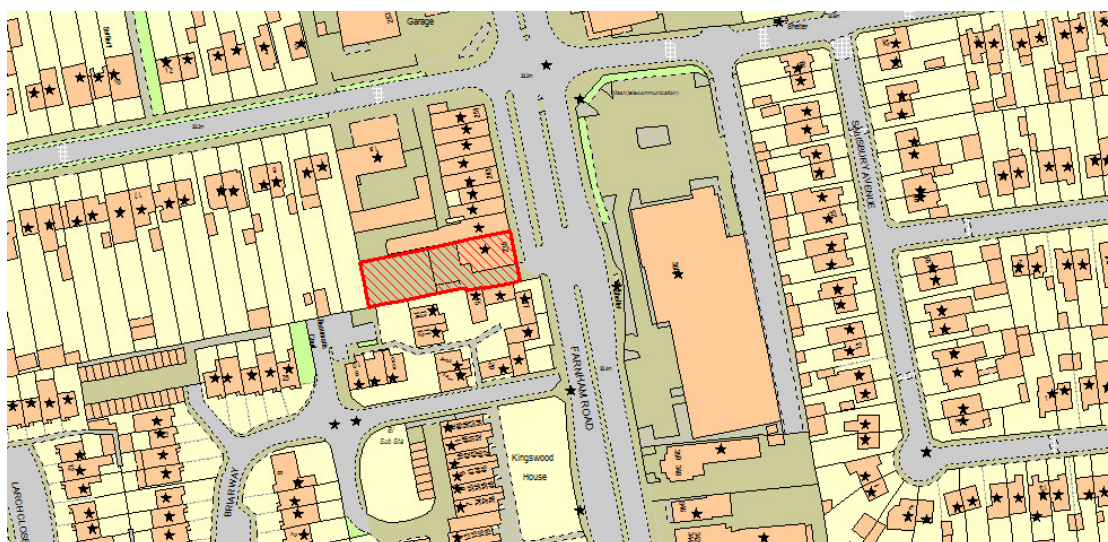


Registration Date:	28-Oct-2019	Application No:	P/00378/026
Officer:	James Guthrie	Ward:	Farnham
Applicant:	AA & Sons Ltd	Application Type:	Major
		13 Week Date:	27 January 2020
Agent:	Mr. Barrie Stanley, Heritage & Architecture , Chartered Arc 74, Stanhope Road, Uxbridge, UB6 9EA		
Location:	235, Farnham Road, Slough, SL2 1DE		
Proposal:	Outline application with all matters reserved, for the erection of a 3 storey plus mansard side extension over basement to existing front building, which, when combined with the conversion of the existing upper floors to the front building, will provide 9 flats in the front building, plus retail extension on upper ground floor, and extended storage in extended basement. Demolition of the existing rear building, (consisting of existing rooftop carpark over existing kitchens and existing commercial buildings), and erection of 3 storey plus mansard, rear extension over semi-basement, to provide 23 flats. Ancillary works including reinstatement of pavement on Farnham Road.		

Recommendation: Refuse



1.0 SUMMARY OF RECOMMENDATION

- 1.1 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 refused.
- 1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is an outline planning application, with all matters reserved for:
- demolition of the existing rear building, (consisting of existing rooftop carpark over existing kitchens and existing commercial buildings)
 - erection of 3 storey plus mansard, rear extension over semi-basement, to provide 23 flats
 - erection of a 3 storey plus mansard side extension over basement to existing front building, including conversion of the existing upper floors to residential use, to provide 9 flats (32 flats in total)
 - retail extension on upper ground floor
 - extended retail storage in extended basement
 - ancillary works including reinstatement of pavement on Farnham Road.

Illustrative plans show :

- retail storage to the front part of the lower ground floor, and retail unit above at upper ground floor (fronting Farnham Road).
- 32 flats - 2 x studio flats, 22 x one bedroom flats, and 8 x two 2 bedroom flats.
- 30 cycle spaces at lower ground floor
- residential units at each floor level
- lower ground floor will have gardens; all but 2 of the flats at upper ground and above will have access to private balconies.

Details relating to appearance, means of access, landscaping, layout and scale have been reserved for subsequent approval.

- 2.2 The application is accompanied by the following documents:
- Illustrative floor plans, elevations and sections.
 - Design and Access Statement.
 - Drainage Strategy Report.

The illustrative plans are submitted to present an option of how the development (as set out in paragraph 2.1) could be accommodated on the site.

- 2.3 The site has been the subject of pre-application advice, issued on 11 February 2016, which related to demolition of the rear building, and construction of a part 3/part 4 storey building to provide 13 flats (12x 1 bedroom/studios and 1x 2 bedroom flats); there were no proposed changes to the front building. The pre-application response offered suggestions to improve the proposal, in particular a reduction in height and proximity to the rear boundary. The proposal the subject of the pre-application advice was significantly different from the current proposal, in terms of quantity and mix of residential units, size and bulk; the current proposal has not been the subject of pre-application discussions.

3.0 **Application Site**

- 3.1 The site is located on the western side of Farnham Road, within a parade of shops adjacent to Furnival Avenue, and opposite Essex Avenue, and is approximately 0.8 hectares.

The area is within the Farnham Road District Shopping Centre, as designated by S1 of the Local Plan for Slough, 2004, as such the predominant characteristic of the area is shops and commercial units, including chemists, convenience stores/newsagents, estate agent, butcher and hot food takeaway; there are flats above the commercial units at ground floor, typical of a High Street/district shopping centre.

The rear of the site is perpendicular to the rear gardens of residential properties on Furnival Avenue, and the southern elevation of the site is adjacent to residential buildings within Beaumaris Court, which are principally two storey dwellinghouses, however there are bungalows towards the east/front of the site.

- 3.2 The site is comprised of two buildings: a 4 storey building to the front, providing a party supplies shop at ground floor with storage at lower ground and first floor, and office space; an external service area leads to the second building, a commercial kitchen/catering company at ground floor with ramped access to a car park above and a plant room resulting in a staggered 3 storey building to the rear.

4.0 **Relevant Site History**

- | | | | |
|-----|-------------|--|-------------|
| 4.1 | P/00378/013 | ALTERATIONS TO EXISTING BUILDING TO PROVIDE KITCHEN & STAFF- ROOM AND TO RENEW THE SHOP FRONT | |
| | | Refused | 18-Dec-2000 |
| | P/00378/014 | ALTERATION TO EXISTING BUILDING AT REAR OF SITE TO PROVIDE CATERING KITCHEN & ANCILLARY STAFF ROOM | |
| | | Approved with Conditions; Informatives | 28-Feb-2001 |
| | P/00378/015 | ALTERATIONS TO THE SHOP FRONT | |

- Approved with Conditions; Informatives 28-Feb-2001
- P/00378/016 ERECTION OF A 1ST & 2ND FLOOR EXTENSION TO EXISTING APPROVED OFFICES, INTERNAL ALTERATIONS TO INSTALL A LIFT TO PROVIDE FOR THE DISABLED (AMENDED PLANS 09/03/01 & 12/03/01)
- Approved with Conditions; Informatives 27-Mar-2001
- P/00378/017 INSTALLATION OF NEW CLADDING & GLAZING TO SOUTH & EAST ELEVATIONS BRICK UP BACK GROUND FLOOR GLAZING TO SOUTH & WEST, REPLACEMENT OF WINDOWS (AMENDED PLANS 12/03/01)
- Approved with Conditions 28-Mar-2001
- P/00378/020 DEMOLITION OF EXISTING AND REBUILD THREE STOREY BUILDING TO REPLACE EXISTING AND AS APPROVED INCORPORATING GROUND FLOOR RETAIL AND UPPER FLOOR OFFICES
- Approved with Conditions 13-Dec-2001
- P/00378/021 ERECTION OF THREE STOREY BUILDING INCORPORATING GROUND FLOOR RETAIL, UPPER FLOOR OFFICES, BASEMENT AND ROOF TOP STORAGE AREAS
- Approved with Conditions 27-May-2002
- P/00378/022 CHANGE OF USE OF PART OF FIRST FLOOR TO PROVIDE CUSTOMER RESTAURANT FACILITY
- Approved with Conditions; Informatives 31-Mar-2004
- P/00378/023 REMOVAL OF CONDITION 3 OF PLANNING PERMISSION P/00378/022 DATED 31/03/2004
- Approved with Conditions; Informatives 27-Apr-2009
- F/00378/024 PRIOR APPROVAL FOR CHANGE OF USE FROM CLASS B1(A) OFFICES TO CLASS C3 RESIDENTIAL (6 FLATS)
- Prior Approval Not Required 24-Jan-2014
- P/00378/025 APPLICATION FOR CHANGE OF USE OF GROUND FLOOR (A1 RETAIL) AND BASEMENT (B8 - STORAGE) TO A3/A5 RESTAURANT AND TAKEAWAY.
- Approved with Conditions; Informatives 17-Nov-2014

5.0 **Neighbour Notification**

- 5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) two site notices

were displayed outside the site on 14 November 2019 and the application was advertised as a major application in the 15 November 2019 edition of The Slough Express. The description of the proposal required a correction and therefore the application was re-advertised in the 22 November 2019 edition of The Slough Express and via site notices erected on 20 November 2019.

Neighbour letters were sent out on 20 November 2019 to the following addresses:

Ats Euromaster Ltd, 1A, Furnival Avenue, Slough, SL2 1DH, 1, Furnival Avenue, Slough, SL2 1DH, Lidl, 360, Farnham Road, Slough, SL2 1BT, 237, Farnham Road, Slough, SL2 1DE, 237A, Farnham Road, Slough, SL2 1DE, 17, Beaumaris Court, Slough, SL2 1EH, 16, Beaumaris Court, Slough, SL2 1EH, 15, Beaumaris Court, Slough, SL2 1EH, 14, Beaumaris Court, Slough, SL2 1EH, 13, Beaumaris Court, Slough, SL2 1EH, 12, Beaumaris Court, Slough, SL2 1EH, 11, Beaumaris Court, Slough, SL2 1EH, 18, Beaumaris Court, Slough, SL2 1EH, 5, Beaumaris Court, Slough, SL2 1EH, 6, Beaumaris Court, Slough, SL2 1EH, 8, Beaumaris Court, Slough, SL2 1EH, 7, Beaumaris Court, Slough, SL2 1EH, 9, Beaumaris Court, Slough, SL2 1EH, 10, Beaumaris Court, Slough, SL2 1EH, 239A, Farnham Road, Slough, SL2 1DE, 239, Farnham Road, Slough, SL2 1DE, 241A, Farnham Road, Slough, SL2 1DE, Chiltern Property Limited, 241, Farnham Road, Slough, SL2 1DE, 19, Beaumaris Court, Slough, SL2 1EH, 20, Beaumaris Court, Slough, SL2 1EH, 2, Beaumaris Court, Slough, SL2 1EH, 1, Beaumaris Court, Slough, SL2 1EH, 3, Beaumaris Court, Slough, SL2 1EH, 4, Beaumaris Court, Slough, SL2 1EH, 243A, Farnham Road, Slough, SL2 1DE, Periganos, 243, Farnham Road, Slough, SL2 1DE

- 5.2 At the time of writing, 1 letter of representation have been received from a residential neighbour regarding disruption to trees, wildlife and people from demolition work, which the resident believes will involve access via gardens in Furnival Avenue. It should be noted that no demolition details have been submitted by the applicant, so it is unclear how any proposed demolition work would be undertaken, however it is unlikely that access via residential gardens would be acceptable in any event.

6.0 **Consultations**

- 6.1 Transport and Highways Development, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

- 6.2 Environmental Protection, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

- 6.3 Contaminated Land Officer, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

6.4 Environmental Quality (Environmental Noise), Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

6.5 Tree Officer, Slough Borough Council

Comments & Recommendations:

There is a fairly substantial Silver Birch Tree located within the Grounds of Beaumaris Court that is likely to be affected by this planning proposal including several other trees located to the rear of 235 Farnham Road.

The roots of the Silver Birch although probably not directly affected by the main construction process could still be damaged by any excavation work carried-out near to the boundary wall. Any such work is likely to cause some widespread root damage especially as this would be within the root protection area (RPA) of this tree; this in turn could be detrimental to its long term health & stability.

There is also a small Prunus growing within the rear tenant maintained garden of 17 Beaumaris Court which although not a particularly good example could also be affected by the construction of the lower ground floor extension however would be at the outer edge of the root zone.

I am therefore slightly concerned that any construction & excavation carried-out to the south and rear of this plot may cause damage to these trees. Based on this I would recommend detail of any excavation work planned to be carried-out within the RPAs of both these and trees located within construction site be provided. I would also recommend that an Arboricultural Report be provided as part of this application if possible.

Tree Protection:

Conditions:

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

1. Location and installation of services/ utilities/ drainage. b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
2. Details of construction within the RPA or that may impact on the retained trees.
3. Detailed levels and cross-sections to show that the raised levels of

surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

4. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing h) a specification for scaffolding and ground protection within tree protection zones.
5. Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area.
6. Methods to improve the rooting environment for retained and proposed trees and landscaping

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to: a) BS: 3998:2010 Tree work – Recommendations b) BS: 5837 (2012) Trees in relation to demolition, design and construction –Recommendations

Retaining Trees:

Condition:

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason:

Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Informative:

The following British Standards should be referred to: a) BS: 3882:2015 Specification for topsoil b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs c) BS: 3998:2010 Tree work Recommendations d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e) BS: 4043:1989 Recommendations for Transplanting root-balled trees f) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity

turf).h) BS: 8545:2014 Trees: from nursery to independence in the landscape
Recommendations i) BS: 8601:2013 Specification for subsoil and requirements
for use

6.6 Hampshire County Council, acting as Lead Local Flood Authority

We have reviewed the following information in relation to the above planning application:

- *(DLP Planning Ltd) Drainage Strategy, Farnham Road, Slough List – Issue 01 (September 2019)*

At present the scheme does not provide sufficient details on the proposed surface water discharge method. Details need to be provided demonstrating the viability of the discharge proposals and discharge method selection. Discharge method selection to be carried out in accordance with the hierarchy as indicated in Building Regulations Part H.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

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

Core Policies: Achieving Sustainable Development

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

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

Core Policy 1 – Spatial Strategy

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 12 – Community Safety

The Adopted Local Plan for Slough 2004

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities
OSC15 – Provision of Facilities in new Residential Developments
S1 – Retail hierarchy

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Technical housing standards – nationally described space standard - 19 May 2016

7.2 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).

7.3 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Impact on vitality and viability of the town centre
- Crime prevention
- Highways/transport and parking
- Air quality
- Sustainable design and construction
- Surface water drainage
- Affordable housing and Infrastructure
- Neighbour representations
- S106 requirements

8.0 **Principle of development**

8.1 The existing site is a retail building with associated office and storage to the front, and a commercial kitchen, ramped car park and plant housing to the rear. The site is located outside of the town centre but within a recognised neighbourhood shopping centre (Farnham Road District Shopping Centre), in close proximity to established residential areas, Furnival Avenue, Briar Way and Beaumaris Court.

- 8.2 Core Policy 1 of the Slough Core Strategy 2008 relates to the spatial strategy for Slough, stating that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre, as confirmed by Policy 4 of the Core Strategy 2008, which also states that there should be no net loss of family accommodation. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.
- 8.3 The site has been subject to a prior approval decision issued on 24 January 2014 reference F/00378/024, (which would allow 6 flats at first and second floor); this decision notice included a condition that the change of use to residential must have begun by 30 May 2016; a subsequent amendment to the Town and Country Planning (General Permitted Development) (England) Order 2015 required that the change of use to residential must begin within 3 years of the prior approval decision (therefore by 24 January 2017). The change of use to create 6 flats was not commenced by 20 May 2016, or the later date of 24 January 2017; as such the prior approval decision has lapsed, and there would be no fall-back position to create 6 flats without a subsequent prior approval decision, or planning permission.
- 8.4 According to submitted floor plans, the existing site provides no residential units, and due to the prior approval for 6 flats having lapsed, the impact of 32 flats must be considered. The site is approximately 0.8 hectares, the proposed scheme provides 32 residential units at a density of 40 dwellings per hectare, which is consistent with Core Policy 4 of the Core Strategy (a minimum density of 37 is recommended). Paragraph 1.34 within the introduction to the Local Plan for Slough March 2004 states that high density mixed use developments could be appropriate in such areas as Farnham Road.
- 8.5 Policy H11 of the Local Plan for Slough March 2004 requires that conversion of commercial properties to residential must ensure minimum room sizes and internal layouts are achieved. On 31 October 2018, the Planning Committee resolved to adopt the Government's "Technical housing standards – nationally described space standard" (which require minimum space standards for bedrooms, and overall internal floor area) when considering planning applications for new dwellings, and to incorporate these standards in the Slough Borough Council Developers Guide part 4. The following minimum internal floor area standards:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

According to the above standards, a 1 bed 1 person single storey dwelling should have an internal area of at least 39m², unless a shower room is provided (rather than a bathroom). A single bedroom should be at least 7.5m² and 2.15m wide; double or twin bedroom should be 11.5m². Dwellings of two or more bedrooms must have at least one double (or twin) bedroom. The illustrative floor plans suggest that the two studio flats would fall below the minimum internal space standards by at least 6m² (assuming shower rooms are provided), and bedrooms are not identified within the floor plans so it is not possible to ascertain whether the bedrooms would meet the minimum standards.

8.6 Core Policy 4 also states that there should be no net loss of family accommodation, defined as “*A fully self-contained dwelling with a minimum gross internal floor area of 79 square metres, that has direct access to a private garden. Comprises a minimum of two bedrooms and may include detached, semi-detached, terraced and town house dwellings but not flats and maisonettes.*” All sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. The proposal does not result in the loss of any family housing as defined by the Core Strategy and the applicant stated within the planning statement that a “policy compliant” level of affordable housing will be provided.

8.6 As stated above, the internal floor area would be substandard in at least 2 of the 32 the flats, and it is likely that the size of some bedrooms could also be substandard and the proposal is contrary to Policy H11 of Local Plan for Slough March 2004, and the nationally described space standards. It is not considered that this scale of development could be accommodated on the site in a satisfactory way. Certain aspects of the illustrative plan demonstrate unsatisfactory development. Whilst the introduction to the Local Plan for Slough March 2004 indicates that high density mixed use could be appropriate on Farnham Road, this must be balanced with other considerations such as living conditions for occupiers and neighbours, or impact upon the character of the area. Having regard to the National Planning Policy Framework and the Local Development Plan, there are objections to the principle of residential flatted development of the scale proposed based upon the indicative overall internal floor area and room layouts.

9.0 **Mix of housing**

9.1 One of the aims of National Planning Policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is largely reflected in local planning policy in Core Strategy Policy 4. The proposal would provide 24 x one bedroom flats (2 x studio flats) and 8 x two bedroom flats.

9.2 The recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

	1 bed	2 bed	3 bed	4 bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

9.3 The proposed scheme would provide 75% one bedroom units and 25% two bedroom units. No details have been provided regarding the size or type of the affordable units proposed.

9.4 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. However, in this instance the high percentage of one bedroom units is not acceptable.

9.5 The proposed mix of residential accommodation to be provided in this location would not help achieve a sustainable, inclusive and mixed community.

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

10.1 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 Policy EN1.

10.2 Although this is an outline planning application with matters of appearance, layout and scale reserved for subsequent approval, a number of detailed illustrative plans, including elevations, have been submitted which show how the scheme could be built. In particular it indicates the mass and height of building needed to accommodate the number of homes proposed.

10.3 The site is in a prominent location on Farnham Road, and is highly visible from the street/public realm. The proposal would include a side extension to the front building, and would not result in an increased height from the front elevation; as such there is not considered to be a significant visual impact from this element of the proposal, however the side extension would project to the side boundary, closing the visual gap between the site and nos.15-17 Beaumaris Court which would have a dominating impact upon the street scene, and result in a continuous built form starting at the corner of Furnival Avenue to the north and no.19 Beaumaris Court to the south. The existing rear building (up to 3 storeys, although staggered from the rear boundary) would be demolished and replaced with a rear extension to the front building up to 4 storeys high. The rear of the site is visible from the public highway of Briar Way and Beaumaris Court, in addition to residential properties within the vicinity and their gardens.

10.4 The residential character of the area, in particular Beaumaris Court, is a mix of single storey and two storey dwellings. Based on the illustrative plans, the proposed building would be 11.6m at its highest point, 8m from the rear boundary, and the second floor/third storey would be 8.8m high, 2.7m from the rear boundary; currently the second floor/third storey is 7m high, 17m from the rear boundary. The proposed development to the rear of the site would result in

a bulky addition, most discernible from the side elevation, and the residential properties facing the site within Beaumaris Court (some of which are single storey dwellings).

- 10.5 The proposed height of development is not typical in the surrounding area, and would appear overly dominant within the context of single and two storey residential properties.
- 10.6 Given the prominent location of the building and the predominantly single/two storey scale of the surrounding buildings and residential dwellings the scale and massing of the building would be inappropriate for accommodating the level of development proposed and would not be characteristic of the local area.
- 10.7 It is unlikely that there would be any other configuration of building that would result in any different impact to that shown on the illustrative plans and achieve a similar number of residential units.
- 10.8 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the surrounding built environment in terms of its height, scale and massing and therefore would not comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the NPPF 2019.
- 11.0 **Impact on amenity of neighbouring occupiers**
- 11.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high standard 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 Policy EN1.
- 11.2 There are several properties with habitable room windows, either directly facing the side boundary of the site, nos. 5-10 Beaumaris Court, and or within a 45 degree horizontal line of sight, nos.13-14 Beaumaris Court; the proposed height of the building would have a significant detrimental impact upon the outlook enjoyed by these windows, with an increased sense of enclosure and due to the relative position, some reduction in morning light. The proposed rear extension at the site would have a blank flank wall abutting the side boundary with flats above no.237 Farnham Road, and in close proximity to west facing windows of these flats; there is considered to be an unacceptable impact upon outlook and light enjoyed by these windows, impacting upon the residential amenities of neighbouring occupiers.
- 11.3 The proposed rear extension will be perpendicular to the rear garden of no.1 Furnival Avenue, abutting the side boundary at lower and upper ground floor, increasing the separation distance to 1.4m at first floor, 2.8m at second floor, and 8.2m at mansard roof level. Whilst the rear extension will be at the far end of the garden of the neighbouring property, there will be an increased sense

of enclosure experienced within this part of the garden, particularly given the proximity at lower and upper ground level, and first floor. The proposed side extension, which provides access to the cycle parking, and flats at first floor and above, would abut the side wall of no.15 Beaumaris Court and the rear wall of no.16 Beaumaris Court; no details of sound insulation have been provided, and therefore it cannot be ascertained the likelihood of noise transference giving rise to nuisance for the residential neighbours.

11.4 To proposed flats on the south-western corner of the site would have windows and balconies within 14m of habitable room windows to nos.13-14 Beaumaris Court, and flats within the mid section of the southern elevation would have windows and balconies within 16m of habitable room windows to nos.15 Beaumaris Court; the proximity of these windows and balconies would result in overlooking and loss of privacy, with a detrimental impact upon the residential amenities of these neighbours.

11.5 For the reasons described above there are objections to the scheme on the basis of harmful impact on the residential amenity of residents of Beaumaris Court and no.1 Furnival Avenue. The proposal is therefore considered to be contrary to Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan and the NPPF.

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

12.1 The NPPF states that planning should always seek to secure a quality design and a high standard of amenity for all existing and future users.

12.2 Paragraph 7.68 of the Core Strategy states that where high density residential development is allowed in accordance with the overall strategy this is still dependent upon “achieving a high standard of design which creates attractive living conditions.” Core Policy 8 states that all development will “be of a high quality design that is practical, attractive, safe, accessible and adaptable.”

12.3 As discussed above, the illustrative floor plans indicate that the two studio flats would be inadequate in terms of internal spaces, and in the absence of detailed room layouts, it is likely that the minimum bedroom sizes may not be achieved; this could be resolved as a “reserved matter”, however it is likely that the internal layouts, and possibly the number of units (or number of bedrooms) would alter. As discussed above, the proportion of one bedroom flats within the development would not be acceptable, and with an increase in bedrooms there is a related increased requirement for floor space.

12.4 The illustrative floor plans show the lower ground flats would have access to garden space, with a depth of 4m, however due to the ground level these doors and gardens would be dominated and overshadowed by a boundary wall, which appears to be 2.2m high; this would restrict light and impact upon outlook enjoyed from these doors (assumed to serve a habitable room), caused in part

by the boundary wall, but also the established built form in the vicinity. The high wall in close proximity to the garden and doors would result in an unacceptable sense of enclosure; the garden would not be practical or useful, and would fail to provide a benefit for the occupiers.

12.5 Private external amenity space to flats above lower ground would be obtained through balconies which are considered to be acceptable as a means for providing some amenity space for future residents. The use of these balconies would, however, lead to harmful impacts upon the living conditions of adjoining occupiers at nos.13-15 Beaumaris Court, as a result of overlooking.

12.6 Based on the above, it is not considered that it has been demonstrated that the proposed scale, mass and density of development can be designed in such a way as to provide acceptable living conditions for future occupiers and so is contrary to the requirements of the NPPF, Core policy 8 of Council's Core Strategy 2008, and Policy H14 of the Adopted Local Plan 2004.

13.0 **Impact on vitality and viability of the town centre**

13.1 The National Planning Policy Framework and the local development plan's Core Strategy (2008) and Local Plan (2004) require new retail units to be located within the defined town centre and/or defined shopping areas.

13.2 Policy S1 of the Local Plan aims to ensure that development proposals do not harm identified shopping areas. The proposed site is located within the Farnham Road District Shopping Centre, and the retail use at ground floor (fronting Farnham Road) would be retained, and there are no concerns regarding the loss of retail use. The loss of the commercial kitchen/catering company to the rear, which provides employment, would be offset by the provision of additional residential units, in the event that the proposed development was acceptable in all other regards and would be subject to noise and other relevant controls.

13.3 The floor plans indicate that side extension to the retail use generally replaces floor space lost to provide access to the flats, providing approximately 25m² additional commercial space, and preserving an active retail use within the existing parade of shops.

13.4 It is not considered that the proposal provides any significant regeneration benefits but overall the impact to the function of the Farnham Road District Shopping Centre would not be harmful and would comply with policy S1 of the Local Plan 2004.

14.0 **Highways and Parking**

14.1 The National Planning Policy Framework states that planning should seek to development 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. Where appropriate local parking

standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 of the Core Strategy (2008))and Local Plan (2004) Policies T2 and T8. Paragraph 32 of the National Planning Policy Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

14.2 The application site is located within an established district shopping centre. Proposals within these designated areas are not required to provide parking for residential developments. The location is considered to have reasonable access to local bus services providing a service to Slough Town Centre, and related bus and train stations. The area has a reasonable range of key community facilities within walking or cycling distance, including supermarkets, banks, and restaurants.

14.3 No car parking spaces are proposed, and the plans indicate that an area will be available for cycle storage. There is currently no parking available for the customers of the retail unit, and there is limited on-street parking available for the site and neighbouring shops within a service road separating the site from the main highway of Farnham Road. The Highways Team have not provided a response to the current proposal at this time, however comments will be provided on the amendments sheet.

15.0 Sustainable Design and Construction

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

15.2 If the proposed scheme had been acceptable then details relating to sustainable design and construction would have been secured by condition.

16.0 Air Quality

16.1 The application site is not situated within an existing Air Quality Management Area (AQMA). Therefore as the site falls outside an AQMA, it is unlikely there will be an unacceptable exposure to air pollution for future occupiers of the development. . In the interest of not worsening air quality problems in other parts of the town it will be important, if the proposal is approved, to minimise emissions from travel demand through encouraging non car modes of travel and promoting use of electric vehicles.

17.0 **Affordable Housing and Infrastructure**

- 17.1 The proposal includes the creation of 32 flats, and as established above, the prior approval notification regarding 6 flats has not been implemented, therefore any liability to provide affordable housing or financial contributions will be assessed on the basis of 32 dwellings. Core Policy 4 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. This is clarified further within the 'Developer Contributions and Affordable Housing (Section 106) Developer's Guide Part 2' updated in September 2017. Table 1 of this guide states that for sites of between 25-69 dwellings 30% affordable housing should be provided comprising 25% rent and 5% intermediate housing. The applicant states that the affordable housing will be provided at the mix required by the Developer's Guide. The NPPF states that for major applications 10% of the proposed units should be allocated for 'affordable home ownership'.
- 17.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 17.3 Due to the number of residential units proposed, this application would attract on-site affordable housing provision, between 30% and 40% in accordance with Core Policy 4.
- 17.4 For developments of over 15 dwellings a financial contribution is required towards education. A one bedroom flat requires a contribution of £903 and a two bedroom flat would require a contribution of £4,828. The proposed development of 24 x one bedroom flats and 8 x two bedroom flats would require a total contribution of £60,296.
- 17.5 All residential developments of 70 units or more require the provision of a recreation facilities and a financial contribution to maintain these facilities; in cases where there are fewer than 70 units (although providing predominantly family housing), a contribution of £750 per dwelling may apply. The proposed units would not be considered to be family housing within the definition of Core Policy 4, as such a financial contribution towards recreation facilities would not apply.
- 17.6 The proposal would attract financial contributions for education, and require a level of on-site affordable housing, which would be secured by a section 106 agreement in the event that planning permission was granted.

18.0 **Surface water drainage**

- 18.1 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 flood which concluded that

sustainable drainage systems (SuDS) were an effective way to reduce the risk of 'flash flooding'. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface. Both Core Strategy Policy 8 and paragraph 103 of the NPPF requires developments to not increase flood risk

18.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

18.3 The site is located within flood zone 1 and therefore flood risk is minimal. In relation to surface water run off, inadequate details have been provided to enable the Lead Local Flood Authority to assess the risk. In the absence of this, it has not been demonstrated that there would not be an increase in flood risk. As such the proposal is contrary to national and local planning policies.

19.0 **Housing supply**

19.1 Planning Policy

Five year supply of housing

In its overarching Core Principles the National Planning Policy Framework states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units infrastructure and thriving local places that the country needs and requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers.

The NPPF further states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Proposals should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

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.

- 19.2 The proposal involves the addition of 32 residential units, as the 6 flats which could be created pursuant to the prior approval decision issued on 24 January 2014; has not been implemented, and the time in which the use should commence has lapsed. The impact of 32 flats must be considered with regards to (amongst others) impact upon neighbouring occupiers, character of the area, and amenity for occupiers, however the net gain of flats is 32. The Local Planning Authority cannot demonstrate a Five Year Land Supply, which engages a tilted balance in favour of the development, unless the benefit of doing so is outweighed by adverse impacts. As discussed in greater detail above, the proposal would be unacceptable, and the benefit of the 26 additional residential units (beyond what could be achieved under the prior approval proposal) is not substantial to outweigh these reasons for refusal.

20.0 **Equalities Considerations**

- 20.1 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).

- 20.2 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.

- 20.3 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.

- 20.4 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.

21.0 **Planning Conclusion**

- 21.1 Applications for outline planning permission allow an applicant, at an early stage, and before any substantial expenses are incurred, to establish whether the Local Planning Authority consider the nature of a proposed development to be acceptable. In the event that the outline planning application is acceptable in general terms, subject to the submission of satisfactory details of outstanding matters (referred to as “reserved matters”). Reserved matters can include external appearance of buildings (including materials), means of access, landscaping, layout and scale (height, depth or width of the development). Outline planning applications are not usually appropriate for complex proposals, particularly those which involve several issues which cannot be resolved without detailed information.

- 21.2 The site is within a built up area, with a mix of commercial and residential properties, and the proposal involves significant alterations (including depth and width of the existing building) in order to achieve the 32 residential units to be created at the site. The scale of development required within the current proposal goes beyond what can be considered within an outline planning application, and in the absence of details which would be essential to any determination of merits (or otherwise) of the development, the application cannot be fully appraised. It should be noted that the current proposal has not been the subject of pre-application advice, and the previous advice provided on 11 February 2016 related to a significantly different proposal (in terms of physical alterations and quantity of residential units). In the event that the applicant had engaged with the Local Planning Authority to obtain pre-application advice for the current proposal, there would have been substantial amendments recommended, and the applicant advised to submit a full planning application, in order that the entire scope of the proposal could be assessed.

- 21.3 Based on the information submitted with the outline application it has not been demonstrated that development of this size could be accommodated on the site without a harmful impact upon: the character and appearance of the area; neighbouring living conditions; and future living conditions of the occupiers of the development (in terms of outlook, internal space and usable/attractive amenity space). In addition, in the absence of a S106 Agreement to secure affordable housing and infrastructure contributions, and given that inadequate information has been submitted in respect of flood risk from surface water runoff, these are holding reasons for refusal on technical grounds.

- 21.4 Whilst the proposal will provide much needed new homes, this benefit does not outweigh the harm identified. In the application of the appropriate balance, it is

considered that whilst there are benefits from the formation of 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 32 residential units within the scale of building required to adequately accommodate this 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 and Local Development Plan.

22.0 **PART C: RECOMMENDATION**

22.1 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 refused for the following reasons:

1. The proposal is considered to be overdevelopment of the site. This predominantly residential-led development would require an enlargement of the existing building resulting in a bulky, overbearing form of development, and not in keeping with character of the local area. It has not been satisfactorily demonstrated that the development proposed would not have a harmful impact on the character and appearance of the area due to its height, mass and prominent location. The proposed development would not comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policies 1, 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2019.
2. It is considered that there would be a harmful impact on living conditions of neighbouring occupiers, due to overlooking, increased sense of enclosure and poor visual outlook as a result of the scale of the proposals and this is demonstrated by the illustrative plans. The proposed development would result in an unacceptable loss of amenity to neighbouring residents including those within Beaumaris Court and no.1 Furnival Avenue due to the potential for overlooking and an overbearing development resulting from the scale and mass of the building. The proposal would result in overlooking between the proposed residential units and would result in a loss of amenity to future occupiers. It has not been satisfactorily demonstrated that the development would not have a harmful impact on future living conditions of occupiers of the flats, in terms of overdevelopment and cramped living conditions caused by adequate internal space. The proposed development would not comply with Policies EN1 and H14 of the Local Plan for Slough March 2004, Core Policies 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2019.

3. It has not been demonstrated to the satisfaction the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2019.
4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development could provide the appropriate level and type of affordable housing and financial contributions towards infrastructure. The development is contrary to Policies 4 and 10 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document Core Strategy, the Council's Developer's Guide and the requirements of the National Planning Policy Framework 2019.