

PLANNING APPLICATION REPORT

App No	P/01272/011	Applicant	Mr. B Singh Sohi
		Agent	Ms. Nicola Broderick, NMB Planning Ltd
Received	12th October 2018		124 Horton Road, Datchet, Slough, Berkshire, SL3 9HE
Officer	Alistair de Joux		
Level	Delegated from Committee	App Type	Full Planning
Ward	Langley St. Marys		
Proposal	Demolition of existing structures and redevelopment of the site for a part three, part four and part six storey building to accommodate 51 residential units, with associated parking and amenity provision.		
Location	The Willow Tree, 62, Station Road, Langley, Slough, SL3 8BT		
Recommendation:	<b>Refusal</b>	O.D. Dec Date:	
		Authorised by:	
Eight Week Date:	<b>11-Jan-2019</b>		
13 Week Date for Major Apps (Stats)	<b>11 January 2019</b>		
21 Day Consultation Date	<b>1 February 2019</b>		
Reason for Delay:	<b>Held in abeyance at the request of the applicant, pending recommendation on application ref. P/01272/012 at this address.</b>		
Enforcement:	<b>n/a</b>		



## 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended that the application be REFUSED, for the following reasons:

1. The proposal's scale, layout and appearance would have a very strongly urbanising effect within an area which at present is largely suburban in character, and while there is no objection to the redevelopment of this site for residential purposes a building of the scale proposed bears no relationship to the scale and character of the site and its surroundings, and would represent an over-development of the site. These negative aspects of the proposal significantly and demonstrably outweigh the benefits of the provision of the additional residential accommodation. As such contrary to the National Planning Policy Framework 2019 paragraph 9 and Chapter 12 and 16, Core Policies 8 and 9 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, and Policy EN1 of the Adopted Local Plan for Slough 2004.
2. The scale of the proposed building and its layout both internally and with regards to the position and number of balconies would have a severely detrimental impact on the privacy and amenities of the occupiers of neighbouring properties, which outweighs the benefits of the provision of the additional residential accommodation. As such, the application is contrary to National Planning Policy Framework 2019 paragraph 9 and Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, and Policy EN1 of the Adopted Local Plan for Slough 2004.
3. The proposal would result in increased risk of local surface water flooding, contrary to guidance given Section 14 of the National Planning Policy Framework 2019 and Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document.
4. Several of the proposed studio flats are marginally under the standard minimum area for flats of this size. Any acceptable redevelopment proposal should be designed to avoid any reduction of floor area below the minima set out in Slough Borough Council's Developers Guide Part 4 – supplement "Space standards for residential development" and in '*Technical housing standards – nationally described space standard*'. As such, the application is contrary to NPPF 2019 paragraph 9 and Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, and Policy EN1 of the Adopted Local Plan for Slough 2004.
5. The development fails to provide car parking in accordance with adopted Slough Borough Council standards or with a reduced standard that is appropriate to the size and location of the

development, and is likely to result in off-site overspill parking taking place on those local residential streets which are not covered by the existing Controlled Parking Zone and those that are outside the controlled days/times. In addition it has not been demonstrated that the proposed cycle parking / storage would comply with the Council's minimum standards. As such the proposal is contrary to National Planning Policy Framework 2019 paragraphs 106 - 109, Core Policy 7 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policy T8 of the Adopted Local Plan for Slough 2004, and advice in Slough Borough Council's Developers Guide Part 3 "Transport and Highway Guidance".

6. The proposal does not make provision for affordable housing to be secured through the mechanism of a section 106 agreement, contrary to guidance given in the National Planning Policy Framework 2019 Chapter 5, Core Policies 1, 4 and 10 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document and Slough Borough Council Developers Guide Part 2 "Developer Contributions and Affordable Housing (Section 106)" updated September 2017.
7. The proposal would result in a number of impacts upon infrastructure which it fails to mitigate through the mechanism of a section 106 agreement towards sustainable transport infrastructure, mitigation of air quality impacts and education provision made necessary by the development. As such, the application is contrary to guidance given in the National Planning Policy Framework (paragraphs 34, 102, 122 and 148 - 151), Core Policies 1, 4 and 10 of the Slough Local Development Framework, Core Strategy (2006 - 2026) Development Plan Document and Slough Borough Council Developers Guide Part 2 "Developer Contributions and Affordable Housing (Section 106)" updated September 2017.

1.2 The proposal comprises a major planning application, therefore the development is required to be determined by Slough Borough Council Planning Committee.

## **PART A: BACKGROUND**

### **2.0 Proposal**

2.1 This report relates to the submission of a full planning application for the demolition of existing structures and redevelopment of the site for a part three, part four and part six storey building to accommodate 51 residential units, with associated parking and amenity provision.

2.2 The proposed building would result in almost total site coverage in a contemporary designed building with a stepped type layout with differing recessed and protruding facades which are intended to minimise concentrated massing. All units would be provided with balconies and a few ground floor units would also have small gardens along the road frontage. A landscaped communal outdoor terrace for the use of all units would be provided at first floor level, which would be screened with an

acoustic wall along the western boundary. This is intended to alleviate noise pollution to surrounding neighbours.

- 2.3 The main access and servicing would be from the Alderbury Road frontage, including the main resident's entrance/lobby and vehicle access. The vehicle access would be adjacent to the boundary and house at 119 Alderbury Road.

### **3.0 Application Site**

- 3.1 The site is a 0.17 hectare site, located at the corner of Station Road and Alderbury Road. Langley Railway Station is located approximately 60m to the north east of the site, while Langley Business Centre is located on the opposite side of Station Road. The closest main buildings there vary from two to five stories in height. On the southern frontage of the site, Alderbury Road is a residential road that is characterised by two storey semi-detached houses with a suburban character and has double yellow lines for the application site frontage and slightly beyond to no.115 on the northern side of the road; it is also within a controlled parking zone, limited to residents between 0800- 1900 hours Monday to Saturday or waiting limited to 1 hour..
- 3.2 The site abuts the GWR London-Slough rail line on its northern side, and part of the eastern side of the site is located within a scheduled Road Widening Line. The site is not within a Conservation Area and is in Flood Zone 1 where there is a low risk of flooding from rivers and the sea and national policy advises the overall aim should be to steer new development to Flood Zone 1.
- 3.3 The site is occupied by the former public house building which is for the most part two storeys high, with a steeply pitched roof over the majority of the structure. The public house was historically known as The Willow Tree and prior to that as the North Star. More recently, it has been known as the 'Millionaires' restaurant. A car wash has also operated recently within the curtilage of the site. The building's principal elevation fronts Station Road, from which it is accessed. It is set back within the site and is in an elevated position and this frontage is dominated by hard surfacing utilised for car parking/turning and servicing. The land rises steeply up to the railway line, whilst simultaneously the highway drops to allow vehicles to pass under the railway bridge. There is a steep grassed embankment separating the highway from the application site. Along the Alderbury Road frontage, the site is enclosed by a 1.8m high wall, with a small section of fence.
- 3.4 As well as being within close proximity of Langley Railway Station, it benefits from being served by local bus services, with a Council bike station located adjacent and it is also within walking distance of the Harrow Market local shopping centre, at a distance of approximately 270m. The site falls outside Slough Town Centre boundary, which is about 2.8 kilometres distant. (All of the above distances are straight line measurements).

### **4.0 Relevant Site History**

- 4.1 The relevant planning history for the site is set out below (this excludes

applications for advertisement consent and withdrawn applications).

**P/01272/010** Change of use of part of car park to Car Washing / Valeting Service (Sui Generis) (Retrospective). Approved with conditions and informatives, 8 December, 2014.

**P/01272/012** Demolition of existing structures and redevelopment of the site for a part single through to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision. This application is also on the agenda for this evening's Committee meeting.

## 5.0 **Neighbour Notification**

5.1 Neighbour consultation letters were sent out on 22<sup>nd</sup> October 2018. A full list of neighbours consulted is included at Appendix A. A site notice was also posted, dated 12/11/2018.

The following responses have been received:

- Character impacts:
  - Overdevelopment of the site, height / scale and appearance is out of keeping with the surrounding area; harm to / impact on character of village.
  - Any redevelopment of the site should not be greater than three storeys in height.
  - Against planning rules for village character.
  - Density is too high. Any redevelopment should be for houses with parking, in keeping with character of the area.
  - Insufficient landscaping; use of trees for screening will have only a limited mitigation impact on privacy of neighbours, and concerns regarding impacts of roof gardens structurally and maintenance.
  - Questions regarding landscaping on the street frontage.
- Amenity impacts on neighbouring properties:
  - Loss of sunlight.
  - Noise from roof-top terrace.
  - The acoustic report is hard to understand with regards to other noise impacts.
  - Glare from windows.
  - Loss of privacy particularly from the balconies and roof terrace.
  - Overbearing impact.
  - 3m acoustic boundary fence in previous proposal is not included in the proposal but should be.
- Traffic and car-parking:
  - Not enough parking provision. Each flat should have one allocated parking space.
  - Increased traffic congestion, including impact from Mansion Lane closure. This already makes local access (e.g. to Health Centre) very difficult.
  - Additional parking demand that will be generated on Alderbury Road.
  - New vehicle entrance would be too close to junction.
  - Future residents should not be granted car parking permits.
  - Lack of emergency access.
  - Clash with road-widening proposals.

- Incorrect statement that Alderbury Road is covered by a CPZ.
- Construction impacts:
  - Construction traffic impacts.
  - Proximity to high voltage railway lines.
  - Wish to avoid offloading on street frontage(s), if planning permission is granted.
- Amenities of future residents at the site:
  - Unit sizes are too small.
  - Noise from railway development.
  - Lack of lifts in the building; there will be one lift only so concerns over malfunction.
  - Concerns re fire safety of future occupiers.
  - Cheap quality of internal materials.
  - Lack of amenity / recreation space.
- Local issues impacted on by the development:
  - Poor air quality.
  - Increased pressure on local schools, doctors and other infrastructure.
  - No affordable housing or education contribution.
  - Loss of employment.
  - Question need for more flats.
- Sustainability impacts:
  - No re-use of materials, no energy efficiency measures / no rooftop PV panels, and impact on environment.
  - Potential contamination.
  - Potential flooding.
- Other concerns:
  - Reduction in property values. The site has already been allowed to run down.
  - Housing is needed for young people in the area.
  - Loss of public houses is an issue; use as a pub or community centre would be a better use.
  - This is one of the oldest buildings in Langley.

## 5.2

An ePetition was submitted in objection to the application, which ran from 31<sup>st</sup> October 2018 to 28<sup>th</sup> November 2018. The ePetition was signed by 476 people, and raised the following issues:

- Greater road congestion and more localised air pollution; already traffic in Langley is unbearable at peak times.
- Lack of parking for residents within the development (20 (incl. 2 disabled) spaces across 51 units) - where will all of the other cars park?
- The effect on the character and appearance of the surrounding area and the living conditions of nearby residents with particular reference to the overbearing presence, visual intrusion and loss of privacy.
- By virtue of its depth, height and associated bulk it would not be in keeping with the current 2 storey houses on Alderbury Road, it would also create an unacceptable degree of overlooking of neighbouring and adjacent properties; the proposal would therefore be detrimental to the amenities enjoyed by the occupiers of the neighbouring properties and beyond.

## 6.0 Consultations

### 6.1 SBC Senior Scientific Officer, Environmental Quality (EQ) Team

The information compiled during the Preliminary Investigation and the Preliminary Conceptual Site Model, identified the potential for a very low to moderate risk of contamination to be present on site. Thus, further intrusive investigation is considered to be necessary to quantify the risks to the proposed human health receptors.

It is also recommended that a discovery strategy must be prepared and kept on-site at all times, and must demonstrate a clear allocation of responsibility for reporting and dealing with contamination.

Conditions are recommended for any planning permission that is granted.

### 6.2 SBC Technical Officer - Air Quality

In line with the Slough Low Emission Strategy, the scheme is considered to have a MEDIUM impact on air quality. The scheme requires an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> and the integration of Type 1 and 2 Mitigation measures, contained in the LES Planning Guidance.

Station Road has one diffusion tube NO<sub>2</sub> monitoring location, and another on Langley Road close by. Annual NO<sub>2</sub> concentrations at these sites are approaching the Air Quality Objective (AQO) of 40ug/3, so it is suggested that an exposure assessment is conducted for NO<sub>2</sub> on future residents.

The development supports cycling infrastructure, by providing cycle parking at a ratio of 1 cycle per flat. Restricted car parking and local transport infrastructure in close proximity to the development aids to fulfil Slough Borough Council's modal shift objective.

#### Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there are allocated spaces for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report
- The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure
- The curtilage of the development site is circa 10 metres from Station Road and therefore it is strongly recommended that appropriate green infrastructure is incorporated, to provide a barrier to potential air quality pollution arising from road traffic. The developer should provide evidence of suitable green infrastructure prior to implementation.

### 6.3 SBC Technical Officer - Environmental Noise

A noise survey was conducted by KP acoustics from 4th September – 10th September. 71dB was measured on the northern elevation, and 66 dB was measured on the southern elevation. As train frequency is due to increase with the upcoming Elizabeth Line, a worst case scenario of double the train frequency was used, increasing both values by 3 dB.

BS8233:2014 sets limit values for external spaces, at 50-55 dB. BS8233:2014 also sets limit values for internal noise levels at 35 dB(A) for living rooms and bedrooms, and 30 dB(A) for bedrooms during the night (23:00-07:00). L<sub>Amax</sub> internal noise values of 42 dB(A) in bedrooms (WHO) have also been considered.

For the development to maintain noise at an acceptable level, the following mitigation measures stated in the acoustic report need to be fulfilled.

#### Mitigation Requirements

- 'Winter gardens' are proposed for balconies which are located at Station Road elevation and Rear elevations facing railway lines, which separates the balcony from external noise.
- 4m high acoustic screen used at podium communal area at north and west elevations to protect future residents from noise and neighbouring residents from communal area noise.
- 3m screen between car park and Alderbury Road, to protect neighbouring residents from car park noise.
- Window glazing suitable to protect residents from a worst case scenario noise increase from doubling of traffic (+3dB), such as structural silicone glazing 10/12/10mm for east and west elevations, 6/12/10mm for north elevation and 4/12/8mm for south elevation.

The above mitigation measures stated in the report will attenuate the noise generated by the development and will protect future residents from external traffic and rail noise. However, noise generated during the construction phase needs to be considered.

Prior to the plant, machinery and equipment hereby approved first being brought into use, a suitably qualified person should conduct a BS4142:2014 Noise Assessment. This shall determine the expected noise emissions and ensure the cumulative plant limit level can be achieved, which shall be submitted to the Local Planning Authority for approval in writing. The noise rating level emanating from the proposed plant and equipment shall not exceed 0dB above the existing prevailing background levels that exist in the absence of the development and predicted 1m from the nearest residential boundary.

Once approved, the plant and equipment shall be operated in accordance with the approved Noise Assessment.

The following mitigation measures are recommended:

- Construction hours and time of deliveries should be specified, to ensure neighbouring residents are not impacted by unacceptable construction noise.
- Where possible all doors and windows should remain closed whilst work is conducted within the building.
- While stationary, all HGVs and other vehicles should be switched off and no engines or equipment left idling.

Details of the above mitigation measures need to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This is to ensure neighbouring residents are not subjected to unacceptable noise levels during the construction phase of the development.

Once approved, the mitigation measures outlined to reduce exterior and interior noise impacts shall be installed on site prior to first occupation of the development and shall be maintained in a usable condition at all times thereafter. This is to protect the residential amenities of the area, prevent nuisance arising from noise and to accord with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2016, Development Plan Document, December 2008.

#### 6.4 SBC Education

The Education Department will require a contribution for all school categories, early years, primary, secondary, post-16 and SEND. The east of Slough has a particular pressure on places in all sectors.

#### 6.5 Lead Local Flood Risk Authority - Hampshire County Council

Hampshire County Council has provided comments in relation to the above application as a consultant to Slough Borough Council for surface water drainage.

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

- Sustainable Drainage Report (24 August 2018)
- Existing Site Plan (drwg no:AR-P01)
- Proposed Site Plan (drwg no:AR-P01)

There are no plans and supporting evidences showing that this site can be drained without increasing the flood risk in and around this site. We require further information/clarification on the proposals in order to provide a response:

- Background information on the proposed design. Including proposal; site; plans of surface water drainage and any SuDS featured in the scheme
- Evidence that the applicant understands the sensitivity of discharge points relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)
- Evidence of and information on the existing surface water flow paths of undeveloped (greenfield) sites

- Evidence of and information on the existing drainage network for previously developed (brownfield) sites
- Identification of and information on areas that may have been affected by failures in the existing drainage regime
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
- Where infiltration is used for drainage, evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- If not using infiltration for drainage - Existing and proposed run-off rate calculations completed according to a suitable method such as IH124 or FEH. Information is available from UK Sustainable Drainage: Guidance and Tools. Calculations must show that the proposed run off rates do not exceed the existing run-off rates. This must be shown for a one in one year event plus climate change and a one in one hundred year event plus climate change.
- If not using infiltration for drainage - Existing and proposed run-off volume calculations completed according to a suitable method such as IH124 or FEH. Calculations must show that, where reasonably practical, runoff volume should not exceed the greenfield runoff volume for the same event. This must be shown for a 1 in 100 year, 6 hour rainfall event
- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Evidence that enough storage/attenuation has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus climate change event
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Slough Borough Council surface-water-drainage-pro-forma.

We recommend that these issues are addressed before planning permission is granted.

#### 6.7 SBC Transport and Highways:

The proposed development comprises the replacement of the existing building with a new building containing 51 flats (14 x studio, 17 x 1 bed and 20 x 2 bed) with 11 of the flats being intended as affordable units. The existing vehicular access to Station Road will be closed and a new access created to Alderbury

Road. The proposed parking provision is 20 spaces for 51 flats, i.e. a ratio of 0.4 spaces per unit.

#### 6.7.1 *Site access:*

A new access is proposed to the development from Alderbury Road. The applicant must demonstrate that vehicle visibility splays of 2.4m x 43m (30mph road) can be achieved from the site access, as well as pedestrian visibility splays of 2.4m x 2.4m from the rear of the footway with no obstruction greater than 600mm in height.

The site access has been located tight to the development site's boundary with 119 Alderbury Road. This is expected to limit visibility from the access making it generally unsuitable and therefore the applicant must demonstrate visibility and junction spacing. The applicant has been advised that the access would be better suited away from the site boundary. The applicant has also been advised to be minded that exploration of underground services is recommended and that at this stage with the information present, it is highly likely that service providers would need to be consulted and some utility works required in order to form a new access due to the close proximity to chambers and cabinets and chance of services being too shallow for a vehicular access to be constructed.

The existing access to the site from Station Road would need to be removed and reconstructed as standard footway construction as part of the S278 agreement.

#### 6.7.2 *Vehicle Parking:*

The proposed parking provision is 20 spaces for 51 flats, i.e. a ratio of 0.4 spaces per unit, which is well below the minimum ratio defined within the existing SBC minimum parking standards (ref: SBC Developers Guide Part 3). The relevant SBC standards are summarised below for reference, along with the resulting minimum parking provision:

- Studio/1 bed flats (communal parking) – minimum of 1.25 spaces per unit - 31 units = 39 spaces required;
- 2 bed flats (communal parking) – minimum of 1.75 spaces per unit - 20 units = 35 spaces required;
- **Total** = 74 spaces minimum

The proposed levels of car parking are therefore well below those defined within the current SBC Developers Guide Part 3 for a residential development of this type. Although it is accepted that the proposed development is within 150m walking distance of Langley Station and local bus stops on Station Road which will facilitate the use of sustainable modes of transport by residents, analysis of the 2011 Census data for car ownership per dwelling for the Langley St Mary's ward in which the site lies reveals that currently 86% of dwellings within the ward have more than 1 car or van per household, within only 14% of households having no cars or vans. For this reason, the current proposal for a very low parking ratio to serve a relatively large residential development of 51 residential units, resulting in the majority of dwellings having no access to on-site parking, is not considered acceptable in this location.

In light of the sustainable location of the site, we would consider a relaxation of the SBC parking standards to 1 parking space per dwelling (total 51 cap parking spaces) in order to mitigate against the impact to residents of surrounding streets.

However contrary to the above, I note that previous Highways and Transport comments were issued for this development in a previous iteration of a 40 unit scheme. The comments provided at the time (January 2016) stated that SBC Highways and Transport would accept a reduction of the parking standard to 0.65 car parking spaces per dwelling providing they funded 2no off-site car club vehicles/bays including membership for residents of the proposed development for three years to reduce the reliance on car usage from the site and better align with the reduced parking ratio of 0.65 spaces per dwelling. This proposed development should have been progressed with that in mind. However, the applicant has tried to further reduce this parking ration to 0.4 car parking spaces per dwelling, which is clearly unacceptable. Following previous comments issued by the department, we would be willing to consider an absolute minimum parking ratio 0.65 parking spaces per dwelling resulting in a requirement for a minimum of 34no car parking spaces to be provided within the 51 unit development site.

The above relaxation represents a sizeable reduction in parking provision in relation to the requirements of the current SBC minimum parking standards, and would therefore only be acceptable if the applicant is willing to deliver the infrastructure for (under a s278 agreement) and fund 2no off-site car clubs for a period of three years with all residents of the proposed development provided with free membership of the car club for that period.

It must also be noted that residents of the proposed development would not be eligible to apply for permits for on-street parking within the existing Controlled Parking Zone (CPZ) on Alderbury Road or the surrounding highway network.

#### 6.7.3 *EV charging:*

An absolute minimum of 10% of the total approved parking allocation must be fitted with Electric car charging points. The site infrastructure however must be able to support further car charging points for electric vehicles in order to encourage the use of electric cars.

#### 6.7.4 *Bike storage:*

Secure, covered and overlooked cycle storage facilities must be provided at a ratio of 1 cycle parking space per dwelling and in addition to this, public/visitor provision of cycle parking must also be demonstrated and provided. The cycle parking facility should be located within the main building in order to maximise security and the uptake of cycle ownership and use.

#### 6.7.5 *Vehicular Access/Road Safety:*

The Transport Statement (TS) prepared in support of the proposed development states in Section 3.5 "The removal of the existing access is a significant highway safety benefit as its use could result in conflict with vehicles using the Alderbury Road junction and driver visibility is severely restricted." It is noted that this statement is not supported by any reference to the Personal Injury Accident (PIA) records for the local highway network as would normally be the case within a Transport Assessment or Statement, therefore the applicant must obtain the PIA data from SBC Highways for the last 36-month period as a minimum and provide an analysis of any accidents that have occurred on either Alderbury Road or Station Road during this period.

#### 6.7.6 *Highway Improvement / Safeguarding Line:*

The site is affected by an adopted highway improvement/road widening line as land within the line is required for the improvement of accessibility and widening of Station Road. The land within this line would need to be dedicated to the local highway authority, free of charge, and constructed as a highway embankment / highway verge as part of the S278 agreement.

6.7.7 *Trip Generation:*

Given that the applicant has undertaken an assessment of the potential vehicular trip generation of the site utilising the TRICS database, and has sought to demonstrate that the site is in a location with good accessibility to public transport, it is unclear why a multi-modal trip generation exercise has not been undertaken which would provide a prediction of the total person trips likely to be generated by the proposed development, as well as trips by walk, cycle, bus and rail modes. It is requested that this information is provided to SBC Highways for review.

6.7.8 *Servicing / Refuse:*

A servicing strategy and refuse storage and collection strategy would need to be provided by the applicant for review and approval, this does not appear to have been submitted to date.

6.7.9 *Recommendation:*

The application is unacceptable on highways and transport grounds. The development fails to provide car parking in accordance with adopted Slough Borough Council standards which is likely to result in off-site overspill parking taking place on those local residential streets which are not covered by the existing CPZ. Therefore, for the reasons outlined above, this application should be refused.

6.8 Heritage Advisor (BEAMS)

*(Advice was sought on possible heritage significance for the subsequent application, ref. P/01272/012, and following advice given following a visit to the site by the Council's Heritage consultant on 9<sup>th</sup> July 2020):*

The site visit was very helpful in establishing that while there has been a public house on this site since at least the first half of the nineteenth century and possibly earlier the building that exists today is largely or entirely twentieth century built between the 1920s and 1950s.

There was no evidence of historic fabric visible in the main front range. The fixtures and wall and ceiling finishes are all modern within the ground floor while the first floor had a mid century character particularly seen in the panelled doors and banisters. The roof space was inspected and the roof structure is clearly modern as is that of the two story rear extension, both are likely to date from the mid twentieth century reconstruction.

Where there was an appearance of possibly earlier fabric is in the two single storey hipped roofed extensions to the side and rear. The historic maps indicate that the extension to the rear cannot be early however it is possible that some older bricks were used in its construction as there is a visible change between it and the two story rear extension.

The side extension might conceivably have some original in situ brickwork as the earlier buildings extended to the southern boundary in this area however, internally the roof structure is clearly modern although externally its red clay tiles appear to be older and there is no way of knowing if they were reclaimed on or off site.

In conclusion it seems that earlier brickwork has been reused in the rear single storey extension but it is not part of the original building. The side extension also has some earlier brickwork and may be a remnant of the earlier building but it has an entirely new roof structure doors and windows. The main range is entirely new and dates from the mid-twentieth century.

If you are to approve this application a condition should be added requiring an historic building record is made of the building to Historic England Level 2.

## 6.9 Secure by Design

I have now had the opportunity to review the plans that you sent me and from a Secured by Design perspective the overall layout is acceptable. Based upon your likely submission of a Secured by Design Homes 2016 application I would advise the following.

### *External Doorsets and Ground Floor Windows*

All external doorsets should be tested and certificated to PAS 24:2016. Where there are access control arrangements the doorset will need to be tested with the access control system in place. All ground floor windows should be tested and certificated to PAS 24:2016

### *First Floor External Doorsets and Windows*

All external doorsets and windows accessible from the upper deck level on the first floor should also be tested and certificated to PAS 24:2016 to help prevent unauthorised access

### *Door and Window Certification*

Please note that Secured by Design will only accept certification in the name of the fabricator and does not recognise system company certification. Specifying approved products from an SBD licensed company is the easiest route to take because all of the relevant checks have been completed by Secured by Design. You are of course free to choose any supplier you wish but before placing any order for the doors and window you are advised to let me know what you are proposing so that I can confirm suitability.

### *Access Control Systems*

Access to the building should be controlled using of a restricted electronic key fob, card or key, with the trades button (if fitted) disabled. There should be audio/visual communication provided between each flat and the entrance doors. The external door entry panel should be vandal resistant with an integral camera and under normal circumstances featuring remote release from each dwelling. For student accommodation or where vulnerable persons are housed the remote function should be disabled so that residents have to go to the entrance door to let visitor in.

### *Lobby Areas*

It is noted that both lobby areas feature two doorsets with post boxes located in between the two sets of doors. Because this is potentially a semi-private/semi-public area where strangers are less likely to be challenged, both doorsets should be tested and certificated to PAS 24:2016

#### *Compartmentalisation*

To help reduce the likelihood of anti-social behaviour and crime due to unrestricted access throughout the building. Controlling access between floors will be required. This will require access control to be provided on the lifts and stairwells. Doorsets that provide access to stairwells should also be PAS 24 certificated.

#### *Internal doorsets*

All flat entrance doorsets off a common hallway should be tested and certificated to PAS 24:2016.

#### *Bin and Cycle Stores*

Doorsets for these should be tested and certificated to PAS 24 or LPS 1175 or equivalent with cycle stowage points tested certificated to Sold Secure standard. Care should also be taken to ensure that unauthorised access is not provided from the bin store into the building via the internal access doorset. To prevent this, the internal doorset should also be tested and certificated to PAS 24:2016. All stores should also be lit.

#### *Post Boxes and Deliveries / CCTV and lighting*

Dependent upon the vulnerability of residents, it is recommended that the use of CCTV is considered that covers all main points of entry. External lighting should also be provided to main points of access and parking areas.

## 6.10

### Network Rail

We note on Drawing AR-P06 has a hand-written annotation in the north west corner of the site "base for crane", Network Rail cannot agree that the proposed location will be acceptable, therefore, the applicant/developer is encouraged to register the project with Network Rail's Asset Protection team so a meeting can be arranged to review the options for crane positioning and the works in proximity to the railway, contact to be made to [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk)

We also require a detailed plan of where the piling foundations will be, will they be close to the road bridge?

The proposed buildings should not be within 3 metres of the overhead lines, this will also apply to any windows that can be opened.

Notwithstanding the above, due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

## DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

## SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start.

[assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)

## SITE LAYOUT

It is recommended that all buildings be situated at least 3 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

## EXCAVATIONS / EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

#### NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary. The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains. There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise. We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

*(Advice was sought on the bat survey submitted for the subsequent application, ref. P/01272/012, and the following comments provide up to date information on this issue):*

Following submission of an updated Bat Survey report provided and submitted by the applicant (Bat Survey Report GS Ecology 12/05/2020), all considerations relating to biodiversity raised in our response in April 2020 are now addressed. Therefore, we recommend approval with the following recommendations:

- If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).
- If demolition is delayed for more than one-year after the date of the bat survey (January 2020), repeat bat surveys should be undertaken. As no biodiversity enhancement to ensure a biodiversity net gain is achieved in line with NPPF 2019 policies of obtaining Sustainable Development is included within the development, we consider our previously recommended enhancements in accordance to Appendix 4 of the Open Space Preliminary Roost Assessment Report 2018 that:
  - 
  - A lighting strategy must be designed and implemented to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014). The lighting strategy should be submitted to the LPA for approval avoiding light spill on neighbouring boundaries and network railway.
  - 
  - Installing a minimum of two integrated or wall mounted bat bricks or bat boxes, mounted on trees or buildings in the site should be included under suitably worded condition(s).
  - 
  - Inclusion of bird nesting provision in the form of at least one bird boxes within mature trees or buildings elevation.

#### 6.12 Berkshire Archaeology

(Advice was sought on possible archaeological significance for the subsequent application, ref. P/01272/012, and following advice given on that application):

Berkshire Archaeology was previously consulted regarding proposed schemes at this site and found that there are potential archaeological implications associated with development in this area due to adjacent spot finds of Iron Age and Roman material with potential interest in the wider area.

It was advised that a desk based archaeological assessment should be undertaken in order to identify areas of land that had been impacted least by past development, in order to direct an archaeological trial trench evaluation. Without undertaking this assessment, given the scale of the site, it will be necessary to undertake an archaeological trial trench evaluation that assesses the

development area as a whole. However, given the past development impacts it is likely that any archaeological material that has survived is unlikely merit preservation *in situ*. Therefore archaeological mitigation can be undertaken following the grant of any development proposals, in line with an approved Written Scheme of Investigation.

Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that the following condition is applied should permission be granted in order to mitigate the impacts of development. This is in accordance with Paragraph 199 of the NPPF which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

In view of the nature and scale of the development and the low likelihood of the potential archaeology, should it exist, meriting preservation *in situ*, field evaluation through trial trenching would represent an appropriate initial phase of work in order to determine the archaeological potential and levels of previous truncation and the need for any further phases of work.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework 2019:**

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 10: Promoting high quality communications
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

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

Core Policy 1 – Spatial Vision and Strategic Objectives for Slough  
Core Policy 4 – Type of Housing  
Core Policy 5 – Employment  
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

7.3 The Adopted Local Plan for Slough 2004 (Saved Policies)

Policy EN1 - Standard of Design  
Policy EN3 – Landscaping Requirements  
Policy EN5 – Design and Crime Prevention  
Policy H13 – Backland / Infill Development  
Policy H14 – Amenity Space  
Policy T2 – Parking Restraint  
Policy T8 – Cycling Network and Facilities

7.4 Other Relevant Documents/Guidance

Slough Borough Council Developer's Guide Parts 1-4  
Proposals Map 2010

7.5 Planning and Compulsory Purchase Act 2004

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 in February 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF 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.

## **8.0 Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of development
- Design quality and impact on the character and appearance of the area
- Impact on the amenities of neighbouring occupiers
- The amenities of the development for future occupiers
- Highways, transport and parking
- Impact on heritage assets
- Air quality
- Noise
- Flood risk and surface water drainage
- Sustainable design and construction
- Ecology
- Affordable housing
- Other Infrastructure and Section 106 requirements
- Other issues raised by interested parties

## **9.0 Principle of development**

9.1 The site is currently occupied by the former public house and ancillary car parking. It is not within a protected employment area, and the former public house is not an asset of community value under the Localism Act 2011. The proposal would result in the loss of a building/use that would provide a small number of jobs, although it would also provide short term employment during the construction phase of the development. No objection is raised in terms of the loss of the site as a restaurant with ancillary employment.

9.2 The Borough does not currently have a five year housing land supply as required by the National Planning Policy Framework. The site is in a sustainable location with good public transport use and a range of retail and other amenities within walking distance. In light of this and the lack of objection on grounds of loss of employment noted above, the residential use of the site is therefore considered to be acceptable in principle.

## **10.0 Design quality and impact on the character and appearance of the area**

10.1 The National Planning Policy Framework 2019 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 EN2.

10.2 The proposal would represent a very marked change in scale as compared to that currently existing at the site. Houses to the west in Alderbury Road, and opposite to and directly south of the site at 58 and 60 Station Road are all two stories in height, while elsewhere typical building heights on this side of Station Road are up to three storeys high, as at Scholars Walk. Buildings on the opposite side of Station Road at Langley Business Park, include Clare House which is a four-storey high brick building of modern

appearance with a significantly higher service core constituting a fifth storey.

- 10.3 The existing building is a former public house of quite traditional appearance that pre-dates the surrounding development, and is set-back from the edge of Station Road at distances that vary between 16 to 18m (disregarding a light single storey smoking structure that does not appear to have been the subject of any planning permission). In plan form the proposed layout consists of elements of differing heights. The proposed building would be predominantly six storeys high, with a main front entrance from Alderbury Road and prominent balcony structures on four sides (the elevations directly facing the flank wall at 119 Alderbury Road and the railway are the only exceptions to this). On the Alderbury Road building line the building would step down from six storeys through four and three storeys, to edge of the vehicle access facing number 119.
- 10.4 The proposed building would be strikingly modern in appearance, with large window openings. While this is in sharp contrast to the style of the suburban housing on both Alderbury road and, directly south of the site, on Station Road, the steep and abrupt transition in heights towards number 119 is uncompromising in regards to the suburban scale to the west of the site. The proposed reorientation of the main frontage of the buildings towards Alderbury Road would result in a marked increase in activity on this frontage.
- 10.5 The impact of this revised frontage as well as the proposal's scale, layout and appearance will undoubtedly have a strongly urbanising effect within an area which at present is largely suburban in character. Essentially, it would impose an urban scale with the 19.3m maximum height comparable with that of the five storey high service core at Clare House, within the Langley Business Centre on the opposite side of Station Road and 4 to 5 metres higher than the main four storey element at this neighbouring office block. This would be inappropriate and out of scale with the area, even given the changing nature of this area around Langley Station. While the current outline planning application at Langley Business Centre, ref. P/00437/093, is evidence of the future change that is likely to come forward in this locality, that application has yet to be considered by members and imposing a scale even larger scale than existing at Clare House is inappropriate for the application site. While any replacement building on the Clare House site could potentially match the height of what is proposed in this application, no judgement can be made at this time on the basis of an undetermined application, and in addition there is a very clear difference between the current application site and Clare House in regards to proximity to two-storey residential neighbouring properties. As such the proposal is contrary to Core Policy 8, Local Plan policy EN1 and advice in NPPF Chapter 12.
- 10.6 In addition the proposed building does not take into account its relationship to the locally listed Langley Railway Station. However, it is noted that the is separated from the Railway Station by 60m , which is considered to be sufficient to avoid a detrimental impact on the setting of the locally listed building.
- 10.7 Taking into account all of the points within this Section, the proposal is contrary to Core Policy 8, Local Plan policy EN1 and advice in NPPF

## Chapter 12.

### **11.0 Impact on the amenities of neighbouring occupiers**

11.1 The proposal has been assessed for loss of amenity for nearby residential neighbours.

#### Privacy

11.2 Impacts on privacy will arise from overlooking from habitable room windows and from balconies, primarily to the west to properties at 119, 117, 115 and 113 Alderbury Road and beyond that. Neighbours on the opposite side of Alderbury Road will also experience a perception of overlooking, particularly in the rear gardens at 58 and 60 Station Road.

11.3 At the rear of the building, a communal terrace would be screened from the neighbouring properties by a 2m high screen while a 3m high acoustic screen would be placed along the site boundary with 119 Alderbury Road. The two structures would screen direct views from the communal terrace, as well as mitigating noise impacts from vehicles accessing the car parking within the site, but the acoustic fence would be a dominating in the garden at number 119 and it would not prevent direct views for the properties further to the west from second floor windows and balconies. The west-facing habitable windows at second to fifth floor levels would be located 11m from the shared boundary with 119 Alderbury Road and 22 - 23 m from the shared boundary between numbers 119 and 117, while balconies would be 2.0 m deep so the separation distances from them would be correspondingly less. The council has no guidance on separation distances from windows at new-build apartments to existing properties, although the Residential Extensions SPD design guide advises that, in extensions - window positions should avoid direct overlooking of neighbouring properties including gardens (Standard DP8). While this guidance is specific to residential extensions, it is a principle that extends to other forms of development, with the caveat that overlooking can in appropriately scaled developments be mitigated by sufficient distance and orientation of windows. However, the height of the building and the numbers of habitable room windows and balconies on this elevation would result in severe detriment to the residential occupiers of the properties to the west. This would be accentuated by the presence of north-facing balconies and windows which, while parallel to the boundary with number 119, would in the case of the closest second floor balcony be set approximately 3m from the boundary. A single storey extension at number 119 would partially screen views into the garden from this and another second floor north-facing balcony set further from the boundary, and from a third floor balcony above that, but these balconies would have clear views into the rear part of the garden at that property, as well as other more distant views to gardens to the west.

11.4 In combination with the inappropriate massing and height of the building and the number of windows and balconies directly facing neighbouring properties, the impacts of overlooking would be severely detrimental to the amenities of neighbouring occupiers.

11.5 Habitable rooms and balconies on the Alderbury Road frontage will also overlook side windows and rear gardens at 58 and 60 Station Road, at minimum distances of approximately 32m. It is noted that the two flank

wall ground floor windows at number 60 are partially screened by an existing boundary wall, and that the single first-floor window is obscure glazed (this is also consistent with other houses built to a similar floor plan within the locality, usually to serve bathrooms). While this would control views into the property from the proposed development to an acceptable degree (noting also that the building is not as high on the closest corner on this side), these properties would also experience a loss of privacy for occupiers in their rear gardens.

- 11.6 In summary, the impacts on residential property occupiers close to the site would be unacceptable, such that the application should be refused.

#### Daylight and sunlight

- 11.7 The application includes a Sunlight and Daylight Report which assesses impacts on neighbouring properties. This models pre-development direct sunlight and daylight levels reaching the windows for 117 and 119 Alderbury Road, and the corresponding post-development situation, using the 'vertical sky component' (VSC) measure. While officers' views on the overbearing nature of the proposed building concur with those of objectors from neighbouring properties, the analysis demonstrates that the proposals would not result in significant harm in terms of sunlight and daylight impacts on habitable room windows at these adjoining residential properties. The first floor east-facing window at number 119 does fall below the threshold of acceptable impacts in VSC terms; however it is understood (with reference to floorplans available to officers of similar nearby properties) that this window serves a bathroom rather than a habitable room. It is therefore not considered that officers are able to raise any objection to impacts on sunlight and daylight on the basis of the impacts on a non-habitable room.

#### Noise

- 11.8 A number of objections raise issues of potential noise and disturbance from the development. The Environmental Health officer's comments note the proposed acoustic screens for the podium communal area and between the car park and Alderbury Road properties which are intended to protect neighbouring residents from car park noise. While the 3m acoustic boundary fence is unacceptable for reasons of its additional overbearing impact on number 119, these measures are sufficient to control direct noise impacts from this part of the development on neighbours. However, the Council's ability to control hours of residents use of their balconies is very limited, and the potential for late evening noise from those balconies that are in close proximity to neighbouring properties must also count against the acceptability of the development.

### **12.0 The amenities of the development for future occupiers**

- 12.1 The Sunlight and Daylight Report also models availability of light for flats within the proposed development. The report demonstrates that all habitable rooms will have access to acceptable levels of daylight.
- 12.2 The majority of flats comply with the internal minimum floor area standards set out in the Council's SBC Developers Guide Part 4 supplement (November 2018) Space standards for residential development, although the accommodation schedule does not list storage space areas as

required by the Guide. A number of the studio flats are marginally under the minimum 37 sq.m. (Flats 13, 23, 32, 40 and 48) as set out in the Council's Developers Guide Part 4 Supplement "Space standards for residential development". While the shortfall amounts to just 0.4 sq.m, it should be borne in mind that these standard are the minimum acceptable. This suggests that the number of flats to be provided in a building of this size is somewhat on the high side, and / or that to be acceptable a redesigned layout would be necessary to ensure that no future residents would have a sub-standard flat.

- 12.3 The proposal includes one fully designated disabled car parking space, although none of the flats are specifically identified as being designed to disabled standard. If the development was otherwise acceptable, a condition could be provided to identify flats that would be suitable for wheelchair accessibility, and required to be provided as such.

### **13.0 Highways, transport and parking**

- 13.1 Paragraph 108 of the NPPF 2019 states that in assessing specific applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) Safe and suitable access to the site can be achieved for all users; and
  - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 13.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 13.3 Paragraph 110 of the NPPF states development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport and appropriate facilities that encourage public transport use. It also states applications for development should create places that are safe, secure and attractive, minimising conflicts between pedestrians, cyclists and vehicles and allow the efficient delivery of goods and access by service and emergency vehicles. Development should also be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 13.4 The Transport and Highways officer has provided detailed comments at Section 6.7 in this report, and concludes that the application is unacceptable on highways and transport grounds. The development fails to provide car parking in accordance with adopted Slough Borough Council standards which is likely to result in off-site overspill parking taking place on those local residential streets which are not covered by the existing CPZ. Planning officers support this view Failure to provide car parking in accordance with adopted Slough Borough Council standards or with a reduced standard that is appropriate to the size and location of the development, is likely to result in off-site overspill car parking taking place

on local residential streets which are not covered by the existing Controlled Parking Zone and that are outside the controlled days / times. In addition it has not been demonstrated that the proposed cycle parking / storage would comply with the Council's minimum standards, in particular in respect to the space provided for each cycle space.

As such the proposal is contrary to National Planning Policy Framework 2019 paragraphs 106 - 109, Core Policy 7 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policy T8 of the Adopted Local Plan for Slough 2004, and advice in Slough Borough Council's Developers Guide Part 3 Transport and Highway Guidance, and is accordingly recommended for refusal.

#### **14.0 Impacts on heritage assets**

- 14.1 Paragraph 189 of the NPPF 2019 advises that applications should include information on the significance of any heritage assets affected by development proposals, including any contribution made by their setting. Appropriate desk-top assessments and where necessary a field evaluation should be provided where a site includes or has the potential to include heritage assets with archaeological interest.
- 14.2 Paragraph 190 of the NPPF 2019 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking into account the available evidence and any necessary expertise.
- 14.3 Paragraph 194 of the NPPF 2019 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 14.4 Berkshire Archaeology has commented that there are potential archaeological implications associated with development in this area due to adjacent spot finds of Iron Age and Roman material, with potential interest in the wider area. A desk based archaeological assessment should therefore be undertaken in order to identify areas of land that had been impacted least by past development, in order to direct an archaeological trial trench evaluation. However, given the past development impacts it is likely that any archaeological material that has survived is unlikely to merit preservation in situ. Therefore archaeological mitigation can be undertaken following the grant of any development proposals, in line with a Written Scheme of Investigation which will be required by a condition as recommended below.
- 14.5 The closest designated heritage assets are the Grade II listed Langley

Hall is located to the south of the site at a distance of 340m together with separately listed walls. Langley Station is locally listed and in closer proximity to the site at a distance of 60m. The Council's heritage consultant has confirmed that there will be no detrimental impact on the settings of these heritage assets. The Council's consultant also advised that an internal inspection should be made to establish whether the public house is a mid to late 19th century building or potentially older, with potential to be considered a non-designated heritage asset, and this was arranged for and undertaken on 10<sup>th</sup> July 2020. As noted in the detailed comments at section 6.9 above, the heritage consultant advised that the site visit establishes that the building that exists today is largely or entirely twentieth century built between the 1920s and 1950s. Some older fabric was noted at the site, but it appears that this was reused at the time that the current building was constructed. Conditions are recommended to require an historic building record to be made before / during demolition of the building to Historic England Level 2, and for the reclamation of historic materials from the existing building.

## 15.0 **Air quality**

15.1 Paragraph 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

“...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”

15.2 The Council's Environmental Quality / Air Quality Officer has commented on the application at Sections 6.2 and 6.3 of this report. Air Quality impacts on the surrounding area, and impacts on future residents, can be mitigated by a combination of conditions and financial contributions towards measure in the Council's Low Emissions Strategy. These would need to be provided for any acceptable scheme; however in this case the lack of a section 106 agreement to provide for appropriate financial contributions must count against the proposals.

## 16.0 **Noise**

16.1 Paragraph 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

“...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability...”

16.2 A Noise Assessment was submitted with the planning application, which identified that the key noise sources affecting the site are road and rail traffic. The Council's Noise Officer has provided detailed comments, which highlight requirements for the need to ensure;

- adequate control of noise during construction;
- adequate control of external noise for future occupiers of the

- development and
- adequate control of impacts from noise within the development on neighbouring occupiers.

16.3 The acoustic screens provided alongside the podium-level amenity space at the rear of the building and along the boundary of 119 Alderbury Road would assist in controlling noise impacts on this neighbour and for those directly to the west. The above controls could be provided by appropriate conditions to secure compliance with this aspect of NPPF paragraph 170 and Core Strategy Policy 8, if the development was acceptable in other respects. However, as previously noted the height of the proposed acoustic screen along the boundary of 119 Alderbury Road would in itself be overbearing.

### **17.0 Flood Risk and surface water drainage**

17.1 Both Core Strategy Policy 8 and paragraphs 155 and 163 of the NPPF 2019 require development to be directed away from areas at highest risk of flooding and to ensure flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. 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.

17.2 The site lies within Flood Zone 1 where there is a less than 0.1% (1 in 1000) chance of tidal and fluvial flooding; however, the site is at a medium risk of surface water flooding.

17.3 The Council's surface drainage consultants have objected on grounds of increased risk of surface water flooding, as noted in Section 6.5 of this report, and refusal is recommended accordingly.

### **18.0 Sustainable design and construction**

18.1 An Energy Statement was submitted as part of the application which sets out that air source heat pumps to be provided within the building would achieve a 15% reduction in the Target Emission Rate of CO<sub>2</sub> emissions. For any acceptable scheme, this could be secured, along with other energy efficiency and sustainable built features, by way of conditions.

### **19.0 Ecology**

19.1 Paragraph 17 of the NPPF 2019 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

19.2 A bat survey was carried out in 2018 and submitted with the application, and following advice from the Council's ecology consultant, an updated survey was carried out 7<sup>th</sup> May 2020. This included a dusk emergence survey using specialist equipment. No evidence of roosting bats was identified and it was confirmed that the existing building is not currently

used by roosting bats. A small presence of commuting bats was identified, and recommendations for inclusion of ecology enhancements were made in the report. The recommended enhancements include a bat box, a bird nesting box, and wildlife friendly species in the landscaping, and would be secured by condition if the proposal was being recommended for approval.

## **20.0 Affordable housing**

20.1 Core Strategy 4 requires 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.

20.2 NPPF 2019 at paragraph 62 requires that:

...planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

NPPF paragraph 64 sets out that:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

20.3 The application sets proposes that 11 units would be allocated as affordable housing, comprising 10 Nos. two bed units and 1 no. studio unit. The units would be provided with a separate access on the Station Road frontage, which would be accessed by a 2m wide pedestrian footpath. The Planning Statement sets out a case that this equates to 21.5 % affordable housing provision, but that set against the number of bedrooms provided on the overall site this equates to 30.8% in terms of bedroom numbers. This falls short of the policy expectations for a scheme of this size, and no Financial Viability Assessment (FVA) was provided to make a case for this level of provision in viability terms. It is also unclear whether the units to be provided are acceptable to a Registered Social Landlord, and the separate access to this part of the scheme may not be suitable for all levels of accessibility. A section 106 agreement to secure the affordable housing provided has also not been completed, and the application is therefore recommended for refusal on grounds of failing to provide an acceptable quantum of affordable units.

## **21.0 Other infrastructure requirements / Section 106**

21.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. 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. In addition to affordable housing provision noted in the previous section, and if the development was

otherwise acceptable, section 106 contributions would be required to provided for air quality mitigation, sustainable transport and education. As a section 106 agreement has not been completed, the application is therefore recommended for refusal on grounds of not making provision for infrastructure made necessary by the development.

## **22.0 Other issues raised by objectors**

22.1 Other issues identified by objectors are noted as follows:

22.2 Reduction in property values:

- Consideration of impacts on property values is not a planning consideration.

22.3 Housing is needed for young people in the area:

- While the discussion on affordable housing at Section 20 of this report is not specific to housing need in any one age group, this need is implicit in the Council's affordable housing requirements.

22.4 Loss of public houses is an issue:

- This is considered in Section 9 in this report.

22.5 This is one of the oldest buildings in Langley:

- This is considered in Section 14 in this report.

## **23.0 Planning Conclusion**

23.1 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.

23.2 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.

23.3 The application has been evaluated against the Development Plan and the NPPF, including the core planning principles of the NPPF and whether the proposals deliver "sustainable development."

23.4 The report identifies that the proposal fails to comply with the relevant saved policies in the Local Plan and NPPF in a number of areas. The proposal's scale, layout and appearance will undoubtedly have a strongly urbanising effect within an area which at present is largely suburban in character, and that this along with the layout both internally and of the balconies will have a severely detrimental impact on the amenities of the occupiers of neighbouring properties. This weighs strongly against the benefits of providing 51 additional residential units, and while it is noted that the Borough has a significant shortfall in the delivery of housing completions in all tenures, the impacts both on the character of the area and on neighbouring amenities and the lack of affordable housing, significantly and demonstrably outweighs the provision of the additional residential accommodation that would be provided.

- 23.5 The proposal would also result in increased risk of local surface water flooding, fails to accord with adopted highway standards, would not provide a good level of amenity for future occupiers of the development and does not make provision for financial contributions towards other infrastructure made necessary by the development.
- 23.5 The proposal is considered therefore to be contrary to guidance given in the National Planning Policy Framework, Core Policies 4, 7 and 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policies H14, EN1 and EN2 of the Adopted Local Plan for Slough 2004 and the Slough Local Development Framework, SBC Developers Guide Part 2 “Developer Contributions and Affordable Housing (Section 106)” updated September 2017. The application is therefore recommended for REFUSAL.

## APPENDIX A

### Neighbouring property addresses notified

Neighbours Consulted:	28, Alderbury Road, Slough, SL3 8DJ, 42, Barton Road, Slough, SL3 8DF, 72, Alderbury Road, Slough, SL3 8DL, 40, Alderbury Road, Slough, SL3 8DJ, 50, Barton Road, Slough, SL3 8DF, 39, Talbot Avenue, Slough, SL3 8DB, 36, Maryside, Slough, SL3 7ET, 82, Alderbury Road, Slough, SL3 8DL, 70, Alderbury Road, Slough, SL3 8DL, 22, Hinksey Close, Slough, SL3 8EB, 51, Alderbury Road, Slough, SL3 8DJ, 47, Alderbury Road, Slough, SL3 8DJ, 60, Alderbury Road, Slough, SL3 8DJ, 38, Alderbury Road, Slough, SL3 8DJ, 77, Alderbury Road, Slough, SL3 8DL, 68, Alderbury Road, Slough, SL3 8DL, 61, Alderbury Road, Slough, SL3 8DJ, 64, Alderbury Road, Slough, SL3 8DL, 60, Barton Road, Langley, Slough, SL3 8DF, 14, Aldenham Close, Slough, SL3 7FN, 91, Scholars Walk, Slough, SL3 8LZ, 92, Scholars Walk, Slough, SL3 8LZ, 88, Scholars Walk, Slough, SL3 8LZ, 90, Scholars Walk, Slough, SL3 8LZ, 89, Scholars Walk, Slough, SL3 8LZ, 93, Scholars Walk, Slough, SL3 8LZ, 119, Alderbury Road, Slough, SL3 8DL, 117, Alderbury Road, Slough, SL3 8DL, 115, Alderbury Road, Slough, SL3 8DL, 113, Alderbury Road, Slough, SL3 8DL, 111, Alderbury Road, Slough, SL3 8DL, 109, Alderbury Road, Slough, SL3 8DL, 107, Alderbury Road, Slough, SL3 8DL, 105, Alderbury Road, Slough, SL3 8DL, 86, Alderbury Road, Slough, SL3 8DL, 88, Alderbury Road, Slough, SL3 8DL, 90, Alderbury Road, Slough, SL3 8DL, 92, Alderbury Road, Slough, SL3 8DL, 94, Alderbury Road, Slough, SL3 8DL, 96, Alderbury Road, Slough, SL3 8DL, 60, Station Road, Langley, Slough, SL3 8BT, 58, Station Road, Langley, Slough, SL3 8BT, 56, Station Road, Langley, Slough, SL3 8BT, 54, Station Road, Langley, Slough, SL3 8BT, 52, Station Road, Langley, Slough, SL3 8BT, 50, Station Road, Langley, Slough, SL3 8BT, 48, Station Road, Langley, Slough, SL3 8BT, Langley Business Centre, Clare House, 11, Station Road, Langley, Slough, SL3 8DS, Clare House, Third Floor, Station Road, Langley, Slough, SL3 8DS, Clare House, Part Ground And First To Second Floors, Station Road, Langley, Slough, SL3 8DS, Clare House, Ground Floor, Station Road, Langley, Slough, SL3 8DS, Langley Business Centre, The Bungalow, 11, Station Road, Langley, Slough, SL3 8DS, Langley Business Centre, 11, Station Road, Langley, Langley Business Centre, Buildings, 111, Station Road, Langley, Slough, SL3 8DS, Langley Railway Station, Car Park, Station Road, Langley, Langley Railway Station, Platform 4, Station Road, Langley, Slough, SL3 6DB, Langley Railway Station, Station Road, Langley, Station Cars, Langley Railway Station, First Floor Office, Station Road, Langley, Slough, SL3 6DB, Vestel Uk, Vestel House, 1, Waterside Drive, Slough, SL3 6EZ, Waterside Court, Unit 2, 2, Waterside Drive, Slough, SL3 6EZ, Waterside Court, 2, Waterside Drive, Slough, SL3 6EZ, Waterside Court, Unit 1, 2, Waterside Drive, Slough, SL3 6EZ, 3, Waterside Drive, Slough, SL3 6EZ, Ground Floor, 3, Waterside Drive, Slough, SL3 6EZ, Part First Floor, 3, Waterside Drive, Slough, SL3 6EZ, First Floor Front, 3, Waterside Drive, Slough, SL3 6EZ, 15, Thorne Road, Slough, SL3 7UQ, Langley St Marys Ward Neighbourhood Action Group, 18, Layton Crescent, Slough, SL3 8DP, 69, Layton Crescent, Slough, SL3 8DP, 65, Layton Crescent, Slough, SL3 8DP
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