

Registration Date:	21-May-2019	Application No:	P/17350/003
Officer:	Michael Scott	Ward:	Elliman
Applicant:	Grasmere Homes Ltd	Application Type:	Full Planning
		8 Week Date:	16-July-2019
Agent:	Ms N Broderick, 10 Church Road, Alderton, Tewkesbury, GL20 8NR		
Location:	28, Shaggy Calf Lane, Slough, SL2 5HH		
Proposal:	Demolition of existing house and construction of 4no. new two bedroom houses.		

**Recommendation:** Delegate to the Planning Manager for refusal



## **P/17350/003**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application is of a type which would normally be determined under powers of officer delegation. However, Councillor Dhaliwal has requested that the application be 'called-in' for determination by the committee.
- 1.2 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for REFUSAL as set out under paragraph 15.1 below.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This is a full planning application for:
- Construction of two semi-detached pairs of dwelling houses.
  - A communal surface level car parking area for 6 cars.
  - Retention and re-use of the vehicular access from Shaggy Calf Lane.
  - Provision of a further private car parking space to the rear of the new buildings with access from Grasmere Avenue.

#### **3.0 Application Site**

- 3.1 The site comprises the vacant detached property at 28 Shaggy Calf Lane together with a portion of its rear garden. The application site does not lie in a conservation area. Nor are there any designated heritage assets in the vicinity. The site lies in Flood Zone 1 where no Flood Risk Assessment is required.
- 3.2 The existing property is derelict. It was included in the application reference P/17350/000 as originally submitted in April 2018 when the proposals were for the demolition of the existing house and construction of 4no. new two-bedroom houses together with 6no. new dwellings on the land to the rear fronting Grasmere Avenue. That application was revised and reduced following officers concerns and determined for approval as 4no. new dwellings only to the rear of the existing property, which was to be refurbished and re-used as a single family dwelling house.
- 3.3 To the east are a series of semi-detached properties. These demonstrate a coherent style and rhythm that characterises the street scene of most of Shaggy Calf Lane. Whilst there are individual properties with extensions at the side and/or at roof level, the essential defining characteristic is the proportions of the original buildings, which transcends those subsequent alterations.
- 3.4 Immediately to the west of the junction with Grasmere Avenue, between that junction and the junction with Stoke Road beyond, lies a substantially

extended dwelling, a chalet bungalow, which is quite unique in this area, and a few semi-detached dwellings of a type that are somewhat characteristic of the eastern area, as described above.

- 3.5 On the north side of Shaggy Calf Lane, there are a series of semi-detached houses, which reflect the character of the southern side.

#### 4.0 **Relevant Site History**

- 4.1 Relevant site history relating to this site is as follows:

P/17350/000 Redevelopment by the erection of two pairs of two-storey, semi-detached, three-bedroom dwellinghouses (one pair with rear dormers), involving 4no. new residential units fronting Grasmere Avenue, in conjunction with the refurbishment of the existing dwellinghouse at 28 Shaggy Calf Lane – APPROVED 08/01/19. The approved layout and front elevations are shown below:



Approved Layout



Approved Front Elevations to Grasmere Avenue

P/17350/001 Submission of details pursuant to condition 3 (materials) and 5 (landscaping) of planning permission P/17350/000 dated 08/01/2019- DISCHARGED 09-Apr-2019.

P/17350/002 Non material amendment of planning permission P/17350/000 dated 08/01/2019 to change the doors and windows on the front elevation.- AGREED 17-Apr-2019

## 5.0 **Neighbour Notification**

5.1 Neighbour letters were sent out on 06/06/2019 to the following addresses:

34, Shaggy Calf Lane, Slough, SL2 5HH, 32, Shaggy Calf Lane, Slough, SL2 5HH, 106, Grasmere Avenue, Slough, SL2 5HY, 30, Shaggy Calf Lane, Slough, SL2 5HH, 39, Shaggy Calf Lane, Slough, SL2 5HN, 37, Shaggy Calf Lane, Slough, SL2 5HN, 35, Shaggy Calf Lane, Slough, SL2 5HN, 33, Shaggy Calf Lane, Slough, SL2 5HN, 31, Shaggy Calf Lane, Slough, SL2 5HL, 29, Shaggy Calf Lane, Slough, SL2 5HL, 26, Shaggy Calf Lane, Slough, SL2 5HJ, 155, Grasmere Avenue, Slough, SL2 5HY, 153, Grasmere Avenue, Slough, SL2 5HY.

5.2 The public consultation period expired on 27th June 2019. Individual objection letters have been received from nos. 30 and 32 Shaggy Calf Lane and two petitions have been lodged with 54 and 21 signatories respectively (though many are included in both). In summary, these responses raise the following points of concern:

- Overdevelopment with consequential impact on neighbours' amenities
- Air quality will deteriorate
- All the existing trees have been removed
- Lack of contextual drawings
- Poor design
- Likelihood of sunlight/daylight and overshadowing impacts on neighbours' amenities
- Proposals ignore the character of Shaggy Calf Lane

- Elevations don't relate to neighbouring properties
- Loss of garden space
- Traffic and parking issues including noise and safety matters
- Non-material issues regarding value of existing houses

## 6.0 **Consultations**

### 6.1 **Local Highway Authority:**

Following review of the revised plans and information submitted by the applicant on 23/01/2020, we can now confirm that the applicant has satisfactorily addressed our concerns and therefore we have no further objections from a transport and highways perspective.

### 6.2 **Thames Water:**

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

## **PART B: PLANNING APPRAISAL**

## 7.0 **Policy Background**

### 7.1 **National Planning Policy Framework and National Planning Policy Guidance:**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 7 - Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural, built and historic environment

Core Policy 10 – Infrastructure

Core Policy 11 - Social cohesiveness

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities

#### Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map

#### Slough Local Development Plan and the NPPF

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 revised version of the National Planning Policy Framework (NPPF) was published on 19th June 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, the Local Planning Authority cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

7.2 The planning considerations for this proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Highways and parking

#### 8.0 **Principle of development**

8.1 The National Planning Policy Framework 2019 encourages the effective and efficient use of land. This is reflected within Core Policies 1 and 4 which seek high-density, non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is

expected to be predominantly family housing. The application site lies outside of the Town Centre in a sustainable location and thus there is a presumption in favour of family housing.

- 8.2 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location, as it benefits from access to public transport, education, retail, leisure, employment and community facilities.
- 8.3 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.4 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 8.5 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.6 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.7 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes.
- 8.8 Having regard to the National Planning Policy Framework 2019 and the Local Development Plan, there are no objections to the principle of residential development on this site.
- 8.9 However, whilst the residential development in an area of residential land use is not in principle unacceptable, there is a wider test to ensure that any residential development conforms to the pattern of development locally – that is as set out in Policy H13.
- 8.10 As a scheme to replace and infill the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development.

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

- 9.1 The National Planning Policy Framework encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and H13.

- 9.2 The proposals entail the demolition of the existing property and its replacement by the provision of two pairs of semi-detached dwelling houses.
- 9.3 The siting and proportions of the two pair of buildings shows a marked difference from that of the prevailing street scene in Shaggy Calf Lane. The footprint of the proposed pair of properties would be considerably smaller than the original footprint of each pair of properties on the north and south side of the road – 85m<sup>2</sup> (proposed) and 122m<sup>2</sup> (existing/original) respectively.
- 9.4 Similarly, the degree of separation between the proposed two sets of semi-detached buildings would markedly contrast with the typical degree of separation between the existing pairs of properties on Shaggy Calf Lane. The gap between the proposed pair of properties would be some 2.7m; whereas the gap between each of the existing semi-detached pairs is some 4.5m and up to 5m in places.
- 9.5 The overall form, bulk and scale of the proposed properties would starkly contrast with that of the existing properties in Shaggy Calf Lane. The proposed buildings would have a simple hipped roof with an apex. The existing typology of the area is found in the hipped roofs having a ridge across the longitudinal axis of the building. Whilst, in some instances, properties have been extended at roof level by a hip-to-gable conversion, this further accentuates the longitudinal axis of the roof ridge. The proposed elevational treatment is strongly at odds with the cohesive built environment within Shaggy Calf Lane where the properties exhibit “arts and crafts” style dwellings, with their double storey bow windows sitting on brick plinths, under a gable roof projection with timber boarding detail, separated by tile hanging, small bay windows serving the box bedroom, recessed front entrance doors, centralised chimneys.
- 9.6 Moreover, the dwellings are served by their own dedicated crossovers, vehicular and pedestrian access points to the individual houses and curtilage parking spaces. As such, the proposed properties would be wholly out-of-keeping with the character and appearance of the area and thus quite incongruous in the street scene.
- 9.7 Based on the above, the proposals would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), Core Policies 1, 8 and 9 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2019.
- 10.0 **Impact on amenity of neighbouring occupiers**
- 10.1 The National Planning Policy Framework 2019 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.
- 10.2 Neighbouring the site to the east is a semi-detached dwelling house. As the front and rear building lines at the proposed and the existing properties would



be very similar, and given the orientation of the properties, it is considered that there would be neither overshadowing nor loss of daylight or sunlight.

- 10.3 The proposed properties would not have any flank wall windows; so, there would be no loss of privacy across the boundaries for the existing neighbouring occupiers.
- 10.4 The gardens of the proposed dwelling houses would lie alongside that of no. 30, which provided land from its former rear garden to enlarge the plot at no. 28 to enable a site for the new properties in Grasmere Avenue. Thus the arrangement of gardens would not raise issues of adverse impact on the amenities of existing and potential neighbours.
- 10.5 The other closest residential properties are those directly to the rear – the new properties on Grasmere Avenue. The proposed properties would face directly due south towards the northern most of these new properties. As there is a blank flank wall on that new property and a condition controlling the introduction of new windows, it is considered that there would be no adverse impact on the amenities of the existing or proposed dwellings arising from the proposed layout.
- 10.6 The properties to the west of the application site lie across the junction with Grasmere Avenue. As such, the degree of separation would result in no adverse impact for either set of occupiers.
- 10.7 Likewise, the degree of separation between the properties on the north side of Shaggy Calf Lane and the proposed scheme would result in no adverse impact for either set of occupiers.
- 10.8 There are no concerns to be raised in terms of the impacts on neighbouring properties and the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy, Policies EN1 and EN2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2019.

11.0 **Living conditions for future occupiers of the development**

- 11.1 The National Planning Policy Framework 2019 states that planning should create places with a high standard of amenity for existing and future users.
- 11.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 11.3 Each of the semi-detached dwellings would have its individual external access from the communal front area.
- 11.4 The proposed dwellings would have acceptably sized internal spaces that would comply with the Council's current guidelines and would be served by windows that provide a suitable degree of daylight, aspect, and outlook.
- 11.5 As two-bedroom houses, they would be required to have 50 sq.m. of private amenity space. Whilst three of the new dwelling houses would benefit from

a private rear garden that exceeds this guideline, the fourth on the corner with Grasmere Avenue would have some 43 sq.m. of useable amenity space. This represents a shortfall against the Council's guideline. Whilst it is not considered to be sufficient to represent a substantive reason for refusal, it is indicative of the unacceptability of the level of development proposed and its incompatibility with the spatial character of Shaggy Calf Lane.

- 11.6 Based on the above, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

12.0 **Highways and Parking**

- 12.1 The National Planning Policy Framework states that planning should seek to promote development that is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians and where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework states that '*Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.
- 12.2 The revised block plan shows a communal car parking arrangement, served by the existing crossover from Shaggy Calf Lane and providing 6no. car parking spaces at the front of the pair of semi-detached dwellinghouses, together with a dedicated double (nose-to-tail) hardstanding at the rear serving one of the proposed properties and taking access from Grasmere Avenue. The access cross over would lie alongside the driveway of the adjacent property in Grasmere Avenue, with the requisite visibility accommodated on the other side by the proposed alignment of the garden wall. The Highway Authority has no objection to the form or quantum of parking proposed.
- 12.3 Furthermore, after extensive negotiations and numerous amendments to the layout of this parking, the Highway Authority is now satisfied with the functionality of the latest scheme.
- 12.4 No details have been provided of facilities for cycle parking. However, as each of the proposed dwellinghouses has a private garden, some provision could be made within these spaces and were the overall scheme acceptable; this matter would have been dealt with by condition. As such, it is not considered to be sufficient to represent a substantive reason for refusal.
- 12.5 Based on the above, and subject to the conditions set out below, the proposal is considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

### **13.0 Conclusion relating to Planning Balance**

In the application of the appropriate balance, it is considered that whilst there are benefits from the formation of four new residential units in a sustainable location, it is considered that this does not fully tilt the balance in favour of the proposals; so as to suggest that planning permission should be granted in this case. The benefits of supplying three extra units in a tilted assessment has been shown to be significantly and demonstrably outweighed by the adverse impacts and conflicts with specific policies in the NPPF.

### **14.0 Equalities Considerations**

14.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

14.2 The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by those needing wheelchair access.

14.3 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. Were the proposals to be otherwise acceptable, this would have been secured by condition.

14.4 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

15.0 **PART C: RECOMMENDATION**

15.1 Having considered the relevant policies set out below, and comments from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL, as set out below:

1. The proposed scheme represents a cramped form of development, as it comprises the formation of two pair of semi-detached dwellinghouses, which would be out-of-keeping with the character and not reflect the form of development in this part of Shaggy Calf Lane, as such, it would be an overdevelopment of the site by virtue of the scale, form and the number of dwellings. The development is considered to be contrary to the National Planning Policy Framework (NPPF), Core Policy 8 of Slough Local Development Framework, Adopted Core Strategy 2006 – 2026 (Development Plan Document – December 2008), and Policies EN1 and H13 of the Adopted Local Plan for Slough, 2004.

INFORMATIVE(S):

1. 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 contrary to the National Planning Policy Framework.

2. **PLANS**

The proposal hereby refused was submitted with the following drawings:

- (a) Drawing no. PT/1577/1 Rev. G, dated Nov 2018, Recd on 23/01/20.
- (b) Drawing no. PT/1577/2, dated Nov 2018, Recd on 21/05/19.
- (c) Drawing no. PT/1577/3, dated Nov 2018, Recd on 21/05/19.
- (d) Drawing no. PT/1577/4, dated Nov 2018, Recd on 21/05/19.