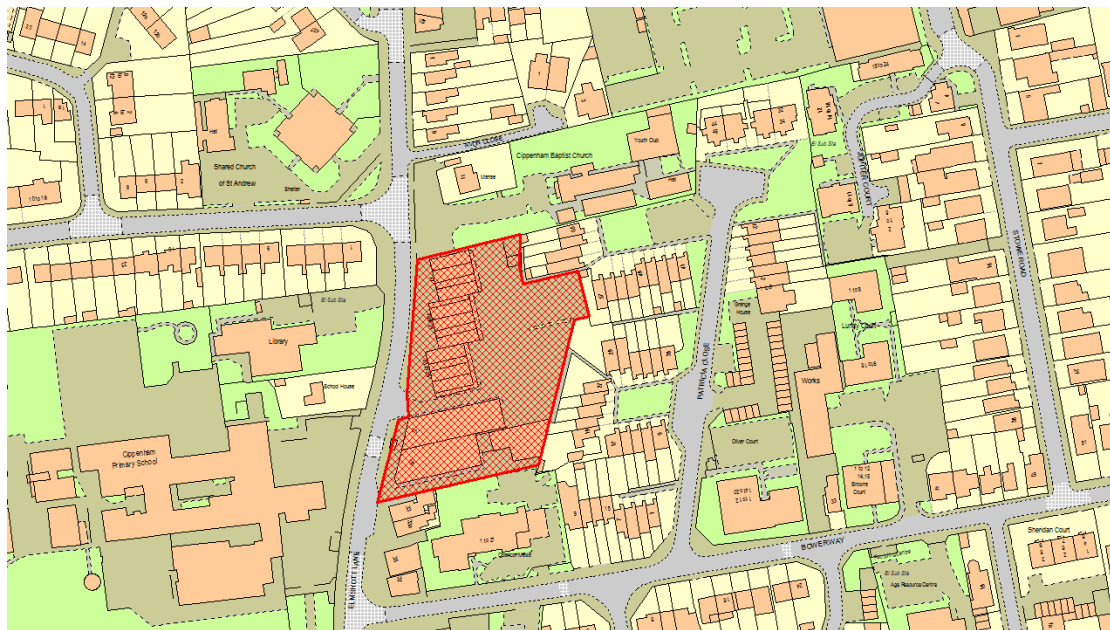


0467

Registration Date:	02-Sep-2020	Application No:	P/04670/014
Officer:	Alex Harrison	Ward:	Cippenham Green
Applicant:	Mirenpass Limited	Application Type:	Major
		13 Week Date:	2 December 2020
Agent:	Mr. Barrie Stanley, Heritage and Architecture , Chartered A 74 stanhope road, uxbridge, ub69ea		
Location:	17-31, Elmshott Lane, Slough, Berkshire, SL1 5QS		
Proposal:	Revised Outline planning application with all matters reserved for the demolition of existing retail/residential buildings. Construction of three storey plus mansard building, over basement, consisting of associated parking at basement level, retail/storage at ground floor level and the formation of 9 no. three-bedroom flats, 19 no. two-bedroom flats and 56 no. one-bedroom flats at first, second, and mansard floor levels. Associated landscaping and realigned access to Elmshott Lane		

Recommendation: Delegate to Planning Manager to 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 existing retail/residential buildings
- Construction of a 4 storey building comprising of retail on the ground floor with 84 flats above over the other three floors.
- Communal gardens at first and third floor.
- Basement level car park providing 101 car parking spaces associated with the retail use and 26 parking spaces for the residential area. 8 of the spaces provided are labelled as accessible.
- 114 cycle storage spaces at basement level for the residential use.
- 2,165sq.m of retail space on the ground floor (as existing) split into four units of 1,254 sq.m, 125sq.m, 228 sq.m and 278sq.m.

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
- Planning Statement
- Transport Assessment

Members are advised that illustrative plans are not binding on the Applicant as part of planning permission which may be granted, but are submitted as a means of establishing an appropriate level of development and to allow the Council to set out appropriate planning parameters to control the scale and nature of the development.

2.3 This application is a resubmitted scheme. The committee previously considered and refused an application on this site for

On the grounds of overdevelopment of the site, lack of affordable housing provision, surface water drainage, overly high density, harm to neighbouring amenity, poor living conditions for occupants and harm to the

highway.

The applicant appealed the Council's refusal and the planning inspectorate dismissed the appeal. However the Inspector only considered that there were grounds to dismiss the appeal on harm to the character and appearance of the area, affordable housing provision and harm to the amenity of 33 Elmshott Lane only.

The appeal decision did not uphold the Council's objection in terms of surface water drainage, highways impact, living conditions of occupants and amenity impact on any other dwellings in the area.

- 2.4 The Inspector's decision forms a material consideration with this application that should be afforded significant weight when making deliberations.

3.0 **Application Site**

- 3.1 The site is located on the eastern side of Elmshott Lane and measures approximately 0.5 hectares in area. To the north of the site is Cippenham Baptist church and to the east are terraced, two storey residential properties. To the west, opposite the proposed site, is Cippenham Primary School and Cippenham Library. Cippenham Primary School is locally listed. To the south there are commercial units with flats above.

- 3.2 There are two buildings on the site both of which are two storeys in height. There are commercial units on the ground floor with residential flats above. In total there are 14 residential units existing on the site (1 studio flat, 5 one bedroom flats, 4 two bedroom flats and 4 three bedroom flats).

- 3.3 At ground floor level there are nine commercial units with various uses (A1, A3, A5, D1). The largest commercial unit was until recently occupied the Co-op supermarket which is located within the building on the southern part of the site. On the eastern side of the site is a car park accessed from Elmshott Lane.

4.0 **Relevant Site History**

- 4.1 P/04670/001
Demolition of two bungalows; development of site with 4 shop units (334 sq m) 5 office units (468 sq m) & 3 no 2-bed flats (0.202 ha)
Approved July 1983

P/04670/002 –
Change of use of ground floor from retail shop to office for building society
Approved November 1983

P/04670/003
Change of use of ground floor unit 6 from retail shop to office for estate

agency and building society agency (75 sqm)
Refused October 1983. Appeal dismissed February 1984.

P/04670/004

Change of use from retail shop to office for dual use as building society agency & insurance brokers office. (75 sq m)
Approved May 1984

P/04670/012

Change of use from a1 (shops) to a3 (restaurant cafe)
Approved October 2006

P/04670/013

Outline planning application with all matters reserved for the demolition of existing retail/residential buildings. Construction of five storey building and basement consisting of associated parking at basement level, retail/storage at ground floor level and the formation of 34 no. two-bedroom flats and 85 no. one-bedroom flats at first, second, third and fourth floor levels. Associated landscaping and realigned access to Elmshott Lane.

Refused 17 September 2018

Appeal dismissed 18 December 2019

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) five site notices were displayed outside the site on 15/09/20. The application was advertised as a major application in the 25/09/20 edition of The Slough Express.

5.2 At the time of writing, 67 letters of representation have been received from residents and occupiers of neighbouring properties. Included in this figure is a letter from a ward councillor.

A summary of the comments received is shown below:

- Increase in congestion and pollution will have a harmful impact on residents and local school
- Closure of the co-op has harmed the local area.
- Basement parking will encourage anti social behaviour
- Density of proposed development is too high
- Scale/massing is out of character and not appropriate within the street scene.
- Existing infrastructure cannot support the development
- Loss of village character for Cippenham
- 56 1 bedroom flats do not contribute to families.
- No parking provision for the proposed flats is not

realistic/acceptable

- Affordable housing will not be used for local people
- Harmful noise/dust impact from the turning/loading bays on the residents of Patricia Close
- A four storey building is not appropriate
- Harmful increase in traffic on Elmshott Lane and surrounding area
- Overlooking and loss of privacy for residents of Patricia Close, Charclot Mews
- Reduction in natural light available for residents of Patricia Close, Charclot Mews
- Overlooking to the school and noise pollution affecting the school.
- The construction process will cause unacceptable disruption/noise/dust
- Potential structural damage to surrounding properties during construction
- Objections against the loss of the existing commercial units
- The increase in population will have a harmful impact on local facilities (GP services/schools etc).
- A majority of one and two bedroom flats not appropriate for the local need and families
- Loss of shop/vet facilities during the construction period and beyond
- The proposed building is visually overbearing
- Increased pressure on local highways and public transport options
- Will set a precedent for future high scale development.
- Loss of shop units will reduce range of services available locally.

5.4 Officers have carefully read the third party representation put forward. The material planning considerations raised have been addressed within the relevant sections of this report within the Officer's assessment.

6.0 Consultations

6.1 Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows

from the development have been completed. Reason – Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:-

1. Capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be

necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

Supplementary Comments

We require a specific foul and surface water connection point and need clarity on whether each will be pumped or gravity.

6.2 Environmental Protection

Air Quality

This development is expected to have a medium impact on air quality, due to likely trips associated with the number of units and retail/storage use, however this will need to be confirmed once the transport assessment has been complete. The development location is not near any of Sloughs existing air quality management areas and there is unlikely to be an exposure issue, however an exposure assessment will be required as confirmation.

In the case that the transport assessment suggests an air quality assessment is needed, it must assess:

- The impact of vehicle emissions and plant, during the construction phase, on levels of NO₂ and PM
- The impact of vehicle emissions, once the scheme is operational, on levels of NO₂ and PM
- The impact of any emissions arising from heating systems, once the scheme is operational, on levels of NO₂ and PM

In line with the Low Emission Strategy (2018-2025), the following mitigation would be required:

- A suitable electric vehicle charging point, in line with table 7 of the Low Emission Strategy Technical Guidance and specified within the Low Emission Programme, shall be provided 100% of allocated parking or 10% of unallocated parking
- A Construction Environmental Management Plan must be produced and submitted to the Local Planning Authority for approval. It must include details of dust and noise mitigation.
- Any gas fired heating plant should meet the minimum emission

standards in table 7

- All construction vehicles shall meet a minimum Euro VI Emission Standard
- All non-road mobile machinery (NRMM) shall meet the criteria in table 10
- The Travel Plan shall be monitored and include details of the promotion of sustainable travel, including cycling and walking, electric vehicle use, usage of the EV charging infrastructure, reducing car journeys and increasing modal shift.

Where it is not possible to mitigate against the air quality impacts of the scheme on site, the developer shall consider off-setting residual scheme impacts through the consideration of Type 3 mitigation outlined within the Low Emission Programme.

Environmental Noise

In line with the ProPG: Planning and Noise Guidance, a noise assessment is required, which will indicate the likely risk of adverse effects from:

- Noise arising from current traffic sources e.g. road traffic, rail and aviation, on future residents of the development
- Increase in traffic noise to existing residents in the area and future residents of the development
- Existing and/or proposed plant noise to existing residents in the area and future residents of the development
- Existing and/or proposed commercial noise including operational HGV noise
- Construction traffic noise and construction activities on site

The assessment will indicate the likely risk of adverse effect from noise, which will determine the level of mitigation required for the development. This may include:

- Consideration of development orientation and internal layout for screening purposes and to locate bedrooms facing away from noise sources, to ensure an internal noise level of LAeq 35 dB is not exceeded during the day or LAeq 30 dB during the night, or exceed LAMax limit of 45dB 10-15 times per night
- Application of good acoustic design principles such as acoustic glazing for windows, and potential for air ventilation systems, details of which shall be submitted as part of the noise impact assessment.

6.3 Housing Officer

On this site of 84 units, under the current policy there is a requirement to provide 35% Affordable Housing (without a FVR) or 40% (with a FVR)

Table 2 Affordable Housing Required by Tenure (affordable housing tenure as a percentage of total homes in a development)	
	70 plus homes in development
	Tenure Split

Type of Site	Slough Affordable Rent (Social Rent)	Slough Living Rent	Intermediate
Brownfield	6%	19%	15%
Brownfield (viability issue)	5%	17%	13%

unit type	Full scheme no. units	as a % split	total number of bed rooms	Affordable Housing Contribution required		Offered Nov 2020	No of bed rooms
				Brownfield 40% no. units	Brownfield (viability issue) 5% no. units		
1 Bed	56	67%	56	22	20	9	9
2 bed	19	23%	38	8	7	7	14
3 bed	9	11%	27	4	3		
total no.	84	100%	121	30	26	16	23
						19%	19%

Comments

1. I have calculated that their offer of 16 units equates to 19%, not 20%.
2. Policy compliant requirement is for 35% on-site (22% for rent and 13% for shared ownership) and the proposed offer falls short of that.
3. In the Design Statement they suggest that a separated block is preferable for the affordable housing, and I would agree with this for the rented units. However the Intermediate (Shared Ownership) can be located in with the private sale units, as it is a homeownership tenure. It is therefore possible for a greater on-site provision. On a site of this size, we do not accept financial contribution in lieu of providing affordable housing on site. We have on very rare occasions accepted units on a donor site. I am also not sure how they have calculated their financial for the remaining provision.
4. The offer of 9x1beds and 7x 2beds does not meet the demand from the housing register, which has greatest need for 2 and above. No 3 bed flats have been offered. We normally request 30%:70% of 1bed:2 and above to provide the right mix of affordable housing.

The proposed affordable housing offer falls short of the policy compliant and does not match our needs, so I would not be happy to accept.

6.4 Contaminated Land Officer

No comments received.

6.5 Highways

Comments to be included in the amendment sheet.

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

EN17 – Locally listed buildings

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Flat Conversions Guidelines

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 upon July 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
- 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
- Heritage
- Crime prevention
- Highways and parking
- Air quality
- Sustainable design and construction
- Surface water drainage
- Affordable housing and Infrastructure
- S106 requirements

9.0 **Principle of development**

9.1 The existing site is a mix of commercial (at ground floor) and residential (at first floor) with car parking provided to the rear. The site is located outside of the town centre but within a recognised neighbourhood shopping centre (Elmshott Lane/Bath Road).

9.2 Core Policy 1 of the Slough Core Strategy relates to the spatial strategy for Slough. It states 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. Outside of the town centre the scale and density of development should relate to the site's current/proposed accessibility, character and surroundings.

- 9.3 The existing site provides 14 residential units at around 28 dwellings per hectare (dph). The proposed scheme provides 84 residential units at 153dph which is reduced from a previous proposal of 238dph from 116 units. Although the principle of flats is established on the site through existing units, the continuously high density of the proposed scheme is unacceptable outside of the town centre. It is not in keeping with the existing character of the surrounding area. As a result the proposal is contrary to Core Policy 1 of the Core Strategy.
- 9.4 Core Policy 4 of the Core Strategy states that high density housing should be located in Slough town centre. 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.
- 9.5 The decision to dismiss the previously appealed scheme forms a material consideration for this application. In summary, the Inspector concluded as follows:

The adverse impacts of the development upon the character and appearance of the area, as well as the harm to the living conditions of the occupiers of 33 Elmshott Lane, the inadequate living conditions for occupiers of some of the proposed flats, the proposed affordable arrangements and the intended mix of housing would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It should be noted that the Inspector considered the harmful impacts to outweigh the benefit of housing provision when the Council could not demonstrate a deliverable 5 year housing land supply.

- 9.6 The report will consider the individual matters that were found harmful by the Inspectorate against the revised proposal as part of the considerations of its merits. In terms of the principle of development the Inspector noted that density calculations in isolation reveal little in terms of likely impact. However it was determined that the indicative details submitted with the previous scheme showed that... *'in addition to the extensive plot coverage, the likely height and massing of the new building would be very much greater than the neighbouring houses and the buildings on the opposite side of Elmshott Lane. It would also be significantly taller than Charlcot Mews. The proposal would introduce an uncharacteristically large building into this part of the Borough.'*

- 9.7 Therefore it is not simply a case of concluding that there is harm caused through the density of a proposal without being able to demonstrate a resultant significant adverse impact. It is noted that, while, reduced, the density of development is still considered to be too high for this location. Although this alone would not form a reason to refuse, the report will go on to demonstrate how the density, contributes towards adverse planning impacts which leads to the view that the density as proposed continues to be inappropriate for this area.
- 9.8 In respect of Core Policy 4, the proposal does not result in the loss of any family housing as defined by the Core Strategy and 30% affordable housing is proposed by way of 20% on site provision (amounting to 18 units) and 10% as a financial contribution for off site provision. The principle of flats is established on the site. However as stated above, the density proposed is inappropriate and the proposal is contrary to Core Policy 4 of the Core Strategy.
- 9.9 Core Policy 4 also states that there should no net loss of family accommodation. 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.

10.0 **Mix of housing**

- 10.1 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 9 x three bed flats, 19 x two bed flats and 56 x one bedroom flats.
- 10.2 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%

- 103 The proposed scheme would provide the following mix:

One Bed Units – 56 (67% of mix) with 9 units proposed as affordable.
 Two Bed Units – 19 (23% of mix) with 7 units proposed as affordable.
 Three Bed Units – 9 (11% of mix)

For comparison purposes the previous scheme proposed 71% one bedroom units and 29% two bedroom units. No details have been provided regarding the size of the affordable units proposed.

- 10.4 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. In terms of the existing stock, 4 three bedroom flats are being lost as part of the proposal but there are 9 equivalent units proposed as part of the application, which amounts to a net gain in the larger units. However, in light of the table above, the proposed residential mix does not reflect the requirements of the SHMA.
- 10.5 The previous appeal decision considered housing mix and the Inspector concluded that the previously proposed mix of 1 and 2 bed units would *'do little, if anything, to meet the aims of LP Policy CP4 in providing family housing or to satisfy the objective of creating mixed and balanced communities.'*
- 10.6 This revised application does alter the mix to provide some larger units but continues to lean heavily on 1 bedroom units, proposing a far higher percentage than is set out in the SHMA. It is considered that a mix that is not in line with the SHMA would not instantly equate to a reason to refuse planning permission. There should be some flexibility to applied to the table to take account of factors such as location.
- 10.7 As stated, the location of the site, being outside of the town centre, is such that the Council seeks to achieve developments that predominantly consist of family housing. While larger units are proposed in this application, the overall mix is still largely reflective of the first application that would found to be unacceptable by the Council and the Planning Inspectorate. It is noted that the percentage of smaller units as part of the overall mix is reduced in comparison to the first application however the extent of reduction will still lead to a development that would do little to meet the aims of Core Policy 4 in providing family housing or creating a mixed and balanced community.
- 10.8 The proposed mix of residential accommodation to be provided in this location, while more varied than the originally refused application, would not help achieve a sustainable, inclusive and mixed community. The proposal is therefore contrary to Core Policy 4 of the Core Strategy.
- 11.0 **Impact on the character and appearance of the area**
- 11.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2
- 11.2 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 implemented.

- 11.3 The site is in a prominent location on Elmshott Road and is highly visible from the street/public realm. The proposal would also be highly visible from the residential properties located to the east of the site on Patricia Close and from the flats to flats to the south and church to the north, as well as being highly prominent in relation to the adjacent school and library. .
- 11.4 The proposed building is illustratively shown as a 4 storey building which would measure approximately 12.4 metres at its highest point. The building would have two rear wings which project at the same height aside from where it shows a stepping down at the northern extent. This is a reduction on the previous scheme which showed a 5 storey building at 18 metres in height.
- 11.4 The residential character of the area (Patricia Close, Washington Drive etc) is a mix of single storey and two storey dwellings. On Patricia Close the buildings are two storey terraces. The closest dwellings on Washington Drive are bungalows. Chalcott Mews is located close to the site and is 3-4 storey structure. However, this height of development is not typical in the surrounding area and sits more as an exception rather than an example of typical scale. The school opposite the site is predominantly single/two storey and the library is single storey.
- 11.5 The previous appeal decision was particularly clear in its conclusion that the scale of the previous proposal would be *'ill-fitting for this site and would detract from the positive elements of the local environment'*. It was observed that the redevelopment of the site has the potential to enhance the appearance of the area but *'the height and very large mass of likely new building that would be required to provide the proposed development, as well as the limited space that would be retained within the site would contrast awkwardly with neighbouring properties and have an unacceptable impact on the character and appearance of the area.'*

Consideration therefore falls to whether or not this revised proposal would address the harm identified by the Council and the Planning Inspector.

- 11.6 It is acknowledged that the scale of development is reduced, due mainly to the reduction in the number of residential units proposed. However it is considered that the scale of the building as shown on the submitted plans would still be regarded as being overly large and would introduce a harmful mass into the area which would adversely affect the character.
- 11.7 The plans show the indicative proposal in the context of the existing flats on Chalcot Mews and that the proposal would not be as high as this.

While this is true the building as proposed would be significantly more bulky than anything in the area and would have a dwarfing effect on its surroundings, including Charlcot Mews due to the extent of plot coverage and relationship to the public realm.

- 11.8 The scale of building in the area is predominantly 2 storey but the area is also characterized by set backs from the public highway. The indicative scheme submitted shows a large scale building that would be consistently close to the public highway and its scale results in an overpowering and dominant building form in an area where the character is far more informal.
- 11.9 The previous appeal decision also noted that the previous scheme retained limited space within the site which added to the awkward contrast with neighbouring sites in the area. The extent of plot coverage within the scheme is effectively the same as before which therefore still leaves little space within the site.
- 11.10 Having regarded the revised proposal against the Council's previous concerns and the decision of the Planning Inspector it is considered that this revised proposal does not address the matter and would still result in a building that is overly large and would not be compatible or sympathetic to local character to the severe detriment of the area. It is acknowledged that the scale is reduced however it does not decrease to the extent that would address the previous concerns. The scale is largely determined by the high development density of the revised proposed which concludes that the proposal will overdevelop the site.
- 11.11 The proposal, in order to provide any provision of parking for the scheme proposes to incorporate a basement car park. The need for this part of the scheme is symptomatic of the density of development proposed, regardless of whether or not the number of spaces provided are considered to be acceptable. A basement car park is not characteristic of this area and is another part of the scheme that weighs against its consideration. A proposal with a more appropriate density could achieve parking provision without having to provide a basement for spaces.
- 11.12 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and EN2 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 2012.

12.0 **Impact on amenity of neighbouring occupiers**

- 12.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.
- 12.2 Consideration of the first application led to the Council refusing the application on the grounds that there would be harm to the amenity of existing residents on Charlcott Mews and Patricia Close. At appeal the Inspector did not uphold this reason for refusal and cited that the nature of the scheme would not cause significant harm to amenity. The Inspector did however conclude that the scheme would harm the amenity of the upper floor flat at 33 Elmshott Lane.
- 12.3 This revised proposal indicates that the built form from first floors upwards would be pulled away from the southern boundary to increase the gap between the proposal and 33 Elmshott Lane. The outlook from the windows of 33 Elmshott Lane would provide a distance of between 8-10 metres before the blank façade of this application proposal. The scale of the building proposed means that the majority of the outlook from these windows would be blocked by the proposal building as close as 8 metres from the neighbouring site. The Council's Residential Extensions Guidelines Supplementary Planning Document 2010 advise that a 15m distance is recommended between flank walls and primary elevations so that there is no harmful overbearing impact. This proposal falls short of achieving that and while it is a guideline, and not a hard standard, the shortfall at 8 metres leads to the conclusion that the proposal, at the scale shown, will continue to have a harmful impact.
- 12.4 In respect of its relationship with other existing neighbouring properties, the extent of impact is either the same or has been reduced when compared to the first scheme. The distances between the indicative built form of the development and other neighbouring properties in the area are essentially the same as the first scheme which established relationships that the Planning Inspectorate have deemed to not be harmful. The revised scheme also reduces the impact on other neighbouring properties to an extent as a result of reducing the scale of the building proposed.
- 12.5 It is noted that the issue of impacts on neighbouring amenity have been raised by a number of neighbouring residents as objections to this application. The objections are noted and it is true to conclude that there will be changes to outlooks and activities as a result of this development. However the Planning Inspector's previous comments form a material consideration for this application and this is without exception for neighbouring amenity impacts. As part of the previous appeal the Inspector considered all potential neighbouring amenity impacts and concluded that, while there would be changes, these would not all be negative and where there is some perception of adverse impacts these would not be significant enough to warrant a reason to refuse planning permission.

12.6 As the scheme is largely reflective of the first application, or in most cases reduced in scale, it would not be considered reasonable in planning terms to refuse the scheme on amenity impact where the Planning Inspectorate has previously discounted it. It would be possible to consider it if there was an increased impact but in this application it is not the case. It is noted a development of this scale will continue to create objections from neighbouring residents but the conclusions of the Planning Inspectorate should be given significant weight in the decision making process in this respect.

12.7 For the reasons described above the revised scheme is still considered to have an adverse impact on the amenity of the occupiers of the upper floor accommodation of 33 Elmshott Lane. The proposal is therefore considered to be contrary to Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

13.0 Living conditions for future occupiers of the development

13.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings

13.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."

13.4 While submitted for indicative purposes, the illustrative plans appear to show that the proposed flats would have acceptably sized internal spaces that comply with Council's guidelines although this would need to be confirmed at the reserved matters stage.

13.5 A number of the proposed flats provide a kitchen within the living area which does not comply with guidance which do not have an external window. As a result the kitchen areas of the flats will result in a gloomy character internally. This is a circumstance that results from the majority of units in the scheme with only a single aspect which is a result of the high density of the development proposed. This was a circumstance with the first application and while the Council previously considered this impact to be harmful it was not considered to be a significant adverse impact by the Inspector. The Inspector did observe that the gloomy kitchens could not be resolved through reserved matters but concluded it would not be harmful. It is unfortunate that the arrangement is retained in this new application and would not contribute towards a high quality design but is a situation that is acceptable in planning terms.

13.6 Private external amenity space would be obtained through a mix of balconies and communal terrace areas which are considered to be

acceptable.

13.7 Based on the above, the living and amenity space would appear to be in accordance with the NPPF and the Development Plan although it is noted designs are not details with this application. The application is considered to be acceptable in light of the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

14.0 **Impact on vitality and viability of the centre**

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

14.2 The proposed site is located within the Elmshott Lane/Bath Road neighbourhood shopping centre. The existing amount of retail space is 2,165 sq.m spread across 10 units, all of which fall under Class E use class. 27-29 Elmshott Lane was a Co-op. There are 9 other small units that make up the block to the north. The premises (some utilising more than one unit) have consisted of an electrical lighting wholesalers, RSPCA charity shop, a veterinary clinic, an ice cream parlour and a tutor centre.

14.3 Considerations on the impact on vitality and viability of the town centre remain the same as the first application as the commercial floorspace proposed is exactly the same as the first application. . The proposed development provides an equal amount of commercial space. It specifically provides retail space so would not provide a D1 use. However, this could be rectified if necessary at the reserved matters stage. Although the amount of retail floor space provided is the same as existing, there are additional areas identified for storage and loading bay space which results in the footprint of the building being much larger than existing.

14.4 The proposed development provides one larger retail unit (1,1254 sq.m) and three small retail units (228sq.m, 126 sq.m and 278 sq.m). Policy S1 of the Local Plan aims to ensure that development proposals do not harm identified shopping areas.

14.5 It is not considered that there is a material objection to the change in the size of the units on the proposed site. Three units are still provided for smaller businesses and a larger retail unit suitable for a supermarket is also proposed. This would enable the shopping parade to provide local shopping facilities to the local community.

14.6 Overall the proposed scheme would not harm the Elmshott Road/Bath Road neighbourhood shopping centre and would comply with policy S1 of the Local Plan.

15.0 **Heritage**

15.1 Cippenham Primary School (located opposite the site) is a locally listed building on the Slough Local List. The entry states that the school is a good example of 1930s neo-classical architecture which has been relatively unaltered on the front elevation. Although extensions have been added to the building these have been designed to match the original building and set back from the main façade.

15.2 The proposed development would sit within the setting of this locally listed building. Although the proposed development would be significantly higher than the current building, and more modern in appearance, it is not considered that there would be material additional harm to the setting of the locally listed building.

16.0 **Crime Prevention**

16.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour.

16.2 The proposed flats would be accessed by three doorways positioned on Elmshott Lane. The proposed windows to the front elevation would provide a good level of surveillance to the street.

16.3 Concerns have been raised by residents that the proposed underground car park would result in an increase in anti social behaviour. The car park is accessed from Elmshott Lane via an access ramp. At the time of writing no comments have been provided by the Crime Prevention Officer.

16.4 Planning Officers are aware of the high crime rate in the Borough, and therefore if the proposal had been deemed acceptable then conditions would have been utilised to ensure that the development is capable of achieving Secured by Design accreditation.

17.0 **Highways and Parking**

17.1 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 and Local Plan 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'.

17.2 Concerns have been raised by local residents that the proposal will result in an increase in traffic on the Elmshott Road and that it would have knock

on effects for the wider area. The other principal concern is that the residential parking provision of 26 spaces will fall short of what is required for the development proposed.

- 17.3 A total of 127 parking spaces are provided at basement level. 26 of the 135 spaces are to be visitor spaces for the residential units. 8 disabled spaces are proposed within the total although the indicative layout shows the spaces have been provided at locations that do not take advantage of accessible location and would not, as proposed be acceptable.
- 17.4 114 cycle spaces are also provided within the basement car park. No cycle parking for retail visitors is proposed.
- 17.5 The Planning Inspector considered the impact on parking and the highway as part of the previous appeal. The Inspector noted that Elmshott Lane was subject to a 20mph speed limit and has speed humps and that visibility was acceptable. The Inspector noted an increased in traffic to and from the site by visitors but concluded that *'most of these would be undertaken by walking, cycling and/or public transport, which would be supported by a travel plan/sustainable travel information pack'*. The Inspector found the previous parking levels to be acceptable and had no objection to loading arrangements and therefore did not uphold the Council's reason for refusal.
- 17.6 This revised scheme is proposed with a lesser quantum of development than the previous. Therefore it would mean that the extent of overall traffic to and from the site would be less than the first application. Given the Inspector did not find harm with the first scheme in respect of highways it is difficult to raise an objection on this ground as a result.
- 17.7 It is also noted that there are less parking spaces proposed than the first application but it does coincide with the reduction in development quantum. At the time of drafting this report, formal Highways comments had not yet been received. Once received the Highways assessment will conclude in the update sheet.

18.0 Sustainable Design and Construction

- 18.1 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.
- 18.2 If the proposed scheme had been acceptable then details relating to

sustainable design and construction would have been secured by condition.

19.0 Air Quality

19.1 The application site is not situated within an Air Quality Management Area (AQMA). Therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development.

20.0 Affordable Housing and Infrastructure

20.1 Core Policy 1 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.

20.2 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.

20.3 Owing to the number of units proposed, this application would attract on-site affordable housing provision. Core Policy 4 requires that on sites for more than 15 dwellings between and 30% and 40% is affordable housing. This is clarified further within the 'Developer Contributions and Affordable Housing (Section 106) Developer's Guide Part 2' updated in September 2017.

20.4 Table 1 of this guide states that for brownfield sites of more than 70 dwellings 35% affordable housing should be provided comprising 22% rent and 13% intermediate housing. The proposal would provide 30% affordable housing with the applicant proposing 20% on site provision and 10% proposed as a financial contribution for off site provision. This therefore does not provide the required level.

20.5 The provision of 16 units as proposed here actually equates to 19%. The applicant has proposed the affordable housing numbers due to the claim that it is preferable for provision to be made in a separate block from market housing for management purposes. This is not fully agreed with as shared ownership units can be mixed within market homes without management concerns. It is not a valid reason to underprovide affordable housing on this development.

20.6 Furthermore the housing mix offered by the applicant, of 9 no 1-bed units and 7 no 2-bed units does not meet the demand from the housing register. The greatest identified demand is for 2 bedroom units or larger and none of the 3 bed units have been offered as part of the affordable housing proposal.

20.7 The provision of affordable housing is regarded as a benefit of the scheme that can be given weight when considering the planning balance however the offering that is proposed does not meet policy requirements and no viability information has been submitted to demonstrate why this scheme is proposed. The Housing Officer advises that the Council does not accept financial contributions in lieu of provision on a site this size and in any case it is unclear as to how the applicant has calculated their contribution amounts.

20.8 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/three bedroom flat would require a contribution of £4,828. The proposed development of 85 one bedroom flats and 34 two bedroom flats would require a total contribution of £240,652.

The contribution calculation would be as follows:

One Bed Units – 56 = £50,568
Two Bed Units – 19 = £91,732
Three Bed Units – 9 = £43,452

This creates a total contribution requirement of £185,752 for education,

20.9 All residential developments of 70 units or more require a financial contribution to recreation facilities. A financial contribution towards the provision of new or enhanced recreation facilities off-site at Cippenham Green/Cippenham Recreation Ground will be required.

20.10 Financial contributions towards highway improvements and other measures will also be required.

21.0 **Surface Water Drainage**

21.1 The site is located within flood zone 1 and therefore flood risk is minimal. In relation to surface water run off no information has been submitted regarding flood risk and drainage. 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

21.2 The previous scheme was refused by the Council on the grounds that the applicant had failed to demonstrate that there would not be an unacceptable impact on drainage and flooding as a result of this development.

21.3 However, at appeal the Planning Inspector did not uphold the objection, principally due to the applicant submitting the required information as part

of the appeal process. The Inspector concluded that the applicant's evidence at the time demonstrated that development would be unlikely to increase flood risk and that suitable conditions could cover the matter of details drainage schemes.

21.4 The applicant has elected to not submit any information in respect of flood risk and drainage assessments for this application in spite of having produced such assessment previously. Despite this absence of information the previous appeal decision is given significant weight and therefore no objection is raised in principle on the basis that detailed design would theoretically be a reserved matter if an outline proposal were to be considered acceptable.

22.0 **Air quality/Noise impacts**

22.1 The application site is not situated within an Air Quality Management Area (AQMA). The Council's Technical Officer notes that there would likely be a medium impact on air quality due to trip numbers associated with the development. The Planning Inspectorate previously concluded that there would not be harm through this impact. It is noted no information has been submitted to address potential impacts. 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.

22.2 In terms of noise impacts the Technical Officer notes that an assessment would be required. Noise impacts were not raised as a matter of concern as part of the last application and therefore no objections should be raised in principle. Should an outline scheme be considered acceptable it would be necessary for a detailed design proposal to undertake a noise assessment and include any mitigation measures as part of that design.

21.0 PART C: RECOMMENDATION

21.1 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 proposed development would, by virtue of its density, scale and mass, would result in a development of an unacceptably high density outside of the town centre, with a mix that would not help to achieve a sustainable, inclusive and mixed community, which would result in a development that is not be in keeping with character and appearance of the local area to its severe detriment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and policies CP1, CP4 and CP8 of the Local Development Framework Core Strategy 2008 and the

requirements of the NPPF.

2. The proposed development, by virtue of the scale and mass of building, would result in an unacceptable loss of amenity to neighbouring residents at 33 Elmshott Lane by way of an overbearing character and loss of outlook. The proposal is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.
3. The proposed development would, by virtue of the housing mix proposed, fails to provide a housing mix that would meet the recommended mix of the Strategic Housing Market Assessment 2016 and would therefore not contribute towards achieving a sustainable, inclusive and mixed community. The proposal also fails to provide an appropriate level of affordable housing as part of the scheme. The development would therefore be contrary to the objectives of the National Planning Authority Framework and Policies 4 and 10 Local Development Framework Core Strategy 2008.
4. In the absence of a completed legal agreement securing financial obligations and the provision of affordable housing, the development would have an unmitigated and unacceptable impact on existing local infrastructure and would fail to make an acceptable contribution towards, local affordable housing stock. The development would therefore be contrary to the objectives of the National Planning Authority Framework and Policies 4 and 10 Local Development Framework Core Strategy 2008