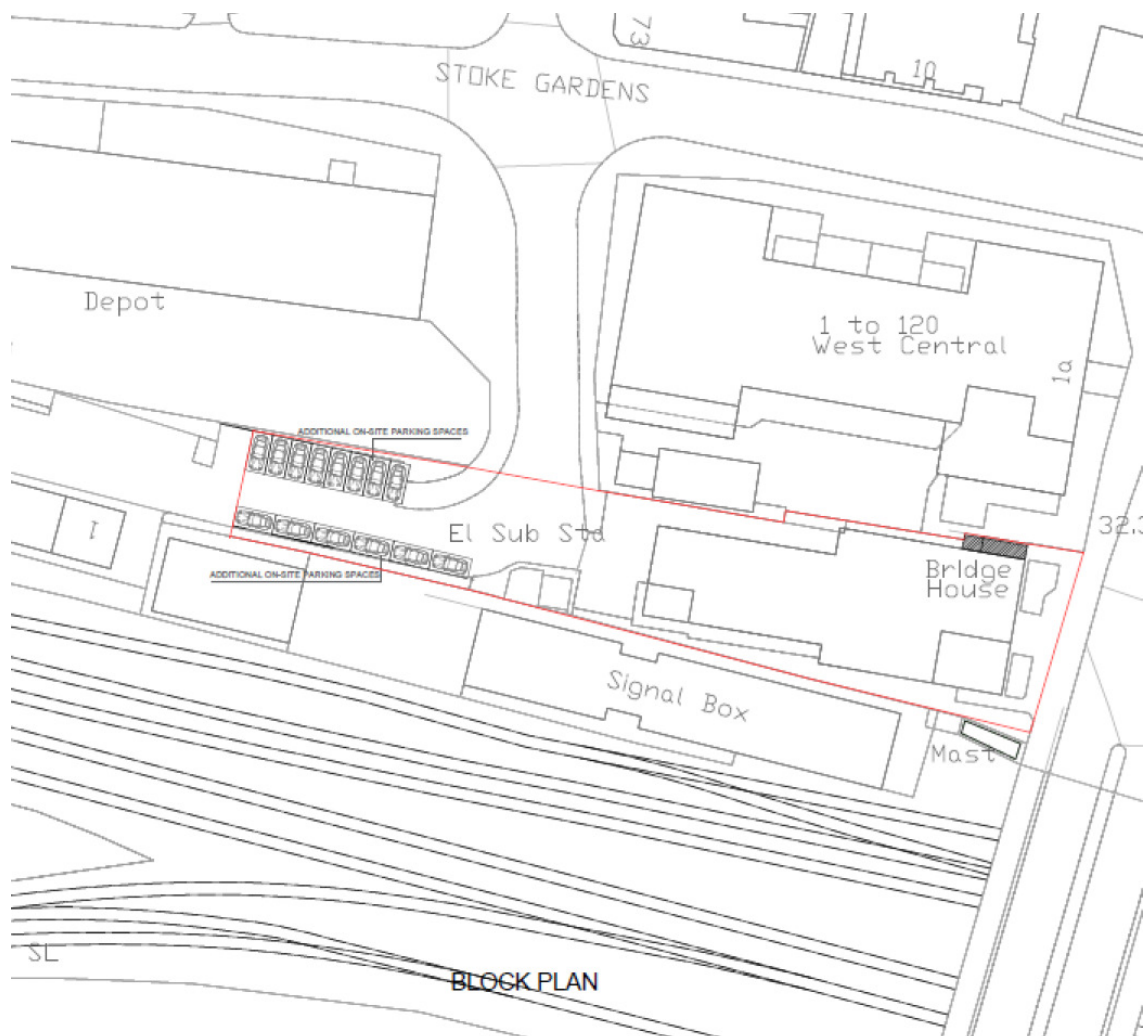


Registration Date:	16 <sup>th</sup> July 2018	Application No:	P/08557/005
Officer:	Neil Button	Ward:	Central
Applicant:	Mr Mohammed Anees 1 Stoke Road, Slough, SL2 5AH	Application Type:	Minor
Agent:	MCS Design Architectural Services, 53 Westmead, Windsor, SL4 3NN	8 Week Date:	10 <sup>th</sup> September 2018
Location:	1 Stoke Road, Slough		
Proposal:	Construction of a second floor on the existing building		

**Recommendation: Refusal**



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 the application is refused on the following grounds:

1. The Proposed development by reason of its height, scale, massing, proximity and siting would constitute an obtrusive form of development that would result in material and significant losses of daylight and sunlight experienced from habitable rooms within the residential dwellings at the block of flats to the north of the site. The proposals would constitute significant harm to the living conditions within the flats by creating sub-standard units of accommodation with low levels of natural light serving the windows. The proposals are contrary to the Local Plan policies EN1 and EN2 which require that development does not result in the significant loss of sunlight or create significant overshadowing as a result of their construction and Core Policy 8 of the Core Strategy, and the NPPF (2019).

1.2 The application is referred to planning committee as the extension would create a building with a floor area greater than 1000m<sup>2</sup> and due to the planning matters to be considered, the planning manager considers an exemption can be made to have this application considered by the planning committee.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 The proposal comprises the erection of a single storey rooftop extension above the two storey (plus lower ground) Islamic & Community facility at 1 Stoke Road and internal alterations to the ground and first floors to reconfigure the existing uses and functions within the building. Internal alterations to the lower ground floor car parking area are also proposed to enable the provision of additional cycle storage facilities.

2.2 The proposed extension will form a new second floor above the existing building to provide 546 sqm new floorspace (Class D1 – Community Use).

2.3 The front elevation is constructed using mirror glazing and blue UPVC frame. All windows (on the northern façade) which face the adjacent building to the north will be obscure glazing to prevent overlooking of the neighbouring block of flats at West Central. The remaining rear extension above the existing first floor will be constructed using matching brickwork to repeat the external material of the lower floors.

2.4 The applicant has stated that the proposal will provide additional floorspace for the Sri Lankan Islamic Culture and Education Community Centre which provides Islamic education to the Muslims and non-Muslims. The ground floor will be used as the main prayer hall. The first floor consists of open space which will be transformed into several rooms

providing classes for ladies programs; library and for community activities as well as children' classes for extra tuition and Arabic classes.

- 2.5 The proposed second floor will provide recreational and educational services to the general youth. The applicant confirms that around 20-30 people are expected to attend on daily basis between the hours of 17:00 and 20:00. This will marginally increase to 30-40 during the weekends.
- 2.6 The proposals include modifications to the lower ground floor car park to facilitate the provision of an enlarged cycle stores for 18 additional bikes (in addition to the retained 12 spaces). The resulting change results in the reduction of car parking within the lower ground floor provision to 28 car spaces (reduced from 30).

### **3.0 Application Site**

- 3.1 The site is currently used as an Islamic Culture and Community Centre within a two storey building above a lower ground level. Planning permission for the community centre use of the former office building was granted on 13<sup>th</sup> October 2013 (P/08557/002). The community facility benefits for planning permission for construction of a side extension at lower ground level to the existing community centre to provide with WCs and ablution area.
- 3.2 The Centre has been providing social, religious, recreational and educational activities for the Sri Lankan and other Muslim communities in Slough. The applicant confirms that the Centre provides much needed educational facilities to support a growing local need which helps residents integrate with the wider community. The centre provides services to people who live in the Slough West area. During prayer times, the centre operates from at least 40 minutes before sunrise to 10.30pm at the latest. The number of persons attending the Centre for 5 times prayer for a period of 20 minutes is between 20 and 30 persons.
- 3.3 The lower ground floor consists of secured parking spaces for 30 vehicles and a further 14 on street spaces near the rear entrance. The additional 14 off-street car parking spaces are provided adjacent to Bristol Way within the application red line area shown on the submitted plans.
- 3.4 The site is accessible for pedestrians from Stoke Road with the front entrance adjacent to the street. By car, the site is accessed by Bristol Way which is connected to Stoke Gardens. The car park and access is set at lower ground floor level which reflect the lower lying nature of this part of the site. The upper ground floor level is located level with Stoke Road.
- 3.5 The site is located within Slough Town Centre in close proximity to the rail and bus stations to the east, the with town shopping centres to the south. The site is located on the western side of Stoke Road south of the junction with Stoke Gardens. Bristol Way is located to the west of the site which serves the industrial area to the west.
- 3.6 The site is located immediately to the north of the Stoke Road Railway bridge which is in close proximity to Slough Rail Station (to the east). The area to the west of the site comprises the Bristol Way and Stoke Gardens

Industrial Area which is defined as an Existing Employment Area in the Local Plan Proposals Map.

- 3.7 The site is located within Slough Town Centre in the Local Plan Proposals Map and forms a part of Selected Key Location site SKL03 (see below). The Allocations Development Plan Document (DPD) 2010 identifies that the SKL03 is designated to be comprehensively planned for Residential or mixed use development to support regeneration of this area.



**Strategic Key Location (SKL03) Designation (in red) + Site (in green)**

- 3.8 The adjoining buildings comprise a two storey flat roofed storage unit and railway network operations office to the south and west of the site. To the east (of Stoke Road) lies the Slough Bus Depot.
- 3.9 The adjoining building to the north of the site comprises a modern 7 storey block of flats known as West Central which lies on the site of the former Northgate House. This comprises 120 flats with a lower level car parking yard with bin and cycle stores. The development [Planning Ref: P/00149/017] was approved in 8<sup>th</sup> November 2013.
- 3.10 From site inspection it was noted that the lower ground level of the existing car parking area within West Central is level with the lower ground floor level of the Community Centre. There are steps leading up to a platform with an artificial grassed roof which provides maintenance access for both 1 Stoke Road (the site) and West Central.

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

- 4.1 The relevant planning history for the site is set out below
- 4.2 **Ref: P/08557/004:** Construction of a side extension at lower ground level to the existing community centre to provide with WCs and ablution area. Relocation of car parking spaces to the rear of the site. Approved 6<sup>th</sup> March 2018
- 4.3 **Ref: P/08557/003:** Submission of details pursuant to conditions 7 (cycle

parking), 10 (noise level), 13 (scheme to control/reduce noise) and 15 (lighting scheme) of planning permission p/08557/002 dated 21-oct-2013 for change of use of office (class b1) to community centre (class D1). Approved 10<sup>th</sup> April 2014

- 4.4 **Ref: P/08557/002:** Change of use of office (Class B1) to Community Centre (Class D1). Approved 13<sup>th</sup> October 2013

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) a site notice was displayed outside the site on 20<sup>th</sup> July 2018.

- 5.2 The following addresses were sent neighbour notification letters (dated 20<sup>th</sup> July 2018):

West Central – Flats 1 to 120, 1A, Stoke Road, Slough, SL2 5PF, Network Rail, Signal Box, Bristol Way, Slough, SL1 3QE, 3, Bristol Way, Slough, SL1 3QE

- 5.3 13 responses were received raising objections to the proposals on the following grounds (this included a letter from the Management Company representing residents in West Central):

- 5.4
- Lack of car parking for the additional uses;
  - Development will increase dangerous car parking in vicinity of the site when the centre will be busy;
  - Anti-social behaviour caused by visitors arriving early in the morning and late at night;
  - Loss of privacy and increased overlooking;
  - Doubling size of mosque will cause additional noise and disturbance to adjacent residential uses;
  - Building is not in an area fit for purpose;
  - Impact on health and safety of residents in West Central;
  - Users dump litter outside the site which will be worse with new development;
  - Adding additional floor will increase nuisances caused;
  - Proposals will generate increase construction traffic which will have knock on effect on highway safety in the area;
  - Parking on yellow lines nearby makes it difficult for pedestrian to cross – this will be made worse with the development;
  - Development will cause over-shadowing of the flats to the north;
  - Extension will block light from entering properties to the north;
  - All natural light will be stopped for most of the day to flat;
  - New floor will directly overlook apartments – mirrored glass will not stop people in centre looking out into apartments;
  - Additional noise and disturbances will be caused when centre is very busy (at festival season) –this will worsen late at night and early mornings;
  - Additional noise and disturbance from construction work;
  - Design of building not in-keeping with modern style of the rest of Central Slough;
  - Existing building looks out of place and old fashioned – the additional extension in same style will add to this;
  - Additional floor will block views of the city from a premium flat;

- Adjoining uses on Bristol Way battling with cars parked on our street from the development blocking accesses to premises – this will be made worse with development;
- Travel Plan(both original (2018) and revised Travel Plan (Sept 2019) do not address our concerns over car parking levels;
- Better parking provisions are needed to stop cars blocking private roads;
- Travel Plan identifies 35 is the highest number of cars on Fridays – and 36 spaces are provided in the plans;

## 6.0 CONSULTATIONS

6.1 **Transport & Highways:** A Revised Travel Plan should be secured as a planning obligation.

6.2 **Environmental Protection:** No objections subject to additional conditions and adherence with permission P/08557/002.

**Use of Premises:** We have received 3 complaints regarding noise emanating from the premises between June 2018 and July 2020. The source of the noise on all occasions was from within the premises and involved the use of loudspeakers, the noise causing a disturbance to the residents of the block of flats immediately adjacent. In addition to this I have noted that their submitted information shows use of the premises and activities starting at either 7am or 30 minutes before dawn. During the summertime months this could be as early as 0415 hours. Both of these times precede the opening times stated in their current planning conditions.

There are existing conditions in place that relate to noise and should planning permission be granted I would advise retaining these conditions prevent the occurrence of a statutory noise nuisance. The conditions to be retained are:

- Condition 9 - There shall be no outdoor amplified public address systems, sound systems or loudspeakers used at the site at any time.
- Condition 10 - that the existing noise climate of the surrounding area must be protected so that the equivalent continuous noise level (leq) in dB(A) as measured outside the nearest noise sensitive building over a 5 minute period with the use taking place does not exceed the equivalent continuous noise level (leq) in dB(A) measured over a comparable period from the same position with no such use taking place and the building unoccupied.
- Condition 12 - the use hereby permitted shall not be open to members of the public outside the hours of 08:00 hours to 23:00 hours on Mondays-Thursdays, 08:00 hours to midnight on Fridays and Saturdays, and 10:00 hours to 20:00 hours on Sundays and Bank/Public Holidays.
- Condition 13 - no development shall commence until a scheme to control/reduce noise emanating from the development (including details of existing noise levels) has been submitted to and approved in writing by the Local Planning Authority.

On reviewing the submitted information I found there was no information

relating to any additional plant/machinery that may need to be installed to service an additional storey. From reviewing existing information we have about the premises from a complaint received in July 2018 regarding excessive noise from an air conditioning unit at the premises I would suggest the following condition to be added should planning permission be granted:

Condition - Noise during operation of extraction and ventilation equipment

The noise from any extraction and ventilation system shall be so attenuated that noise generated by the operation of the equipment shall not increase the background noise levels at any nearby residential premises above that prevailing when the equipment is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. Details of the BS 4142 report shall be submitted to and approved by the Local Planning Authority in writing prior to the use of the equipment.

Reason: To protect the occupants of the neighbouring properties from noise disturbance.

Construction phase

Due to the close proximity of residential properties there is a need to protect persons living in the vicinity of the construction site from the effects of noise. Therefore should planning permission be granted I suggest the following conditions be added in relation to the construction:

Condition - Control of noise from demolition/construction sites

1. All works and ancillary operations during both demolition and construction phases which are audible at the site boundary shall be carried out only between the hours of 08:00hours and 18:00hours on Mondays to Fridays and between the hours of 08:00hours and 13:00hours on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instruction.
4. Noisy works outside of these hours only to be carried with the prior written agreement of the Local Authority. Any emergency deviation from these conditions shall be notified to the Local Authority without delay.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

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

Chapter 2: Achieving Sustainable Development  
Chapter 4: Decision making  
Chapter 6: Building a Strong Competitive Economy  
Chapter 7: Ensuring the vitality of town centres  
Chapter 8: Promoting healthy and safe communities  
Chapter 9: Promoting sustainable transport

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 (footnote 6); 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.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

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 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 12 – Community safety

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

Policy EMP6 - Stoke Road Area  
Policy EN1- Design of Development  
Policy EN2 - Extensions  
Policy EN5 – Design and Crime Prevention  
Policy T2 - Parking Restraint  
Policy T8 – Cycling Network and Facilities  
Policy T9 – Bus Network and Facilities



#### 7.4 Other Relevant Documents/Guidance

Proposals Map 2010

Local Development Framework Site Allocations Development Plan Document (2010): Site allocation SKL3 states that proposals for development within the Stoke Road area should:

- Be comprehensively planned
- Provide for an overall mix of uses within the area
- Rationalise the road and pedestrian network
- Only include small scale ancillary retail uses
- Comply with the principles of the Slough Town Centre Urban Design Framework SPD

The reason for the allocation is stated as being required as the area needs to be comprehensively planned in order to accommodate the pressure for development in this location close to the railway station. It is stated that residential or mixed use development may be appropriate as part of the comprehensive regeneration of this area.

#### 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 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.

#### 7.6 Use Classes Order 2020

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) were introduced by the government on 20 July, and take effect on 1 September 2020. The new Regulations make radical changes to the 1987 Use Classes Order. These changes sit alongside the recent additions to permitted development rights, forming part of the government's "Project Speed", with the aim being to support the high street revival and allow greater flexibility to change uses within town centres without the need for express planning permission.

The Regulations introduce three new use classes:

1. Class E (Commercial, business and service) – including retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with “any other services which it is appropriate to provide in a commercial, business or service locality”;
2. Class F.1 (Learning and non-residential institutions) – including non-residential educational uses, and use as a museum, art gallery, library, public hall, religious institution or law court; and
3. Class F.2 (Local community) – including use as a shop of no more than 280 sqm mostly selling essential goods, including food and at least 1km from another similar shop, and use as a community hall, area for outdoor sport, swimming pool or skating rink.

Parts A and D of the original Schedule to the Use Classes Order have been entirely deleted, with Use Classes A1, A2, A3, parts of D1 and D2 subsumed into new Use Class E along with Class B1. Changes of use within this new Class E will not constitute development at all (as opposed to permitted development).

The application is to be determined on the basis of the additional floorspace falling within Class D1 (Community Use) which was specified in the planning application description of development and is consistent with the authorised D1 (Community) Use as per condition 3 of planning permission Ref: P/08557/002 dated 13th October 2013. Given the wording of the condition, the existing building or extended building will not benefit from the provisions in new Class F.1 (Learning/Residential Institution) or Class F.2 (Local Community). It is noted that the authorised community use combines elements of both new uses but the planning assessment will consider the effect of additional ‘D1’ floorspace.

## 7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals. This planning report identifies the possible equality impacts on the protected groups within the following sections.

## 8.0 **Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of Extension to Community Facility
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Highways/Transport and parking

## **9.0 Principle of Extension to Community Facility**

- 9.1 The proposals involve an upward extension to the existing Sri Lankan Islamic Culture and Education Community Centre which provides Islamic education to the Muslims and non-Muslims.
- 9.2 The proposals will create an additional 546 sqm of community floorspace alongside minor alterations to the lower ground floor level to provide additional cycle storage which requires the incorporation of two car parking spaces which will be removed.
- 9.3 It is recognised that the proposals will provide a valued facility for the local community to support groups in Slough and this is afforded considerable weight in the assessment. This was noted as an important consideration within the officer report for the previous change of use application which consented the change from Class B1 (Business) use to Class D1 (Community Facility).
- 9.4 As the site is located within the town centre it is generally considered to be an acceptable location for community developments having regard to the aims of Core Policies 1 and 6. Core Policy 1 requires that all development complies with the Spatial Strategy set out in the Core Strategy and Core Policy 6 states that all new major retail, leisure and community developments will be located in the shopping area of the Slough town centre in order to improve the town's image and to assist in enhancing its attractiveness as a Primary-Regional Shopping Centre. It is considered that the principle of the proposed development would generally comply with these policies.
- 9.5 Core Policy 11 of The Core Strategy relates to social cohesiveness. This policy states that the development of new facilities which serve the recognised diverse needs of local communities will be encouraged. All development should be easily accessible to all and everyone should have the same opportunities. The previous Officer report for the change of use (Ref: P/08557/002) noted that:
- "The community centre would be self-financed and would be based on charitable donations from the local community. The community centre would provide a facility for the Sri Lankan community. It is understood that the community has risen to 400 families in the Slough area and as such the need for a community centre has arisen. It is understood that a search has been carried out for an alternative site, however none has been identified".*
- 9.6 Taking account of the policies along with the previous justification for the community use, it is considered that the principle for providing additional floorspace is acceptable, subject to the detailed environmental impact of the additional capacity and scale/height of the extension. It is noted that the proposals would continue to provide community floorspace for meeting the diverse needs of local communities.
- 9.7 The site forms part of site allocation Selected Location for Comprehensive Regeneration SKL3 as set out in the Slough Local Development Framework Site Allocations Development Plan Document. The reason for

this allocation is to comprehensively plan the area in order to accommodate the pressure for development in this location close to the railway station. Residential or mixed use development may be appropriate as part of the comprehensive regeneration of this area.

- 9.8 Also of relevance is Policy EMP6 of the Adopted Local Plan which relates to the Stoke Road Area. This policy states that within the Stoke Road, Mill Street and Grays Place areas, redevelopment schemes which provide a range of business and residential uses, either independently or combined as mixed use schemes will be permitted subject to compliance with relevant criteria.
- 9.9 It is considered the proposed development would not conflict with either of these policies given the existing use is established and the proposals potentially create additional employment opportunities within the facility which supports the continued use of the site supporting some local employment.
- 9.10 In conclusion, in land use terms, the principle for providing additional floorspace to the community facility is supported in light of the town central location and mixed use character of the location which is located close to Slough Bus and Rail stations in a highly sustainable location. The principle of Class D1 use is permitted under the original change of use application (ref: P/08557/002). Notwithstanding the acceptability of the land use, it is necessary to consider the impact of the extension on the local character of the area and on the living conditions and amenity of residents adjacent to the site in terms of the below environmental considerations.

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

- 10.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2.
- 10.2 Local Policy EN1 states that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of:
- a) scale;
  - b) height;
  - c) massing/Bulk;
  - d) layout;
  - e) siting;
  - f) building form and design;
  - g) architectural style;
  - h) materials;
  - i) access points and servicing;
  - j) visual impact;
  - k) relationship to nearby properties;
  - l) relationship to mature trees; and
  - m) relationship to water courses.

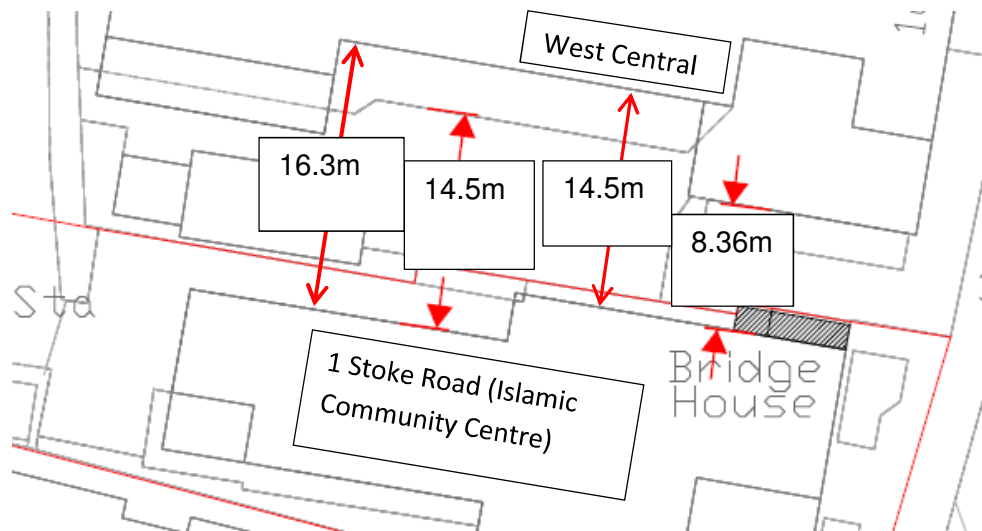
These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their

surroundings and schemes which result in over-development of a site will be refused.

- 10.3 Policy EN2 states that Proposals for extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure. Extensions should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.
- 10.4 The front elevation is constructed using mirror glazing and blue UPVC frame. All windows (on the northern façade) which face the adjacent building to the north will be obscure glazing to prevent overlooking of the neighbouring block of flats at West Central. The remaining rear extension above the existing first floor will be constructed using matching brickwork to repeat the external material of the lower floors. This is considered an appropriate architectural response in terms of scale, height, massing, siting, form/design, style and materiality in broad visual terms and the development is not considered to harm the character or appearance of the surrounding area.
- 10.5 It is considered that the proposal broadly complies with majority of the criteria in Policy EN1 save for points (j) and (k) which will be discussed in detail below. Therefore, the character visual qualities of the local area would not be harmed in terms of the overall architecture or scale of development. In terms of Policy EN2, the proposed extension would be compatible with the scale, materials, form, design, architectural style, layout and proportions of the original structure and is compliant with this aspect of the policy.

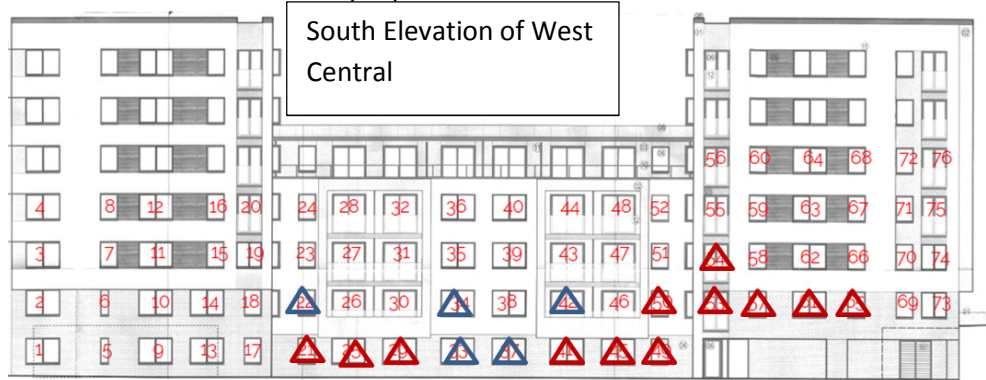
#### **11.0 Impact on amenity of neighbouring occupiers**

- 11.1 Core Policy 8 requires new development proposals to reflect a high standard of design and to be compatible with and / or improve the surroundings in terms of the relationship to nearby properties. The NPPF at paragraph 127 sets out guiding principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 11.2 Also of relevance is the wording in Local Plan policies EN1 and EN2 referred to above. Specifically, Policy EN1 states that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of: j) visual impact; and k) relationship to nearby properties. Policy EN2 states that extensions should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.
- 11.3 The below plan identifies the approximate separation distances between West Central and the site.



- 11.4 The south facing elevation of West Central contains a number of windows which directly face onto the northern elevation of the Community Centre. These windows all serve habitable rooms as illustrated in the floorplans in para 11.9 below.
- 11.5 In considering the proposals, officers have had due regard for the impacts on the amenity and living conditions of residents residing within adjoining and adjacent dwellings within West Central to the north of the site. The proposals have been considered with regards to the impact (of the additional height of the building) on the existing levels of privacy, daylight, sunlight and overshadowing to determine whether the residential amenity within neighbouring properties would be materially affected.
- 11.6 In terms of daylight and sunlight, the applicant has submitted a Daylight and Sunlight Report which considers the technical impacts of the development upon levels of daylight and sunlight within the flats within West Central.
- 11.7 The applicant has also submitted section plans showing the relationship between the buildings. The section drawing appears to inaccurately plot the lower ground level of West Central which is shown as being raised above the lower ground of the site. Site inspection revealed that the lower ground levels are level with each other. Therefore, it is anticipated the 45 degree line shown in the submitted plan is not correct. It is likely that the additional second floor would form an obstruction of the 45 degree line if measured from the correct position.
- 11.8 When considering the impact on daylight, the Vertical Sky Component (VSC) test (within the submitted Daylight & Sunlight Report) indicates that 17 south facing windows to the lower floor apartments in West Central will experience a material reduction in daylight levels with resulting levels less than 0.8 of the former value (ie; a 20%+ reduction in daylight). Of these 17 windows which are anticipated to experience a material noticeable reduction of daylight, there are 5 windows where the impact will be a more marginal or moderate noticeable reduction (ie: between 0.7-0.8 of the former level (20-30% loss of daylight)) and 12 windows where the impact will be greater and more significant (less than 0.7 the former value (30%+ loss of daylight)). It is also noted that there are a number of values that fall

well short of the 27% VSC (which the BRE Guide indicates represents a good level of daylight is received by a window) with 8 windows having a VSC value of 10 or below. Therefore, the proposals have the potential to worsen an already compromised condition to a number of flats in the adjacent development. The following southern elevation of West Central indicates the location of the south facing windows which receive less than 0.8 of the former (existing) value and which receive less than 27% VSC and are the most affected properties.



11.9

The below floorplans of the ground and first floors indicates the following 10 x apartments in West Central will be affected by losses of daylight beyond the BRE standards for which the effect is likely to be noticeable or perceptible. Save for one x 1 bed dwelling, the affected flats are mostly all 1 person studio units with the windows being the only source of natural light given the apartments are single aspect. The blue triangles identify the location of the flats which are likely to experience a noticeable reduction of daylight.

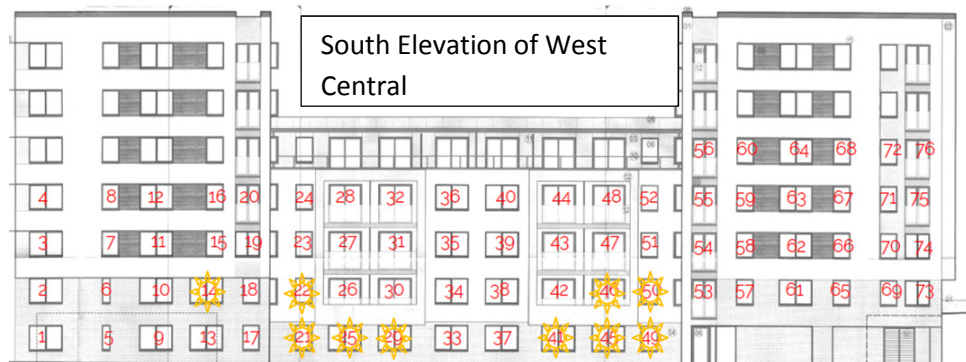






11.10 It is noted that on the first floor level, of the 8 windows which fall short of the BRE daylight standards, 5 of the 6 apartments will contain at least one other window which would retain adequate daylight levels in accordance with the BRE test. It is also noted that a number of these windows affected are also impeded by the presence of projecting bays within the building which results in a low existing VSC level and is more sensitive to obstruction. Notwithstanding these factors, it is considered the development materially reduces daylight at the adjacent residential properties, which in some cases compound existing low levels.

11.11 When considering the impact on the Annual Probable Sunlight Hours and Winter Probable Sunlight Hours (APSH/WPSH) test, there are 10 south facing windows which will experience a material reduction in sunlight levels with resulting levels less than 0.8% of their former value. Of these windows all 10 will have reductions below the minimum recommended BRE level for 25% of annual sunlight hours. 8 of these windows will result in levels less than 0.7 their former value.



11.12 These windows are located mainly at the ground floor level and affect 4 x studio flats in addition to 3 x flats on the first floor level.

11.13 Taking the above results into context, it is clear from the floorplans for West Central that all the specified affected windows are serving habitable rooms with most of the flats being single aspect. The close proximity of the host building at 1 Stoke Road to West Central is also noted. The host building is located between 8.36m and 16.3m of immediately facing windows in West Central. Therefore, the development could also be



expected to create additional opportunities for overlooking causing a loss of privacy and forming an obtrusive feature which would harm the outlook from within the residential properties. These matters, in the officer's view would compound the above specified sunlight and daylight transgressions if the windows were not obscured.

- 11.14 The submitted plans do not indicate whether the north facing windows will be obscured, although the Design and Access Statement states that "All windows facing the adjacent building will be obscure glazing to protect the privacy of the adjoining occupants". A planning condition could therefore be imposed to prevent overlooking by specifying the windows which would require obscure glazing and it is confirmed that the applicant would be amenable to this proposal.
- 11.15 In terms of over-shadowing, the development is likely to result in some overshadowing on areas to the south and east of the site. Given the orientation of the development and trajectory of the sun, and that the external space south of West Central does not comprise useable external amenity, there are no harmful overshadowing impacts anticipated as a result of the increased height of the building.
- 11.16 It is considered that the development would fail to comply with Local Plan policies EN1 and EN2 referred to above. Specifically, the proposed extension would fail to comply with Policy EN1 as the development proposals will not reflect a high standard of design and will not improve their surroundings in terms of: j) visual impact; or k) relationship to nearby properties by reason of the height, scale, massing, proximity and siting given the proposals would constitute an obtrusive form of development that would result in material and significant losses of daylight and sunlight experienced from habitable rooms within the residential dwellings at the block of flats to the north of the site. The proposals would constitute significant harm to the living conditions within the flats by creating sub-standard units of accommodation with low levels of natural light serving the windows. The proposals are contrary to the Local Plan policies EN1 and EN2 which require that development does not result in the significant loss of sunlight or create significant overshadowing as a result of their construction and Core Policy 8 of the Core Strategy, and the NPPF (2019).
- 11.17 **Noise:** Notwithstanding the visual impact of the development on the amenity of occupiers within adjoining and nearby properties, officers have also considered whether the proposals will cause additional noise disturbances. 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. ..."
- 11.18 In terms of noise from the existing use, the officer report which accompanied the planning application (Ref: P/08557/002) which consented the use of the building as a Community Facility considered that the proposed community centre would not have the potential to have an adverse impact on the amenity of the future occupiers of the West Central development by reason of noise, disturbance, and vehicular movements or through other activity.

- 11.19 The application included a number of controls in the interests of limiting the potential for future noise and adverse amenity impacts. These included the following:
- Condition 9 states that there shall be no outdoor amplified public address systems, sound systems or loudspeakers used at the site at any time.
  - Condition 10 states that the existing noise climate of the surrounding area must be protected so that the equivalent continuous noise level (leq) in dB (A) as measured outside the nearest noise sensitive building over a 5 minute period with the use taking place does not exceed the equivalent continuous noise level (leq) in dB(A) measured over a comparable period from the same position with no such use taking place and the building unoccupied;
  - Condition 11 requires that the total capacity of the community centre hereby approved (inclusive of prayer hall and school) shall not exceed 250 persons;
  - Condition 12 requires that the use hereby permitted shall not be open to members of the public outside the hours of 08:00 hours to 23:00 hours on Mondays-Thursdays, 08:00 hours to midnight on Fridays and Saturdays, and 10:00 hours to 20:00 hours on Sundays and Bank/Public Holidays.
  - Condition 13 requires that no development shall commence until a scheme to control/reduce noise emanating from the development (including details of existing noise levels) has been submitted to and approved in writing by the Local Planning Authority.
  - Condition 14 states that the development shall not commence until details of a scheme to prevent overlooking and safeguard the privacy of future occupiers of the adjacent site to the north has been submitted to the Local Planning Authority and approved in writing.
- 11.20 The above planning controls would apply to the whole facility including any extension to it. Therefore, officers consider the existing planning controls provide sufficient safeguards to ensure the extended community facility will be required to continue to operate in accordance with the original planning permission and would minimise significant adverse impacts on the amenity of nearby residential occupiers. The Environmental Protection Officer (EPO) advises that 3 complaints have been received regarding noise emanating from the premises between June 2018 and July 2020. The source of the noise on all occasions was from within the premises and involved the use of loudspeakers, the noise causing a disturbance to the residents of the block of flats immediately adjacent. It is also noted that the DAS submitted shows use of the premises and activities starting at either 7am or 30 minutes before dawn. During the summertime months this could be as early as 0415 hours. Both of these times precede the opening times stated in the current planning conditions.
- 11.21 The existing conditions should remain in place that relate to noise. The EPO advises retaining these conditions prevent the occurrence of a statutory noise nuisance. Officers note that the provision of an additional 546 sqm floorspace at the new second floor would not permit an increased capacity of the site as per condition 11. Therefore it is considered the development will not give rise to further noise disturbances and or result in

an over-intensification of the use of the site subject to the existing controls and additional recommended conditions set out by the EPO in connection with Noise Insulation and Construction Management Plan.

11.22 Noise and disturbance has been raised by a number of local residents within the adjoining West Central development and therefore due consideration has been to these concerns within the report. The operational impact of the development has been addressed in paragraphs 11.14-11.18 above. In terms of construction noise disturbance controls, planning standard (Construction and Environmental Management Plan) conditions and informatives could be secured to minimise disruption during the works which would minimise the impacts during construction. The proposal comprises a comprehensive revised Travel Plan which details how sustainable travel options will be promoted at the centre in addition to the provision of car parking for 40 vehicles on and off site. A combination of these measures would ensure that the centre will continue to provide adequate car parking and the advice in the TP would promote sustainable transport to ensure car parking disturbances will be minimised. The Car Parking provisions and impacts of the development is addressed in the below paragraphs of the report.

11.23 It is considered that the proposal would give rise to significant detriment to the amenities of neighbouring occupiers with regards to noise, but it would cause undue harm due to the impacts on living conditions as a result of the material losses of sunlight and daylight, it is considered that the development will amount to a significant level of harm to the amenity and living conditions of occupiers within the lower level apartments within West Central to the north of the site. The proposals would therefore be contrary to Policies EN1 and EN2 of the Local Plan and Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

## **12.0 Highways/transport and parking**

12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel. Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.

12.2 Paragraph 108 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

12.3 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.

- 12.4 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.
- 12.5 As per the above commentary, although the proposals result in the provision of additional floorspace on the site for community use purposes, the capacity of the centre is capped to 250 people at any time. Therefore, it is anticipated that the impact on car parking within the area and additional trips to the site will not exceed the maximum capacity when open. It is reasonable to conclude though that the centre could be used more frequently and so, the demand for car parking and cycle parking provisions needs to be considered as part of the assessment.
- 12.6 There are 28 car parking spaces provided within the lower ground floor car park and a further 14 designated on-street spaces within land on Bristol Way within land on Bristol Way to the west of the site which are available to visitors of the Community Centre. Secure cycle storage is available for 30 bicycles within the lower ground floor as amended. The proposed additional cycle storage results in the loss of 2 car parking spaces.
- 12.7 As the site is located within the Town Centre, the Council's Developer Guide 3 (Parking Standards Table 5) advises that the level of car parking for most D1 uses (with the exception of clinics/schools) is considered on its merits on a case by case basis. It has been accepted (under the previous planning applications for the change of use and side extension) that up to 46 car spaces was appropriate to support the community facility.
- 12.8 The proposals result in the provision of a further 546 sqm floorspace within the new second floor. Noting the existing on-site provision of car parking and the town centre location which is close to the rail and bus stations, it is considered that no further car parking is required for the additional floorspace. This is consistent with the Core Policy 7 which seeks to locate development in the accessible locations. It is noted that the proposal results in the loss of 2 existing spaces within the lower ground floors to accommodate an additional 18 cycle spaces. This amendment is welcomed as the proposal would promote an alternative form of travel.
- 12.9 The applicant has submitted an updated Travel Plan (September 2019) which aims to minimise the impact traffic generated by the enlarged centre on the local community; to minimise the transport related environmental impact of the enlarged centre and to minimise on street parking demand. The Travel Plan sets out measures in order to maximise the accessibility of the centre by sustainable modes of travel and minimise the impact of those journeys which are made by car.
- 12.10 The Travel Plan comprises an update of the former approved Travel Plan

which accompanied the change of use planning application and has been revised to ensure the information is more up to date. At the date of planning committee, it is considered that the Travel Plan may require further updating in light of the fact that the document related to 2019 and this must be borne in mind when considering the proposed traffic related impacts.

12.11 The Transport Officer has reviewed the Proposed Travel Plan and recommends that the operation of the TP should be secured by way of a S106 Agreement. As part of the TP requirements, the applicant would be obligated to appoint a Travel Plan co-ordinator and procure that the Travel Plan co-ordinator shall in consultation with the Owner implement and comply with the Travel Plan. The approved Travel Plan will be required to set out a package of measures and targets to reduce car travel to the site. Transport Officers have recommended that the wording of the Section 106 agreement should cover (as a minimum), details of the site assessment, baseline travel information, objectives, targets, Travel Plan Coordinator, Measures, Monitoring and review, Action Plan and Funding in accordance with the Council's Travel Plan Standard Guidance.

12.12 Subject to the above measures, the proposals would comply with Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

### **13.0 Planning Conclusion**

13.1 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.

13.2 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.

13.3 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver "sustainable development."

13.4 The report identifies that the proposal complies with elements of the relevant saved policies in the Local Plan and Core Strategy but falls short of several key policies which are relevant to the determination of the application. It has been found that the proposals are contrary to the Local Plan policies EN1 and EN2 which require that development does not result in the significant loss of sunlight or create significant overshadowing as a result of their construction and Core Policy 8 of the Core Strategy.

13.5 Notwithstanding the above, the development would make a positive contribution to the local area by providing additional Class D1 Community Floorspace and this is a matter which is afforded beneficial weight in the planning balance. The design and appearance of the development and transportation impacts are neutral factors in the balance and result in an absence of harm in these respects.

- 13.6 The Daylight and Sunlight Report indicates that the proposal causes a material reduction in daylight and sunlight which would result in a significant degree of harm to the living conditions and visual amenity of residents within the adjoining block of flats. It is concluded that these transgressions in the round make the application unacceptable in its current form, on the basis of the information provided. The site is acknowledged to be centrally located and the existing West Central contains self influencing obstructions, but these do not in my view override the extent of the harmful impacts or justify why the living accommodation should be materially compromised by the development. The adverse impact on living conditions is afforded significant harm in the planning balance.
- 13.7 Weighing all of the factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies in the Core Strategy and Local Plan, the proposals would not constitute sustainable development due to the harm which has been identified in the report. In applying paragraph 11 of the NPPF, it is considered that the harmful impacts of the development outweigh the benefits of the proposals.
- 13.8 It has been found that the proposals would fail to comply with the Development Plan for the reasons set out in this report and there are no other material considerations that would lead to an alternative determination of the planning application, the in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

#### **14 PART C: RECOMMENDATION**

- 14.1 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 the application is:

Refused on the following grounds:

The Proposed development by reason of its height, scale, massing, proximity and siting would constitute an obtrusive form of development that would result in material and significant losses of daylight and sunlight experienced from habitable rooms within the residential dwellings at the block of flats to the north of the site. The proposals would constitute significant harm to the living conditions within the flats by creating sub-standard units of accommodation with low levels of natural light serving the windows. The proposals are contrary to the Local Plan policies EN1 and EN2 which require that development does not result in the significant loss of sunlight or create significant overshadowing as a result of their construction and Core Policy 8 of the Core Strategy, and the NPPF (2019).