways would wish to recommend refusal for the following reasons:

## Prematurity

- The proposed development is premature until such time that the applicant has demonstrated that the application, if approved, will not be detrimental to the safe operation of the adjacent and wider highway network. The development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.
- The proposed development is premature until such time that the applicant has demonstrated that the application, if approved, will provide cycle parking in accordance with the Local Plan. The development is therefore contrary to Slough Borough Council Local Plan Policies T1 and T8.

## Cycle Parking:

- The development fails to provide cycle parking in accordance with adopted Slough Borough Council standards and therefore does not comply with the Council's Integrated Transport Strategy and is therefore contrary to Slough Borough Council Local Plan Policy T8.

## Poor layout:

- The layout (specifically refuse stores and doorways between stores and the exterior of the building) as submitted is unacceptable and as such would result in an unsatisfactory form of development. The development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.

## Road Widening schemes

- The development fails to develop the site respecting the road widening scheme of Windsor Road. The proposals, if approved, will compromise the Council's objective of providing and securing road widening schemes. The development is contrary to Slough Borough Council Local Plan Policy T13.
- Mindful of the above clarification, additional information and / or amendments are required before this application could be supported. If the applicant considers that they can address the comments that have been made then I would be pleased to consider additional information supplied. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

## Section 106 / Section 278

- The applicant will need to enter into a section 106 agreement with Slough Borough Council this s106 agreement will obligate the developer to enter into a section 278 agreement for the satisfactory implementation of the works identified in the transport and highways schedules

## The transport schedule to include:

- Residents of the development will be ineligible to receive parking permits in any existing or future resident parking schemes.

## The highways schedule to include:

- Reconstruction and adoption of footway according with Windsor Road widening line.
- Alteration of the Junction of New Square with Windsor Road to provide a 6 metre radius kerb on the south side and an uncontrolled pedestrian crossing with dropped kerbs and tactile paving together with signage and lining as agreed.

- Provision of a 2 metre footpath on the west and north boundaries of the site together with full height kerbs and agreed dropped crossings.
- Relocation of the two existing street lights to the west of the site to the back of the proposed footpath.

Ideally the applicant should prepare a s278 Adoption Layout (Slough Borough Council Drawing Number 8/27/\*\*P1) to show the works required. This plan should be appended to the s106 and correspond to the Highway Works Schedule.

#### Conditions

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

#### *Exclusion from Residents Parking Permits*

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

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

#### *Cycle Parking*

No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand 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 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 cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy

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

Reason: To encourage cycle use/ownership.

#### *Pedestrian Access*

No part of the development shall commence until the means of access has been sited and laid out in accordance with the details subsequently submitted to and approved in writing by the local planning authority and constructed in accordance with Slough Borough Council's Design Guide. The means of access should be maintained in this form in perpetuity.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

#### Informatives

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

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

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

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

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

The applicant must apply to the Highway Authority for the implementation of the works in the existing highway. The council, at the expense of the applicant, will carry out the required works.

The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.

The applicant must enter into an agreement under s177 of the Highways Act 1980 to allow the building/ to oversail the highway (once dedicated).

The applicant must enter into an agreement under s178 of the Highways Act 1980 to allow a rail or beam to oversail the highway in the form of a crane for construction.

The applicant must apply to the Highway Authority for the implementation of the works in the existing highway. The council at the expense of the applicant will carry out the required works.

The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new units.

Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 / Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway 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.

#### 6.2 Highways comment on revised proposals 19.03.2018

- Not all of the cycle stores are 2000 x 1000mm, one (adjacent residential bin store) is approx. 750mm wide for the rearmost 500mm, however it is difficult to see how this could be amended as the wall appears load bearing. Not a major issue as one standard bicycle will fit within this slightly smaller store.
- There may still be a need for an oversail license for the section of building above the pavement area.

#### 6.3 Highways further comment 28.03.2018

- 6.4 I confirm that I have no objection to the implementation of a design where part of the upper floors of the building oversail part of the highway subject to a minimum height of 2.85m from the finished ground level. Any structure oversailing the highway would need a s177 licence to oversail the highway and we would require a full set of structural drawings and calculations to confirm our acceptance of that part of the structure during the licence application stage. Furthermore, although noted on the

drawing I would expect the footway surrounding the site (including side and rear) to be dedicated as public highway at no cost to the council. That way we can ensure pedestrian safety and enforce against unauthorised parking. There are currently two lamp columns situated to the rear of the proposed building, these are currently very close to the edge of the carriageway and we would expect these to be relocated to the back of the new footway however I'm guessing much of this can be picked up in a s38/s278 agreement. Please condition for the applicant to enter into;

- s177 licence with the local highway authority (and maintain in perpetuity) for structure oversailing the highway
- S278 agreement for implementation of the highway works
- Dedicate the land within the road widening line and footpath surrounding the site as highway maintainable at the public expense at no cost to the Council.

6.5 BEAMS comments on initial submission 21.07.2018

6.6 *Nos. 12 and 14 are of brick construction and look to date to the early part of the 19th century, the properties are of 3 storeys with retail premises at ground floor level. The frontage retains 2 sash windows to both the 1st and 2nd floors. The brick arches above the windows look to be finely detailed but this has been concealed by the painting of the facade. The property has a slate roof and central stack to rear. There are various modern single storey rear extensions of no special interest. The flat roofed extension / infill between 12 /14 and The Rising Sun is not of any architectural merit.*

6.7 *The Rising Sun public house is a circa 1930's building, it is constructed of brick (laid in English bond) and has a hipped clay tile roof with deep curved cornice at eaves level. The property retains 7 timber sash windows at first floor level, at ground floor level these have been replaced with uPVC versions. The public house has a central entrance with moulded timber surround.*

6.8 *The group of older properties between, and including, no. 12 - 14 Windsor Road and the Slough Baptist Church to the south all form a reminder of the historic 19th century development of Slough, much of which has been lost in this locality in the past few decades. The reasons for 12 and 14 Windsor Road and the Rising Sun PH being included on the 'local list' is not made clear however the buildings are both considered to be of some local architectural merit.*

6.9 *NPPF para. 135 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.'*

6.10 *It is considered that the application (page 6 of the Design and Access Statement) has not adequately assessed the significance of the non-designated heritage assets within the site. It states they are in a poor state of repair but without any real evidence to back this up.*

6.11 *The possibility of retaining these buildings and converting them to residential use with some extension, rather than their demolition and replacement, should be considered as part of the application process.*

6.12 *The application does not demonstrate how the new development would relate to the existing buildings to the south.*

- 6.13 *As the total demolition of these non designated heritage assets is proposed the scale of harm / loss would be complete however this would need to be weighed against the significance of the non-designated heritage asset (NPPF, para. 135).*
- 6.14 *Core policy 9 requires the council to pay regard to the preservation of historic environments and respecting local architectural character. It is considered the existing buildings on the site have good architectural character and relate well to the row of older buildings to the south. The design and access statement argues (page 9) that the buildings on the site no longer relate well to the contemporary buildings locally and that therefore their demolition is justified - this is an interesting approach but one that should be given little weight.*
- 6.15 *The heritage statement submitted (page 6 of the Design and Access statement) is not sufficient to justify demolition of these two non-designated heritage assets. Recommend the application is refused for lack of justification. If sufficient justification in the form of a heritage statement is submitted then the proposal could be given further consideration.*
- 6.16 BEAMS comments on additional material (Heritage Assessment and planning balance statement) 28.11.2017:
- 6.17 *A more detailed Heritage Statement has been submitted (as requested) to provide more information on the history of the two properties and a fuller assessment of their significance. The Heritage Statement provides an accurate assessment and I would concur with the findings of the report that both buildings are of 'relatively limited local significance'. As the total demolition of these non designated heritage assets is proposed the scale of harm / loss would be complete however this would need to be weighed against the significance of the non-designated heritage asset (NPPF, para. 135).*
- 6.18 *It has been agreed that the findings of the Heritage Statement - that the buildings are of 'relatively limited local significance' is justified. Furthermore, it is considered that the Heritage Statement and related NPPF 'weighting' statement by Oakley Planning and Consultation have provided sufficient justification for the loss of the existing 'locally listed' buildings on the site. As such BEAMS does not object to the demolition of 12 and 14 Windsor Road or The Rising Sun public house. If Slough BC does approve the planning application I would suggest this is subject to a condition requiring a Level 1 Historic Building Recording of the 2 locally listed properties to be prepared prior to demolition and the resulting reports lodged with the Local History Society.*
- 6.19 LLFA comment 09.04.2018
- 6.20 We have reviewed the following information in relation to the planning application: Flood Risk Assessment (FRA) and Drainage Statement (Issue 3 Final, Project ref: D/I/D123985/01, Dated:26/02/2018). Following the review of the FRA we understand that the soakage test still can not be undertaken due to the site constraints. Therefore the potential for soakaways are still not known. However an alternative surface water drainage strategy can be achieved based on the attenuated discharge system. Thames Water has confirmed that there is spare capacity within their sewer network for the surface water but they will only allow the disposal of 5 l/s to their sewer after all other methods of disposal have been investigated and proven to be not viable.

The site has an alternative viable surface water drainage strategy; therefore we recommend the following condition to be applied for the surface water.

“No development shall take place until a detailed surface water drainage strategy for the site, based on sustainable principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include detail drainage plans and calculations.”

6.21 Thames Water comments 18.04.2018

6.22 Waste Comments

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

6.23 Supplementary Comments

Thames Water does not envisage concerns with this development based on the re-use of the existing connections and connection via gravity for both foul and surface water.

6.24 Contaminated Land Officer comments 21.06.2017

6.25 I have reviewed the information submitted for the above property, as well as our records of Potential Contaminated Land sites at the property and within 250 m. Historical mapping indicates that there is no potentially contaminative use associated with the development site. However, the site is located within 250m of approximately 13 Potentially Contaminated Site, identified as part of the Council's Prioritisation Procedure. In addition, the site is located within 250m of six sites with entries in the Disused Tanks Registry.

6.26 The proposed development implies the demolition of the existing building and construction of new units with mixed residential and commercial use. Thus it is recommended that additional investigation is carried out in order to prove that there are no unacceptable risks to the human health receptors. Based on the above I recommend the following conditions are placed on the Decision Notice:

**1. Phase 1 Desk Study**

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

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

**2. Phase 2 Intrusive Investigation Method Statement**

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

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

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

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

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

### **4. Remediation Validation**

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

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

I am responding to this planning consultation on behalf of Richard Palacio. Please see requested conditions/informative to be added to any permission:

**Acoustic Separation Of Commercial and Residential Premises**

The Commercial premises must not give rise to noise levels in dwellings within the development, which exceed a Noise Rating (NR) of 30 (based upon the maximum level in each octave band)

**Reason:** In order to protect the amenities of occupiers of residential premises.

**Transfer of Noise Between Commercial and Residential Units**

Before any works of conversion or development commence a scheme for limiting the transmission of noise between each commercial and residential unit of accommodation and/or any other part of the building which is not exclusively used as a unit of accommodation shall be submitted to the Local Planning Authority. In particular details for the internal and external mounting of flues and mechanical ventilation equipment will be required. Formal written approval of the scheme shall be obtained from the Local Planning Authority and all works must be completed, tested and maintained by the developer to the satisfaction of the Local Planning Authority before any of the units of accommodation are occupied.

**Reason:** To protect the occupants of the new development from noise disturbance.

**Informative – Construction / Demolition Noise**

The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Neighbourhood Services Team of the Council.

**Reason:** To protect the occupants of nearby residential properties from noise disturbance.

6.28 Crime Prevention – no response

**PART B PLANNING APPRAISAL**

7.0 **Policy background**

7.1 National Planning Policy Framework 2012

7.2 Of relevance to this proposal are paragraphs 6 and 7 (detailing the presumption in favour of sustainable development, incorporating its three aspects: economic, social and environmental) together with the core planning principles set out in paragraph 17. Guidance contained in the following sections is also relevant:

- Section 1 Building a strong competitive economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 12 Conserving and enhancing the historic environment

7.3 Slough Local Development Framework Core Strategy 2006 - 2026

7.4 Strategic Objectives A, B, C, E, F, H and K as set out in the Core Strategy, are pertinent to this proposed development. The scheme has been assessed in the light of these and the following relevant policies:

- Core Policy 1 Spatial Strategy
- Core Policy 3 Housing Distribution
- Core Policy 4 Type of Housing
- Core Policy 6 Retail, Leisure and Community Facilities
- Core Policy 7 Transport
- Core Policy 8 Sustainability and the Environment
- Core Policy 9 Natural and Built Environment
- Core Policy 10 Infrastructure
- Core Policy 11 Social Cohesiveness
- Core Policy 12 Community Safety

7.5 Local Plan for Slough 2004 (Saved Policies)

7.6 Policies relevant to the proposed development are:

- H14 Amenity Space
- EMP2 Criteria for Business Developments
- S1 Retail hierarchy
- S11 Late leisure uses in Slough town centre
- S15 Diversification of use
- S16 Town centre leisure uses
- S17 Shopfront design
- EN1 Standard of design
- EN3 Landscaping Requirements
- EN5 Design and Crime Prevention
- EN17 Locally Listed buildings
- EN34 Utility infrastructure
- OSC15 Provision of Facilities in new residential developments
- OSC17 Loss of community, leisure or religious facilities
- T2 Parking Restraint
- T8 Cycling Network and Facilities
- T9 Bus network and facilities
- T13 Road widening lines
- TC2 Slough Old Town

7.7 Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

7.8 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).

7.9 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.

- 7.10 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.
- 7.11 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 for 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.
- 7.12 Since that time, work has been progressing on the Emerging Preferred Spatial Strategy (EPSS), with the most recent update to Planning Committee by report on the 21<sup>st</sup> February 2018. There are no matters of emerging policy that are relevant to the assessment of this planning proposal.

7.13 Developer's Guide series of documents

For the guidance of developers in the interpretation of adopted Council policy, and in the submission requirements for applications, a suite of documents has been prepared and published by the Council. Those relevant to the assessment of this application comprise:

- Part 1 Planning application procedure and decision making (November 2008)
- Part 2 Developer contributions and affordable housing (including Section 106) (December 2017)
- Part 3 Transport and highway guidance (November 2008)
- Part 3 Update to Table 3 charges for highways agreements and licences (2012)
- Part 4 General development guidance (November 2008)
- Part 4 Update to refuse and recycling storage for new dwellings (December 2017)
- Part 4 Update to flood risk and surface water drainage guidance (January 2016)
- Viability guidance for residential development (November 2017)

8.0 **Planning considerations**

- The principle of development
- Heritage and the impact of the scheme on the character and appearance of the area
- Amenity standards for existing and future residents internal space, external amenity space, privacy, day and sunlight, air quality, noise.
- Highways and access and road widening
- Crime prevention
- Infrastructure provision

8.1 Principle of development

- 8.2 This plot is considered to be a brownfield site on which commercial and housing development would be appropriate and supported in terms of Strategic Objectives A, B, C, E and F and Core Policies 1, 3, 4 and 6. The NPPF notes that subject to other tests, the social dimension of sustainable development includes the provision of a supply of housing required to meet the needs of present and future generations, and this proposal would assist in that provision. Although it is understood that there is some residential accommodation currently provided on upper floors of the existing buildings, which would be demolished, the proposal would produce a significant net

gain in housing units. Other social, economic and environmental dimensions must also be taken into account, however, in the assessment of whether the proposal benefits from the presumption in favour of sustainable development.

8.3 The scheme relies on the removal of existing commercial enterprises comprising ground floor A2 (financial and professional services) and A4 (drinking establishment) uses. These existing ground floor operations are appropriate for their location at the edge of this defined shopping area of Slough, and contribute to the diversity of the commercial offer in this part of the overall town centre. The Public House provides a place for social interaction and recreation for residents, workers and visitors in the town centre, and while it is commercial in nature its function is also considered to be a community facility. National planning policy places value on community facilities, including public houses, so that the social, recreational and cultural facilities and services the community needs can be provided. In paragraphs 69 and 70 the framework advocates that planning decisions should “guard against the unnecessary loss of valued facilities and services” and instead “aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other”.

8.4 Core policy 6 also notes that all community facilities/services should be retained, or where exceptionally it is agreed that they may be lost to accommodate new development, developers will be required to contribute towards new or enhanced facilities/services locally. Policy OSC17 states that development proposals which would result in the loss of a community, leisure or religious facility will not be permitted unless:

- it can be shown that the facility is no longer required for alternative religious, leisure or community use;
- an acceptable alternative facility can be provided which would serve the existing users; or
- it would be economically unviable to repair or alter the building for an alternative community use.

8.5 In support of the proposal, the applicant asserts that

*“there are a number of other similar establishments elsewhere in close proximity that provide a similar alternative facility that would be available to existing users of the Rising Sun. Within circa 500m of the application site are:*

1. *The Moon and Spoon Public House at 86-88 High Street*
2. *The Wheatsheaf at 15 Albert Street*
3. *The Hershel Arms at 22 Park Street*
4. *The Alpha Arms at 26 Alpha Street*
5. *The Brick House at 230 High Street*

*All of these are public houses of a similar character to the Rising Sun. As such, existing customers of the Rising Sun would be able to enjoy a similar facility elsewhere within central Slough. “*

8.6 Following discussion with officers, the applicant has agreed

*“that one of the retail units (the corner unit ‘B’) be a café use only, rather than retail as currently proposed. This would set it apart from the other retail units in that it would provide somewhere that people could meet and enjoy food and/or a drink, providing a social hub within the area using a commercial outlet. The use of this part*

*of the development as a café could be subject to a planning condition imposed on a planning permission for this form of development.”*

8.7 In summary, the applicant states

*“In view of the relatively large number of alternative public houses and alternative community buildings in close proximity, together with the applicants willingness to provide a use within part of the building that would provide an alternative commercial community meeting space, we consider that the requirements of policy OSC17 can be satisfactorily met.”*

8.8 Given that the proposal now includes a use that would serve a similar purpose to that of the public house, and that the development would, in other respects, fulfil a social role within the overall scope of sustainable development (in the provision of additional housing) then the scheme is considered to be acceptable with regard to the aims and objectives of the national and local planning policy pertinent to community facilities. The principle of the new mix of uses on the site A1, A2 and A3 and C3 to replace the existing is acceptable.

8.9 Housing mix

8.10 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 Policy 4. The proposals would provide high density ( 263 dph) flatted accommodation in a part of Slough suitable for this type, and the scheme is therefore welcomed in this regard.

8.11 On sites proposing more than 15 units Core Policy 4 requires between 30% and 40% of new homes to be affordable. The proposed development is for 21 units and the scheme therefore is expected to make a contribution towards the provision of affordable homes in the borough. The recently adopted mechanism for achieving this provision is set out in the revised Part 2 of the Council's Developers' Guide September 2017: in lieu of on-site allocation of some of the units as affordable homes, a financial contribution towards off site schemes has been calculated, with payment to be secured through a planning obligation (section 106). This mechanism assures affordable housing is brought forward through developments undertaken by the Council itself or its partners, without creating difficulties of multiple landlords within a relatively small housing scheme, or the potential for viability matters to jeopardise the provision on site, either at the planning application stage or at some point between the grant of planning permission and the commencement of the development. In this case the commuted sum payable towards affordable housing on behalf of twelve one-bedroomed units and nine two-bedroomed units amounts to £262,910.84. A legal obligation will be needed to govern the planning permission for the development, to ensure that this contribution will be paid and that the Council will use it for the provision of affordable homes in the borough.

8.12 Heritage and the impact of the scheme on the character and appearance of the area

8.13 The site lies within the Slough Old Town Area, at the western end of the town centre, which has been identified as an area of Special Character owing to the existence of a number of good traditional buildings grouped around the historical road pattern at the crossroads. This designation provided the opportunity to protect and preserve the character of the buildings that existed in the Old Town area, which represent a more traditional style than in the rest of the town centre. Policy TC2 requires that

“Development proposals within the Slough Old Town Area of Special Character must/should comply with the following criteria:

- proposals for the redevelopment or alteration of buildings will be required to be designed in a traditional style, using predominantly traditional materials and be in keeping with the scale of existing buildings. They will also be required to retain the historical road pattern and respect the space between buildings;
- proposals for new shop fronts or alterations or replacements to existing ones will be required to respect the scale, proportions, character, materials and features of the buildings of which they form part. They will be expected to be of traditional style and only use externally illuminated fascias;
- all signs, illumination, fascias, blinds and security shutters should be appropriate to the character of the building and the area in terms of their scale, proportions, detailing and the use of materials; and
- external security shutters will not be permitted. “

- 8.14 The proposed development shows a modern, flat-roofed design, of a larger scale than the existing neighbouring buildings to the immediate south, and with little separation between the new building and these older properties. The proposed materials include brick, but also large areas of glazing and sheet metal. The proposed shopfronts are indicated as sheer glazing, and no details of fascias, signage, blinds or shutters are given. In these regards the proposed development does not accord with the terms and objectives of the Local Plan policy TC2. However, in other respects the scheme would be compliant: the scale would be akin to other modern buildings surrounding the site (now in the majority), the historical road pattern would be preserved, and the new shop fronts would fit with the new building itself.
- 8.15 The application site hosts three buildings that have been locally listed because of their individual or group architectural or historical interest. This local listing is a means of preserving Slough’s heritage, and was intended to assist other Local Plan objectives, such as the Slough Old Town designation. The Local Plan notes that in all cases the Council will seek the retention of buildings on the Local List, although in the event that this is not possible the architectural and historical interest of the building should be recorded before its demolition. Policy EN17 states: “Special consideration will be given, in the exercise of the development control function, to the retention, enhancement and appropriate refurbishment of locally listed buildings together with their setting.”
- 8.16 Since the adoption of the Local Plan national planning policy has been updated, and the relevant paragraph of the 2012 NPPF is cited in the consultation response from the Council’s Heritage advisor at 6.13 above. This policy does not place total emphasis on the presumption of retention or enhancement of the non-designated heritage asset or its setting, but sets store by the identification and assessment of the significance of the non-designated heritage asset, and to the scale of any harm to or loss of it. The applicant has submitted that as the architectural and historic merit of these buildings is meagre (they are of fairly commonplace design, not outstanding or rare nationally in terms of their construction or age) then they are of low significance, and consequently the impact of their loss would also be relatively insignificant. The Council’s Heritage advisor concurs with this view, and has removed their initial objection to the scheme.
- 8.17 In other development decisions in the Borough the policies relating to locally listed buildings and to the Slough Old Town area of special character do not appear to

have been successful to date in protecting non-designated heritage assets or their settings. This part of the Slough Old Town has now changed to a predominantly modern character and buildings within it are mainly of a commercial scale, dominating the remaining run of older properties on the west side of Windsor Road. The proposed scheme would compound this change, so would not serve the objective of the heritage policies, but the proposed development should be assessed also against other policies within the Local Plan and National Planning Policy, which seek to promote the creation of new homes. The applicant asserts that the benefits of the creation of new homes and business premises, to demonstrate confidence in the prosperity of this part of the town centre, outweigh the impact of the loss of non-designated heritage assets on the character of the area.

8.18 Advice contained within the NPPF includes that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Core Policy 8 and Local Plan Policy EN1 require developments to be of a high standard of design. However, the NPPF also notes that planning decisions should not attempt to impose architectural styles or particular tastes. Following negotiation with your officers the design of the development now proposed has been amended, to address functional and amenity concerns rather than aesthetic problems. It is considered that the scale and form of the proposed building, its location within its plot and its articulation and materials would create an interesting built form within the street scene, which, although different from the style of buildings on both sides of Windsor Road, would be of a good standard of finish, and would be an acceptable addition to the variety of architecture in this part of the town.

8.19 Amenity of neighbouring and future residents

8.20 Of the twenty one flats proposed, ten show floor areas below the nationally described space standards for one- or two- bedroomed units (50 m<sup>2</sup> and 70m<sup>2</sup> respectively). This under-provision is marginal, however (varies between 0.38 m<sup>2</sup> and 5.02 m<sup>2</sup>, and is predominantly of less than 1m<sup>2</sup>) and overall the shortfalls are not of a scale that would warrant the rejection of the scheme. The provision of external private amenity space for the proposed flats comprises courtyard garden or roof terrace areas for eight of the twenty one units, and for two of these flats the external terrace can be viewed as helping to offset the marginal under-sizing of internal floor space. For those units in this high density residential scheme that do not have external space a contribution towards the enhancement of existing nearby public open space is expected, as set out in the Council's adopted Developers' Guide. The payment of this contribution (£300 per unit, prior to the commencement of the development) should be secured by a Section 106 Agreement.

8.21 The proposed development is considered not to have an impact on the enjoyment of any private residential amenity areas of other property nearby. Some overlooking is possible from the internal room spaces or external terrace areas of the proposed development towards ground, first and second floor bedrooms of the flats to the west of the site (New Square) at distances of 14.2 m generally, and in one instance of 9.95 m. Although a distance of 21 m is usually sought between facing habitable rooms, given the urban location of this site, and the public nature of the space between the buildings (the road upon which anyone can pass) it is considered that the proposed scheme can be accepted with this shorter window-to-window distance.

8.22 Two upper floor windows are located in the north east and north west facing walls of the adjoining property to the south (no. 22). The ground floor of this building is used for A2 offices (an Estate Agency) and confirmation is being sought on whether the

upper rooms are associated with this use or are occupied as a residence. If possible this information will be provided in time for the Planning Committee meeting.

- 8.23 The height and bulk of the proposed building, and its proximity and location relative to the existing flats on New Square would also affect the amount of day and sunlight reaching these existing residences. A Daylight and Sunlight Assessment Report has been submitted which calculates the impact that the proposed development would have on the amenity of occupiers of these flats, and also assesses the living conditions in internal lighting terms that the new dwellings would experience. The report uses the methodologies, measures and standards set out in the Building Research Establishment report "Site layout planning for daylight and sunlight – a guide to good practice 2<sup>nd</sup> edition 2011", specifically Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) calculations.
- 8.24 VSC is a "spot" measure of natural light reaching the midpoint of a window from an overcast sky. It represents the proportion of a hemisphere of unobstructed sky that is visible from that point on the outside of the window from over and around all obstructions in that hemisphere. So the VSC measurement of a window on the 18<sup>th</sup> floor of an isolated building in an open flat landscape will be far greater than that of a ground floor window in a building facing uphill and surrounded by other structures. The BRE report suggests that a window (serving a room in a low density suburban housing area) which has a VSC of 27% or more can be considered to provide adequate day light for that room. However, it is also considered that for central urban areas, where density of buildings will be higher, the expectations for daylighting may need to be tempered, and that a VSC of 20% may be generally acceptable. It is a matter of judgement in each case whether the 27% or 20% benchmark, or indeed a level in between, is appropriate.
- 8.25 The BRE report also sets out that any reduction in the VSC that would be caused by a new development blocking part of the sky already visible from a window should be kept to a minimum. If, as a result of the development, the VSC would be less than 27% and would be less than 80% of its original reading (i.e. the reduction is of 20% or more), then this change would be noticeable, and this degree of reduction is taken generally to be the limit of acceptability. Where a VSC reading is low to begin with, reductions of less than 20% may be significant.
- 8.26 Another method of assessing the day lighting level of rooms is Average Daylight Factor (ADF) which is an expression in percentage terms of the average illuminance on the working plane of a room, compared to that of an unobstructed horizontal surface outdoors. The BRE report recommends that minimum ADF values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms should be achieved.
- 8.27 The assessment looked at the impact of the proposed development on the daylighting for the existing block of flats to the rear of the application site. All fifteen windows on this building that face towards the site serve bedrooms. The findings of the assessment show that three of the five ground floor windows already do not achieve the expected 27% VSC. The impact of the new development would be that there would be a diminution of VSC for all fifteen windows. The degree of reduction that would result from the proposed development varies from 5% to 26 %, (i.e. the resultant readings vary between 95% and 74 % of existing readings), bringing all five of the ground floor windows, and four of the five first floor windows below the standard 27% reading. For four windows the reduction would be in excess of 20%, and for these instances the applicant has supplied ADF information to demonstrate

that the rooms served would still achieve an Average Daylight Factor of 1.0%, which is the minimum expected for bedrooms.

- 8.28 As noted above, the 27% VSC is the expectation for a suburban residential development, and this site is a town centre urban location, where lower expectations may be appropriate. With two exceptions, all the existing windows in the “New Square” flats would achieve predicted VSC readings (with the proposed development in place) greater than 20%. The two lower readings (18.23 % and 16.96%) relate to windows for which the ADF calculations have been set out, showing that notwithstanding the low VSC, the bedrooms could be considered to be adequately lit.
- 8.29 The submitted Daylight and Sunlight Report also sets out a self-assessment of the daylight levels for the proposed scheme. Where individual habitable rooms would be served by more than one window, then an acceptable standard will be taken to have been achieved if any of the windows in that room score 27% or above. The assessment shows that of the fifty-one habitable rooms proposed, ten would not reach a 27% VSC reading, and of those two would fail to achieve 20%. As with the impact on the existing flats, the urban town centre location of the site is given as reason to accept a lower VSC threshold of 20% for eight of the rooms, and for the two rooms achieving only 8.74% and 15.64%, the applicant notes that these are bedrooms where *“good daylight is less important when compared to living rooms and kitchens”*.
- 8.30 Depending on the benchmark that is adopted (27% or 20%) the proposed scheme either shows that a significant number of the proposed rooms do not meet the expectations of the acknowledged standard for VSC, or that only two bedrooms fall short. Policy EN1 of the Local Plan, and guidance in the NPPF both require that new dwellings demonstrate quality design and amenity provision, which is taken to include internal living conditions, but do not provide absolute standards by which to judge the merits of an individual case. Using the guidance available, taking into account the town centre context of the site, and in the light of other planning considerations including the desirability of adding to the housing stock to meet demand, it is considered that the scheme does not warrant refusal of permission on the basis of the internal lighting levels proposed.
- 8.31 A sunlight assessment has also been undertaken by the applicant to gauge the impact of the proposed development on existing surrounding dwellings and the level of direct sunlight that the proposed scheme itself would enjoy. The measure used to assess the receipt of sunlight is Annual Probable Sunlight Hours which expresses the proportion (%) of time during the day that direct sunlight falls on the site at various times of the year, compared to the annual probable hours of sunlight falling on unobstructed ground. Only windows with an orientation within 90° of south need to be assessed. It is expected that habitable rooms should receive at least 25% of annual probable sunlight hours, and during winter months (21 September – 21 March) at least 5% should be received.
- 8.32 Although all the relevant windows in the existing flats would experience a reduction in their APSH, this would not bring any of the scores below the reasonable expectation for sunlight receipt as set out above. For the proposed development all of the rooms would achieve an overall rating in excess of 25%, with only three rooms (two bedrooms and one combined living, kitchen and dining room) receiving 4%, 4% and 3% winter readings respectively. For the bedrooms this minor shortfall in the winter only is acceptable, and for the LKD the overall APSH reading achieves 49%. These seasonal shortfalls are not considered to warrant the refusal of the scheme, therefore.

8.33 The site would experience noise and likely poor air quality pollution as a result of its location fronting Windsor Road. The design shows that additional sound insulation measures (extra glazing layers) are intended for windows that would present eastwards and northwards onto the road. Details of these measures can be secured by condition, and any air quality issues can be dealt with similarly.

8.34 Highways and access

8.35 The proposal shows access for vehicles, cycles and pedestrians to the site being obtained from New Square, which already serves the rear of the Public House and nos 12, 14 and 16 Windsor Road, in addition to the modern flats to the west of the application site. Level access for pedestrians and cyclists can be achieved from the courtyard entrance at the rear of the proposed development, and details of the surface finish and any gradient of this access can be secured by the recommended condition. Level access from the public footway on Windsor Road (which is to be extended into the development site, and dedicated as public highway) can also to be secured and detailed by condition. On both counts the proposed details can be assessed to ensure compliance with the Equalities Act in relation to the provision of safe and convenient access for all users. The terms of Core Policy 11, to ensure easy accessibility to development, would be satisfied.

8.36 The route to and the vehicle manoeuvring space available within “New Square” would appear to be adequate for a refuse vehicle to collect waste from the proposed development, as it does for existing developments on this cul-de-sac. No car parking is proposed for this scheme, which accord with the Council’s standards for this town centre location. The site is very well placed for public transport, with bus routes passing along Windsor Road, and the Train Station, Bus Station and cycle hub within easy walking and cycling distance.

8.37 An appropriate level of secure and convenient cycle parking facilities for the residents and for employees of the commercial units is shown on the proposed development.

8.38 Crime prevention

8.39 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 Policies 8 and 12, and Local Plan Policy EN5.

8.40 The scheme would provide an enhanced level of human surveillance over the initial length of New Square, at its junction with Windsor Road, and over the main road itself, especially out of normal working hours where there is currently only limited such surveillance. Although the design of the building creates a sheltered area beneath the cantilevered first floor this space is in a particularly exposed public position, without enclosure or indentation on the proposed commercial units’ frontages, which would preclude its ability to provide covert space for anti-social behaviour. Adequate security of courtyard and communal entrance arrangements at the rear of the site can be put in place.

8.41 Infrastructure

8.42 Core Policy 10 requires that development will only be allowed where there is sufficient existing, planned or committed infrastructure: where there is insufficient infrastructure to serve the needs of the new development the developer will be

required to supply all reasonable and necessary on-site and off-site infrastructure improvements. In this instance such improvements will include open space provision (as noted above) and a contribution towards the provision of education. The Developers' Guide Part 2 covers both these matters.

8.43 Only eight of the flats have any courtyard or roof terrace external space for the sole use of the occupier. It is considered reasonable, therefore, that a financial contribution is made to the Council on behalf of at least the remaining thirteen flats towards the enhancement of existing nearby public open space. At £300 per dwelling this totals £3,900, to be secured by Section 106 agreement.

8.44 For developments of 15 or more dwellings, a financial contribution for each dwelling will be required, gauged upon the number of bedrooms. For this scheme the calculation is 12 x £903 (1 bedroom) + 9 x £4828 (2+ bedrooms) which totals £54,288, also to be secured by Section 106 Agreement.

## 9.0 **Planning conclusion**

9.1 The revised scheme is considered to be an appropriate use in principle for this brownfield site, subject to the imposition of and compliance with the recommended conditions and legal obligations. The proposed development would have an acceptable impact on the character and appearance of the locality, and, given its town centre location, on the reasonable amenities of existing neighbouring residential property. Provision of amenity space and facilities for future residents of the proposed development would be adequate, as would be arrangements for waste collection and cycle parking. Matters of noise attenuation and air quality, required to be addressed because of likely nuisance and polluting emissions from traffic on the main route bordering the site, may be dealt with by condition. Although not all new units would achieve a good standard of internal lighting, and the impact of the proposed development on existing dwellings to the rear would reduce the level of daylight reaching these homes, these shortcomings in the scheme are not sufficient to warrant its refusal. The proposed development brings the opportunity to increase passive surveillance of public routes (Windsor Road and New Square junction), and would increase the supply of affordable housing in the Borough. On balance, the proposed scheme, with safeguards, is considered to comprise sustainable development for which there is a simple presumption in favour in the NPPF. While the scheme does not accord fully with a number of policies in the Local Development Plan, the balance of its planning merits, when taking all policies into consideration, allows for the grant of permission. No other material considerations indicate otherwise to outweigh that balance.

## **PART C: RECOMMENDATION**

- 10.0 It is recommended that authority be delegated to the Planning Manager to:
- A) grant planning permission subject to the recommended planning conditions, and to the securing of suitable planning obligations relating to highway matters and to the provision in the Borough of affordable housing and other infrastructure.
  - B) refuse planning permission if a satisfactory S106 Agreement is not completed by 1<sup>st</sup> November 2018.

## **PART D: CONDITIONS AND INFORMATIVES**

Full details of the recommended conditions and informative will be provided by way of amendment sheet at the Planning Committee. The scope of the conditions and informatives will include the following matters

## CONDITIONS

Development to commence within 3 years of decision

Approved plans list

Café use only – removal of permitted development rights to change use.

Submission and approval of hard and soft landscaping details, including levels.

Implementation of landscaping within set period and maintenance.

No increase in ground levels over current levels

Provision and retention of cycle storage

Obscured glazing and limited opening for selected windows

Submission and approval of materials and architectural detailing

Recording of existing locally listed buildings prior to demolition

No demolition prior to the letting of a contract for new construction

Details of Noise attenuation measures for windows on east and north, and between units

Provision and retention of bin storage

Contaminated land precautionary conditions

Submission and approval of surface water and foul drainage details, including any piling proposals

Submission and approval of energy and other sustainability details

Submission and approval of crime prevention measures

Archaeological resource precautionary conditions

## INFORMATIVES

Governance of the planning permission by a Section 106 Agreement, to secure affordable housing, open space, education and highway infrastructure, and to preclude the ability of future occupiers of the development to apply for residents' parking permits

Highways informatives relating to associated legislation

Confirmation that the Local Planning Authority has worked with the applicant to secure an appropriate standard of development.