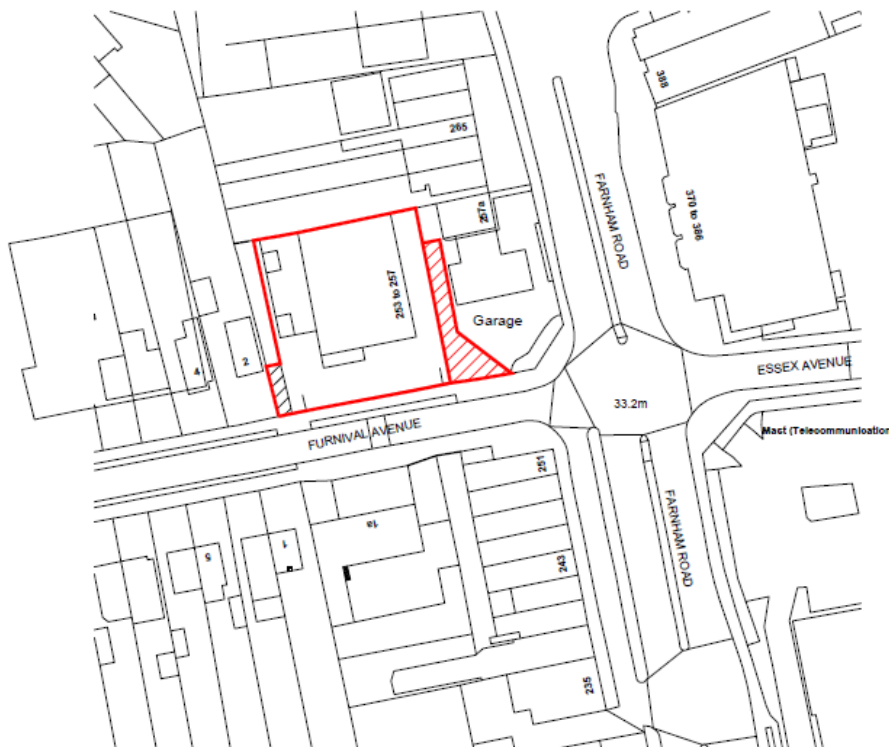


Registration Date:	29-March-2021	Application No:	P/00226/045
Officer:	William Docherty	Ward:	Farnham
Applicant:	Hillstone Properties Limited	Application Type:	Major
Agent:	GAA Design, Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	253-257, Farnham Road, Slough, Berkshire, SL4 4LE		
Expiry Date :	28 <sup>th</sup> June 2021		
Proposal:	Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking , undercroft parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.		

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



## **P/00226/45 - 253-257 Farnham Road, Slough**

### **1.0 SUMMARY OF RECOMMENDATION**

1.1 This application has been referred to the Planning Committee for consideration as the application is for a major development.

1.2 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 be delegated to the Planning Manager for Refusal.

1.3 This is on the following grounds:

#### Reason 1

The proposed development by reason of the excessive height and design would result in a dominant and incongruous form of development which would have a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

#### Reason 2:

The proposed development would result in additional overlooking of properties to the west by virtue of the position, orientation and number of balconies and windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The proposals would have an unneighbourly and visually intrusive effect upon the rear garden of 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

#### Reason 3:

The proposed development would create additional overlooking to the adjoining site to the east by virtue of the position and number of balconies and windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come

forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policy 8 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 4:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and paragraph 54 of the NPPF.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 The proposal is for change of use at ground floor from nursery (D1 Use Class) to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking , undercroft parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.

2.2 The application has been made following the refusal of application reference P/00226/044 which was for '*Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping (Revised Plans and Description of Development dated 13.10.2020)*'. The reasons for refusal of this application were for the following reasons:

1. *The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-*

*neighbourly and overbearing design that would fail to comply with Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*

- 2. The proposed development would create additional opportunities to overlook the adjoining gardens to the west by virtue of the position and number of bedroom and living room windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon garden space at 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*
- 3. The proposed development would create additional opportunities to overlook the adjoining site to the east by virtue of the position and number of bedroom and living room windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*
- 4. The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to additional on street car parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2.*
- 5. In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on affordable housing, education and open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and the NPPF.*

2.3 The above application was refused following 2 successful applications for approval; a full planning application for 9 flats and single storey roof extension and external alterations with associated works (P/00226/043 –

granted in 2020) and an application for the Prior Approval for change of use of the first floor to provide 9 flats (F/00226/040 – granted 10<sup>th</sup> September 2018). The applicant has commenced work on the change of use on the first floor.

- 2.4 The proposals are for an additional 14 flats with the units comprising 2 studio units, 5 x 1 bed 2 person units and 7 x 2 bed 3 person units. The proposed ground floor is to 3 residential units, undercroft car, cycle parking with external bin store, railing enclosure, boundary treatment, parking, and landscaping similar to the approved P/00226/043. The additional 2<sup>nd</sup> floor is proposed to match the same external treatment of the lower floor facades within a rendered concrete frame with recessed external brick walls encasing the windows/glazed elements. The proposals would have a thicker concrete band between 2<sup>nd</sup> and 3<sup>rd</sup> floors and have smaller windows at 2<sup>nd</sup> floor than the previously approved scheme.
- 2.5 The proposals include a minor change to the building line of the western elevation with the external wall projecting forward within a zig zag line. The change from previous proposals is that the windows and balconies in the northwestern corner have been re-orientated to face west/southwest as opposed to the previous schemes were these were to face west/northwest. The façade works to the western elevation results in a small amount of additional floorspace which increases the building footprint. The proposals would extend the existing ground and first floors..
- 2.6 The 3<sup>rd</sup> floor is the biggest difference from the previously refused 4 storey building, with a standing seam mansard proposed with inset windows and balconies, with this floor containing 5 of the additional flats, as opposed to the previously refused 6. The inset windows and balconies are in either the east or west elevations bar 1 window which is located on the south elevation; no windows in the mansard are proposed to the north elevation. A lift overrun protrudes from the top of the mansard which extends above the height of the previously refused proposed development. The other significant change relates to the omission of the ground floor commercial use which is replaced with additional car parking.
- 2.7 The proposals include re-landscaping the external area to the west of the proposed ground floor residential units with new boundary treatment which comprises a privacy screen with lower level timber fencing and landscaping and metal railings to the front of the proposals.
- 2.8 The proposals include the provision of a refurbished car parking area within the existing forecourt adjacent to Furnival Avenue to provide 8 spaces and provision of newly demarked parking spaces 1-6 and 14. Car parking spaces 15-23 are located internally within the ground floor which also includes spaces within the enclosed area which abuts the Petrol Station demise to the east. Two spaces contain EV chargers.
- 2.9 A refuse and bin store is located adjacent Furnival Avenue and has the capacity to contain 2x 1100L Eurobins for recycling and 2x1100L Eurobins

for residual waste. The cycle store is located in the undercroft and has 26 spaces using a two-tier bike stand.

The following documentation has been submitted as a part of the planning application:

2.10

- Application Forms
- Site Location Plan
- Existing Plans and Elevations
- Proposed Plans, Sections and Elevations
- Planning Statement
- Design and Access Statement
- Drainage Strategy
- Surface Water Drainage Design
- Surface Water Pro-Forma
- Daylight and sunlight report
- Transport Statement
- Parking Stress Survey
- Building Control site inspection report dated September 2019

### 3.0 **Application Site**

3.1 The site contains a two storey building with flat roof which is surrounded by un-marked forecourt car parking area which was formerly used as a nursery (Use D1) at ground floor and offices (B1(a)) at first floor.

3.2 Prior approval has been obtained with all conditions discharged for the change of use of the first floor offices to 9 residential flats under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal was the same as that approved under reference F/00226/039 although the internal layout of the first floor had been changed.

3.3 The applicant has provided an inspection report (dated 4th September 2019) from Slough Borough Council (SBC) of the prior approval to residential had commenced with it noting:

- Erection of metal studwork for the first floor corridor/ party walls was in progress.
- Amendments to the internal layouts of flats were required with the formation of a corridor lobby with a suitable AOV/ installation of an automatic fire suppression system is required in order to comply with Approved Document B2/ BS 9991.
- The site would be seen again (by SBC Building Control) when corridor/ party walls constructed.

3.4 To the east of the site, there is a petrol station with convenience store which is within the designated Shopping Area. Properties to the south

(No's. 235-251 Farnham Road) are also within the designated shopping area. There are rows of detached and semi-detached residential properties to the west along Furnival Avenue and residential properties above the commercial properties to the north on Farnham Road. The Budgens convenience store adjacent to the petrol station has been extended by one floor to contain a small first floor which is used for storage.

#### 4.0 **Site History**

##### 4.1 P/00226/046

Submission of details pursuant to condition 4 (samples), 5 (Architectural Details), 8 (Landscaping Scheme), 11 (Construction & Environmental Management Plan), 13 (Method of Obscure/Opaque Glazing), 18 (Glazing and Ventilation) & 19 (Secure by Design) of planning permission P/00226/043 dated 22/04/2020

Decision: Pending

##### P/00226/044

Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping (Revised Plans and Description of Development dated 13.10.2020)

Decision: Refused 17<sup>th</sup> November 2021

Reasons for refusal noted in proposal section above.

##### P/00226/043

Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self contained residential flats (C3 Use Class) together with integral cycle parking and undercroft parking, external alterations to the facades of the building and erection of single storey extension at roof level above the converted (residential) first floor to provide an additional 6 self-contained residential flats (net increase in 9 x flats excluding the first floor). External cycle store, bin store, railing enclosure, boundary treatment, parking, and landscaping. (Revised Description of Development and Revised Plans submitted 10/12/2019 & 08/01/2020)

Approved with Conditions 22-April-2020

F/00226/042: Submission of details pursuant to condition 3 (Noise Impact Assessment) of planning permission F/00226/040 dated 10/09/2018.

Conditions Complied With: 15-Aug-2019

F/00226/040: Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with conditions 10-Sept-2018

F/00226/039: Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with Conditions; Informatives – 18-Sept-2017

P/00226/038: Submission of details pursuant to condition 6 (surface water) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 26-Oct-2015

P/00226/037: Submission of details pursuant to Condition 4 (site investigation and remediation) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 18-Dec-2015

P/00226/036 Submission of details pursuant to condition 8 (working method statement) of planning permission P/00226/034 dated 23-07-2015.

Conditions Complied With; Informatives 22-Sep-2015

P/00226/035: Advertisement consent for replacement of existing signage on retail shop from 'BP' shop to 'Budgens of Farnham'.

Approved with Conditions; Informatives 20-Apr-2015

P/00226/034: Construction of a ground floor and first floor extension to retail shop within petrol station.

Approved with Conditions; Informatives 23-Jul-2015



P/00226/033: Installation of an internally illuminated totem sign.

Approved with Conditions; Informatives 10-Sep-2010

P/00226/032: Change of use of first floor from day nursery (D1) to offices (B1a) and insertion of entrance doors and canopy over.

Approved with Conditions; Informatives 29-Jul-2005

## 5.0 **Pre-Application Advice:**

5.1 Pre-application advice was sought by the same applicant for a development scheme comprising the re-cladding of the building and the erection of a part two, part three storey extension at the top of the existing building, and a part one, part two storey side extension, retention of existing D1 (nursery) at ground floor level to provide a total of 24 flats (12 x 1 bed and 12 x 2 bed).

5.2 Following the advice received from officers, the applicant opted to submit a prior approval to convert the offices on the first floor offices to residential under permitted development and commenced works to implement this approval. The applicant subsequently submitted a planning application for the extensions above first floor and change of use of the ground floor to create additional residential accommodation. The applicant reduced the height of the extensions by two levels and the quantum of residential accommodation as a consequence of negotiations with officers.

5.3 Prior to submission of the subject application the applicant sought advice from the council as to whether the proposed scheme would be acceptable, whilst a formal pre-application was not submitted, the planning officer advised that there appeared to be previous reasons for refusal which had not been addressed and a single storey extension would potentially be the maximum allowable on this site.

## 6.0 **Neighbour Notification**

A neighbour consultation was carried out via site notice. Three site notices were displayed on 13<sup>th</sup> April 2021, 2 on Furnival Avenue and 1 on Farnham Road. The application was also advertised in The Slough Express. No comments were received on the application.

## 7.0 **Consultation**

### 7.1 **Transport and Highways**

## **Application Description**

The site will provide a total of 23 residential flats over 4 floors, consisting of:

- 9 x Studio Flats;
- 6 x 1 Bedroom Flats; and
- 8 x 2 Bedroom Flats.

This proposal equates to the construction of an additional 5 residential flats compared to the existing planning permission (App Ref: P/00226/043). The site will be served via the existing access points, with entry gained from the right of way across the shared petrol station access. A separate exit point onto Furnival Avenue is also provided. The access and egress will be the same as per the agreed access arrangements for the consented 18 unit scheme (App Ref: P/00226/043) which had 23 parking spaces and a parking ratio of 1.27 spaces per dwelling.

23 parking spaces are proposed which equates to 1 space per flat. A total of 24 secure and covered cycle parking spaces will be provided for the residential use in a secure storage area adjacent to the lobby and 8 spaces in the form of 4 cycle stands will be provided for the commercial use in a separate, secure cycle store. The proposed site plan is shown on Drawing No. 20-00-P09.

## **SBC Highways and Transport Comments**

### **Vehicular Access**

The site will be served via the existing access points, with entry gained from the right of way across the shared petrol station access and a separate exit point onto Furnival Avenue. The access and egress is the same as the consented 18 unit scheme (App Reference: P/00226/043).

A review of publicly available collision data from Crashmap indicates that there is not an existing accident problem in close proximity to the site access which would be exacerbated by additional traffic generated by the proposed development.

No objection is raised to the access for the proposed development by the Highways and Transport Team.

### **Access by Sustainable Travel Modes**

The proposed development is relatively accessible by bus and bicycle, although does not benefit from being located in close proximity to a train station or Slough High Street. The site has a SBC PTAL rating of 2 which is considered low on a scale of 1 – 6b. In comparison, Slough Town Centre has a PTAL rating of 5.

The proposed development is 2500m (9 minutes cycle ride) from Burnham Railway Station and 3500m (13 minutes cycle ride) from Slough High Street. The nearest bus stops to the site are the Lidl bus stops on Farnham Road. The X74 and 7 Bus services place Slough Railway Station and Slough High Street within 15-20 minutes bus journey of the development site. The X74 provides 4 services per hour. The 12 'The Trader' offers a bus service to Burnham twice per hour.

### **Drainage**

The applicant is required to provide details of surface water disposal from the access and car parking area. No surface water from the development should drain onto the public highway. Further details of drainage for surface water should be secured by condition.

### **Trip Generation**

The Transport Assessment for the site presents an assessment of trip generation based on trip rate data from the TRICS database. The trip rates are based on survey sites in Greater London, which are considered incomparable with development sites in Slough. The proposed vehicular trip rates for the site presented in Table 5.1 are considered unrealistically low for this location, particularly given the provision of 23 car parking spaces on-site. The vehicular trip rates and forecast vehicular trip generation are not accepted.

However Slough Highways and Transport have no objection to the proposed development based on trip generation. The site is not expected to have an adverse impact on highway capacity.

### **Car Parking**

The proposed layout of parking spaces is the same as that previously consented (P/00226/043). This equates to 1 parking space per dwelling for 23 dwellings. This is significantly below the number of parking spaces proposed for the previously consented scheme and significantly below the number required by the Slough Borough Council Parking Standards.

The Slough Developers Guide – Part 3 (2008) sets out parking standards for the Borough. The site is situated outside of the Town Centre Zone and therefore the parking standards for ‘Predominantly Residential’ Areas have been applied. The parking standards require 33 parking spaces or 1.43 spaces per dwelling for the proposed development, as demonstrated in Table 1 below:

**Table 1: Slough Borough Council Parking Requirements**

Dwelling Size	No. of Dwellings	SBC Standard per Unit		Requirement	
		Car Spaces	Cycle Spaces	Cars	Cycles
1 Bed Dwellings	15	1.25	1	19	15
2 Bed Dwellings	8	1.75	1	14	8
<b>Total Parking Requirement</b>				<b>33</b>	<b>23</b>

Source: Slough Borough Council Developers Guide – Part 3 – Highways and Transport (2008).

As demonstrated by the table above, the proposed 23 parking spaces would be a

shortfall of 10 parking spaces against the 33 spaces required by the Slough Borough Council Parking Standards. However, the provision of 1 parking space per dwelling is likely to ensure demand for car ownership/parking demand is met within the development.

Local Car Ownership Data has been considered to understand if local facilities and public transport availability reduce the need to own a car in this area of Slough. The local car ownership data is presented in Table 2 below:

**Table 2: Recorded Local Car Ownership**

	<b>Slough 002B</b>	<b>Slough 002</b>
Total Households	547	3462
Total Cars	649	4157
Cars Per Household	1.19	1.20

Source: 2011 Census – QS416EW – Car or Van Availability. ONS Crown Copyright.

As shown in Table 2 above, 1.19 cars per household were recorded in Slough 002B which contains part of the site. 1.20 cars per household were recorded for the wider MSOA of Slough 002.

The proposed 1 parking space per dwelling is considered appropriate given the recorded car ownership levels and Slough Borough Council’s objective to reduce car ownership and car use within the borough with Core Policy 7 of the Core Strategy (2006 – 2026) sets out that: *‘The level of parking within residential development will be appropriate to both it’s location and the scale of development’*. Paragraph 7.131 of the Core Strategy sets out that ‘A critical tool for implementing the objectives of the Local Transport Plan is the control of parking within new development’.

### **EV Parking**

Two of the spaces shown on the proposed site plan are marked as ‘EV’ for installation of Electric Vehicle Charging Points. It is recommended that the specification of Electric Charging Points is agreed in discussion with the Environmental Quality Team.

### **Cycle Parking**

The cycle parking shown on the proposed site plan (Drawing No. 01-01-Rev-P06) does not appear to provide individual, secure storage lockers and the security arrangements for the bicycle storage are not clear from the submitted plans. The applicant is required to submit further details clarifying the security arrangements for the cycle storage including that the cycle store will have a door with keycode access to prevent access from strangers and that CCTV will be provided. It is recommended these details are secured by condition.

The Slough Borough Council Developers Guide – Part 3 – Highways and Transport requires that Cycle Spaces for visitors are needed for blocks of flats of 10 or more units (Major Developments). No visitor cycle parking is provided for the proposed development.

### **Refuse Collection, Servicing and Deliveries**

The location of the bin store would allow refuse collection to take place from the kerbside, without collection operatives entering the site. The proposed bin store appears the same as shown on the previously consented plans. No objection is raised on the basis of refuse collection.

### **Summary and Conclusions**

I confirm that I have no objection to this application from a transport and highway perspective.

### **Recommended Conditions for Approval**

#### **Access**

No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approval plans and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

#### **Visibility**

No other part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

REASON: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

#### **Gates**

No vehicle access gates, roller shutters doors or other vehicle entry barriers or control systems shall be installed without first obtaining permission in writing from the Local Planning Authority

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

#### **Layout**

The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway

to minimise danger, obstruction and inconvenience to users of the adjoining highway.

### **Cycle Parking**

No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy

### **Construction Management Plan**

No demolition or development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority which shall include a site set up plan and details of parking provision to accommodate all site operatives, visitors and construction vehicles (construction vehicles to be a minimum of EURO 6/VI Standard), off-loading areas, parking and turning within the site and wheel cleaning facilities during the construction period and machinery to comply with the standards with the emissions standards in Table 10 in the Low Emissions Strategy Guidance. The plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interest of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

### **Bin Storage**

No part of the development shall be occupied commence until bin storage has been provided and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

REASON: To ensure that adequate refuse storage is provided to serve the development

### **Informatives**

The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to [0350SN&N@slough.gov.uk](mailto:0350SN&N@slough.gov.uk) for street naming and/or numbering of the unit/s.

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway

drainage system.

The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.

The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

This permission shall not be deemed to confer any right to obstruct the Public Right of Way crossing or abutting the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.

7.2

#### Lead Local Flood Risk Authority Advisors.

Comments received under P/00226/045 - The County Council has reviewed the SPH Structures Surface Water Drainage Design Report FNH/SPH/XX/XX/RP/S/8000/P2, SPH Structures drainage plan/strategy drawings FNH/SPH/XX/B1/DR/S/8000/P2 and Slough Borough Council Surface Water Drainage Pro-Forma. The submitted information addresses our requirements and we have no further comments.

7.3

#### Environmental Quality – Ground Contamination

No comments received

7.4

#### Thames Water – No objection.

Comments received under P/00226/045 -With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

## 7.5 Crime Prevention Design Advisor

No Comments received – no objections to previous scheme subject to a condition requiring Secure by Design compliance (silver standard).

## 7.6 Environmental Quality: Air Quality – No objections.

Comments received in respect of previous scheme. The same issues apply.

In line with the Slough Low Emission Strategy, the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality.

The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. It is recommended that exposure is assessed, either through dispersion modelling or diffusion tube monitoring. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.

### Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report

## 7.7 Environmental Quality: Noise

Comments received in respect of previous scheme. The same issues apply.

An environmental noise assessment was completed by KP acoustics, based on continuous measurements obtained from 28/05/19-29/05/19. As no weekend monitoring was conducted, it is difficult to tell if these measurements are representative of the external noise climate.

Measurement positions are suitable to determine worst case at the front façade. As expected, the noise levels are highest in NMP1, at 61dB



L<sub>Aeq</sub>16h and 58dB L<sub>Aeq</sub>8h. L<sub>Amax</sub> values have not been presented in the table, however the graph at the end of the report suggests that L<sub>Amax</sub> levels reach to just below 90dB on a few occasions, for example just before 06:30. It is noted later in the report that glazing performance calculations have taken L<sub>Amax</sub> values into consideration, and as WHO Guidelines for Community Noise (1999) allow for 45dB L<sub>Amax</sub> to be exceeded 10-15 times a night, this is considered acceptable.

The plans show that there are balconies which face out to Farnham Road. The suitability of the balconies in terms of environmental noise have not been considered, however due to the nature of the urban environment, it is expected that external noise will be high and their use will be within the occupants discretion.

#### Mitigation Requirements

To ensure that residential amenity is protected once the development is occupied, the following is required:

#### Glazing:

South and East Elevations: R<sub>w</sub> 36dB, achieved with 6/12/10mm glazing.

North and West Elevations: R<sub>w</sub> 31dB, achievable with 4/12/4mm glazing.

#### Ventilation:

A number of ventilation options have been provided within the noise impact report. It is recommended that mechanical ventilation is installed to reduce external noise ingress and ensure risk of overheating is minimised. However, it also states in the report that once a preferred option is chosen, a full assessment would be required by KP Acoustics to ensure a compliant internal noise level can be achieved. This must be completed.

Recommendation: The report states that all glazed and non-glazed element calculations would need to be finalised once all design proposals are finalised, therefore a final noise assessment must be submitted to SBC once the design is confirmed, which also includes an assessment to determine the chosen ventilation does not hinder compliance with internal noise levels. This must be submitted to and approved by SBC prior to commencement.

## 8.0 **PART B: PLANNING APPRAISAL**

### 8.1 **Policy Background**

The following policies are considered most relevant to the assessment of this application:

#### The National Planning Policy Framework (NPPF) 2019

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.

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

- Core Policy 1 – Spatial Strategy
- Core Policy 3 – Housing Distribution
- Core Policy 4 – Type of Housing
- Core Policy 5 – Employment (inc “Areas for Major Change”)
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 8 – Natural and Built Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 11 – Social Cohesiveness
- Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

- Policy H9 – Comprehensive Planning
- Policy H10 – Minimum Density
- Policy H14 – Amenity Space
- Policy EN1 – Standard of Design
- Policy EN3 - Landscaping
- Policy EN5 – Design and Crime Prevention
- Policy T2 – Parking Restraint
- Policy T8 – Cycling Network and Facilities

Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

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.

Other relevant documents

- Slough Local Development Framework, Site Allocations, Development Plan Document (adopted November 2010)
- Slough Local Development Framework Proposals Map 2010
- Slough Borough Council Developer's Guide Parts 1-4
- Guidelines for the Provision of Amenity Space Around Residential Properties (January 1990)

8.2 The principal planning considerations for this proposal are:

- Principle of development and status of the PD Approval
- Design and Impact on Streetscene and Local Townscape
- Housing Mix and Standard of Accommodation
- Highways Impacts, Transport and Car Parking Matters
- Impacts on Residential Amenity
- Environmental Impacts

## 9.0 **Principle of Development**

Policy Designations: The site is located within a residential area adjacent to the Farnham Road District Shopping Centre which is located to the east of the site. The site is not within a conservation area or located within any specific current planning designations.

9.1 **Loss of Nursery (Class D1) use:** The proposal results in the change of use of the ground floor nursery (Class D1) which results in the loss of 445 sqm floorspace.

9.2 Local Plan Policy OSC17 (Loss of Community, Leisure and Religious

Facilities) states that development proposals which would result in the loss of a community, leisure, or religious facility will not be permitted unless it can be shown that:

- a) the facility is no longer required for alternative religious, leisure or community use;
- b) an acceptable alternative facility can be provided which would serve the existing users; or
- c) it would be economically unviable to repair or alter the building for an alternative community use.

9.3 The loss of the ground floor nursery to a parking area was previously assessed under approved application P/00226/043 where it was considered acceptable, siting that the ground floor use formerly comprised of a private nursery therefore it is considered that the facility would not fall within the category of being a community facility for the purposes of this policy restriction to be applied. As such, the loss of the Class D1 Nursery is considered to be acceptable in principle.

9.4 **Residential Use:** Local Plan Policy H11 (Change of Use to Residential) states that proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to their meeting all of the following criteria:

- a) a satisfactory independent access is provided;
- b) any parking provision meet the aims of the integrated transport strategy;
- c) satisfactory minimum room sizes and internal layouts are achieved; and
- d) satisfactory sound insulation measures are taken between each residential unit and adjoining properties.

9.5 The policy also recommends that proposals should also provide appropriate amenity area which can take the form of roof gardens, balconies, or more traditional forms of amenity space such as ground level gardens.

9.6 This policy mainly is concerned with encouraging residential use within upper floors above commercial uses so it is considered that it is not strictly applicable to the proposals. However, the residential use of the ground floor has been previously assessed under both application P/00226/043 and P/00226/044 and deemed to be acceptable; where it was considered to be established through the (PD) Approval (P/00226/040) for use of the first floor as 9 flats and the former planning approval for 9 flats (P/00226/043). Therefore, in planning terms subject to the PD approval works being completed, it is considered additional residential uses would be acceptable in land use terms.

9.7 **Prior Approval Status:** The description of development confirms that the proposals would involve the change of use of the ground floor Class D1 Nursery, minor extensions to the western façade of the building to facilitate

a new zig-zag building line and erection of and extensions above the first floor level former offices. The proposed works facilitate the provision of 3 x self contained flats at the ground floor, minor enlargement of the prior approval consented flats at first floor level and 6 x self contained flats within the new second floor level and 5 x self contained flats in the third floor; this results in a total residential provision of 14 new dwellings.

- 9.8 There would be a total 23 residential dwellings within the whole building once the first floor units approved under F/00226/040 are taken into account. Notwithstanding this, as the change of use of the first floor has not been completed, the prior approval has not been implemented under Part 1(b) of Section 56 of the Town and Country Planning Act 1990 (as amended) which states:
- 9.9 “Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated, (b) if the development consists of a change in use, at the time when the new use is instituted
- 9.10 As the new use approved under the Prior Approval consents F/00226/039 or F/00226/040 (ie: residential) within the first floor has not been instituted, it is considered that the prior approval has not been implemented. Therefore, officers need to consider whether the proposed works specified in this planning application could be carried out with or without the prior approval development.
- 9.11 Officers have also considered whether the proposed works should be considered cumulatively with the residential units in the prior approval permissions (ie: as a major development comprising 23 dwellings).
- 9.12 In coming to a view of the status of the prior approval consent, officers consider that there is a strong possibility of these works being carried out as part of one development project noting that the applicant is the same on both the planning application and the prior approval application. Nonetheless, the applicant has obtained prior approval and has commenced works on implementation of the development (which details are verified by the Building Control Inspection). If planning permission is not given, the applicant retains the option of implementing the prior approval on the basis of the previous application (where SBC has no further control on the use). This would result in the provision of windows at first floor level which could overlook the adjoining gardens at 2 and 4 Furnival Avenue and further cycle, bin store and car parking provisions which the Council has limited further controls over. If this planning permission is given (for the works described in the application description), the applicant has the option of implementation of the internal works consented in the Prior Approval (as a separate building project) followed by occupation, before implementing either the current or previously approved application as a follow up building project. Sequentially, the applicant could arrive at the same end result if implementing both Prior Approval followed by the development permitted by the Planning Permission (as separate

building projects). However, the applicant has indicated that they intend to carry out works under the same construction programme and as the proposals include alterations to the first floor flats, it is understood that occupation of the units will not occur in advance of the other building works.

- 9.13 The description of development confirms that the applicant is seeking planning permission for additional residential units on the ground, second and third floors (by way of the extension). The applicant confirms that this application does not seek planning permission for the change of use on the first floor which they contend will be completed under the prior approval (F/00226/040). The first floor plans have been included as part of the approved plans to ensure appropriate stacking of the units (bedrooms over bedrooms) and as these works have already commenced via the prior approval consent, this approach is considered to be acceptable with regards to the fall back position.
- 9.14 On this basis, it is acknowledged by officers that the proposed development (as per the description of development) could theoretically occur as a standalone development with the offices (or nil uses) being reinstated on the first floor (although this remains unlikely in our view). The resulting juxtaposition of uses would at this scenario create shared accesses, car parking and the need for potential sound attenuation to mitigate noise between the floors with the offices not being subject to any planning controls (in terms of hours of operation, ventilation and plant machinery operations). It is considered that there would be potential conflicts from an unregulated office use being sandwiched between two floors of residential use as the planning permission could not impose further restrictions on the office use. As such, it is considered there is limited scope within the current application to secure conditions to protect living conditions within the proposed flats on the ground and second floors, beyond sound insulation measures (if the first floor reverted to an office use).
- 9.15 Notwithstanding this, the proposed change of use of the ground floor (to residential) and extension to provide residential flats above first floor could be an acceptable use (in principle) in combination with the more recent prior approvals (ref: F/00226/039 or F/00226/040). Officers consider that the residential uses would be compromised if the offices were retained at the first floor (if the PD schemes are not fully implemented).
- 9.16 Notwithstanding the concerns, were the offices to be reinstated, it is established that planning permission should not be refused where a concern or impact can be overcome by means of imposing a planning condition. Given the first floor is within the red line of the application site and the developer has control over this building, a planning condition could ensure the proposed development is only carried out in combination with the residential use permitted under the prior approval F/00226/040 granted on 10 September 2018. It is considered that this condition would be necessary, relevant, enforceable, precise and reasonable (in accordance

with sections 70 & 72 of the Planning Act 1990). The developer has agreed to this condition under application P/00226/043 and the principle of the development is considered to be acceptable in land use terms.

- 9.17 It is considered in land use terms, and subject to a condition which requires the implementation of the prior approval scheme on the first floor, that residential use within the ground, second and third floors would be acceptable subject to a detailed consideration of the planning merits.

#### 10.0 **Design and Impact on streetscene**

- 10.1 The thrust of Policy EN1 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy is that the design of proposed residential development should be of a high standard of design and reflect the character and appearance of the surrounding area.

- 10.2 Policy H9 of the Adopted Local Plan for Slough states that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.

- 10.3 **Scale, Height & Bulk:** The proposed external works as listed in the application description include the erection of 2 additional floors to the building, increasing the height of the building by approximately 6m (excluding the lift overrun), this would result in a similar height of development to the refused development reference P/00226/044, albeit with a mansard roof as opposed to a flat roof in relation to the 4<sup>th</sup> floor. As noted in the previous report, the surrounding environment to the east of the site comprises a more urban context with buildings of predominantly 3 storeys on Farnham Road which is a District Shopping Centre. There are instances of where the building heights extend above 3 storeys on Farnham Road such as the Cash and Carry building to the east of the BP Petrol Station on the opposite side of the Furnival Avenue/Farnham Rd crossroads) but the predominant height is at 3 storeys. To the west, and including the application site – the scale is predominantly two storey and suburban in character.

- 10.4 The first reason for refusal of application P/00226/044 was for the following reason:

- 1) *The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with*

*Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*

- 10.5 With the principle of the second floor extension is considered to be acceptable, consideration needs to be given as to whether the current proposals for a 3<sup>rd</sup> floor extension with an alternative design and form address the reason for refusal noted above.
- 10.6 It is clear from the wording of the reason for refusal that the height of the building from the previous scheme (P/00226/044) was considered to have a harmful impact upon the character and appearance of Furnival Avenue and residential areas to the west and upon the parade on Farnham Road and that the proposals comprised an unacceptable height and form of development which constitutes an over-development of the site, contrary to policy. This is further expanded upon in the case officers report where it was noted that:
- 9.3) It is considered the additional height would not relate well to the suburban context and scale of buildings to the west on Furnival Avenue and the building would also appear substantially higher than the immediate buildings on Farnham Road to the north, including the petrol station. The proposed development site sits back from Farnham Road behind the BP Petrol Station and lies within a more residential setting on Furnival Avenue. Notwithstanding the setting, the existing building character is of a more commercial form and this would be viewed at a prominent location within the local townscape when viewed from the south at the cross roads with Farnham Road and Furnival Avenue at the rear of the Petrol Station. The commercial character and proportions of the existing building differs from the residential and domestic character of the buildings on Furnival Avenue. Officers consider that the additional third floor (above the consented single storey extension) results in a building of excessive height and scale in the current context. The resulting relationship with the two storey semi-detached dwellings to the west on Furnival Avenue with appear awkward with the height of the development looming over the roofs of the suburban housing. In this context, the proposals are viewed to be unacceptable and would result in demonstrable harm to the street scene.*
- 10.7 The proposed scheme whilst different in design from the previously refused, would be the same height and it considered that the proposals would not relate well to the suburban context and scale of buildings west on Furnival Avenue and the would appear substantially higher than the immediate buildings on Farnham Road to the north, appearing excessive and dominant in the streetscene constituting significant harm to the residential character of the area and of the streetscene.
- 10.8 Furthermore, as per the previous scheme it is also considered the additional residential uses on the proposed third floor would present some constraints were the adjoining petrol station building and open courtyard to come forward for redevelopment. The additional height above the approved second floor would cause a further potential obstruction if the adjacent



Petrol Station site came forward for development with a second aspect at the rear. Whilst the mansard, with inset windows, has improved the situation from the previously refused application to some degree, it is still considered with the inclusion of the balconies and increased fenestration along that the eastern façade that the proposals would still add a significant constraint should this site come forward in the future, with the additional height symptomatic of the proposed over-development of the site, with the approved development P/00226/043 (of a lower height) viewed on the basis that it did not unduly restrict the adjoining site.

- 10.9 The above has been contested by the applicant in this submission in the planning statement. However, no further design material has been produced to satisfy the concern about how this development would safeguard the potential for an adjoining development coming forward. Without further compelling evidence or supporting designs, officers are not persuaded that the applicant has addressed the reason for refusal. Conversely, the submitted design and access statement proposes that the development would assist in potential future development on 261 Farnham Road and further north as a positive element of the scheme but does not show how this could be achieved in design terms. It is noted that saved policy H9 (Comprehensive Planning) of the Slough Local Plan states that *'a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.'* Although not specified in the previous reason for refusal, this policy has been identified as being applicable and is included within the reason for refusal in this recommendation..
- 10.10 **Design and Appearance:** The proposed scheme involves a different design approach to the previously refused P/00226/044, with a mansard roof at 3<sup>rd</sup> floor as opposed to a continuation of the lower floors previously proposed; the design of the building below the 3<sup>rd</sup> floor is similar to the previously approved scheme and considered acceptable. It is noted that in application reference P/00226/044 that whilst it was considered that the proposals were excessive in height, there were no objections to the proposed design approach of that scheme, with regards to the continuation of the existing form.
- 10.11 The proposed mansard would be set in slightly from the building envelope with inset windows and balconies on the east and west elevations, with one window to the south (front) elevation; the mansard is to be roofed using standing seam. It is considered that the mansard does not relate well to the existing style of the building which is a simple flat roofed design. The mansard is considered to jar with the simple form of the building and its angled roof pitches conflict with the vertical concrete grid below. The mansard form would be uncharacteristic within the residential context of Furnival Avenue and, creates an incongruous addition to the building, which would be exacerbated by the increased height, which would fail to integrate with the host building and the streetscene.

- 10.12 Landscaping: There is limited scope for landscaping at ground level, but the line of trees and planting at the Furnival Avenue frontage and ground floor residential units adjacent to the service road is welcomed. The applicant has proposed a landscaping condition could be imposed which could require further information on the proposed planting.
- 10.13 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 behavior. No comments were received by the Crime Prevention Design Advisor however no objections were raised to the previous schemes subject to a condition requiring Secure by Design compliance (silver standard).
- 10.14 Based on the above, due to the excessive height and inappropriate design and form of the extensions proposed, and the resulting poor relationship with the adjoining suburban housing in Furnival Avenue and Farnham Road, the proposal would not have an acceptable impact on the character and visual amenity of the area and would fail to comply with Policy EN1 and H9 of the Local Plan for Slough March 2004 (Saved Policies), Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

#### 11.0 **Housing and Standard of Accommodation**

- 11.1 The National Planning Policy Framework seeks to deliver a variety of homes to meet the needs of different groups in the community. This is largely reflected in local planning policy in Core Strategy Strategic Objective D and Core Policy 4. The National Planning Policy Framework states that planning should create places with a high standard of amenity for existing and future users. 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." Policy H14 of the Adopted Local Plan seeks an appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities.
- 11.2 The proposals comprise a 2 studio units, 5 x 1 bed 2 person units and 7 x 2 bed 3 person units (14 units in total). It is considered that the proposals provide a mix of homes appropriate for the location (close to a district/local shopping centre) that would help achieve sustainable, inclusive and mixed communities. Given the scale of development, positive weight would be carried forward in the Planning Balance.
- 11.3 The proximity of residential uses in close proximity to the petrol station has been considered and due to the potential for noise from passing cars and the limited external amenity space, the site is unsuitable for family accommodation. The area to the east is characterized by residential uses

above commercial uses and so, residential use would be acceptable for a flatted development.

- 11.4 The proposed 14x flats (subject to this application) subject to consideration of this planning application would have sufficient sized internal spaces that would broadly comply with the Nationally Described Space Standards. It is noted in the application form that

The Proposed Flats are sized as follows:

Floor	Flat No.	No. of Bedrooms	Size (sqm)
Ground	1	2 Bed	56.56
Ground	2	1 Bed	49.69
Ground	3	1 Bed (Studio)	36
First*	4	1 Bed (Studio)	40.3
First*	5	1 Bed (Studio)	40.4
First*	6	1 Bed	57
First*	7	1 Bed (Studio)	45.8
First*	8	1 Bed (Studio)	37.4
First*	9	1 Bed (Studio)	35.5
First*	10	1 Bed (Studio)	35.7
First*	11	1 Bed	41.7
First*	12	1 Bed (Studio)	31.5
Second	13	2 Bed	62.5
Second	14	1 Bed	57.5
Second	15	1 Bed (Studio)	40.31
Second	16	2 Bed	69.4
Second	17	2 Bed	67.2
Second	18	1 Bed	47.3
Third	19	1 Bed	48.8
Third	20	2 Bed	82
Third	21	2 Bed	58
Third	22	2 Bed	61.6
Third	23	1 Bed	48.4

*\*First floor apartments extended (but use approved under Prior Approval Ref: F/00226/040)*

- 11.5 Most of the proposed flats would be served by windows that provide a suitable degree of aspect, outlook and privacy. However, given the constrained shape of the site and the proximity to adjoining and adjacent buildings, there is limited further scope to improve on the aspect with the majority of dwellings being single aspect.
- 11.6 The previous schemes have included obscure glazing on the west elevation to assist in mitigating overlooking, which were noted on the previous plans. Whilst reference has been made in the application to obscure glazing in the submitted design and access statement, where 2

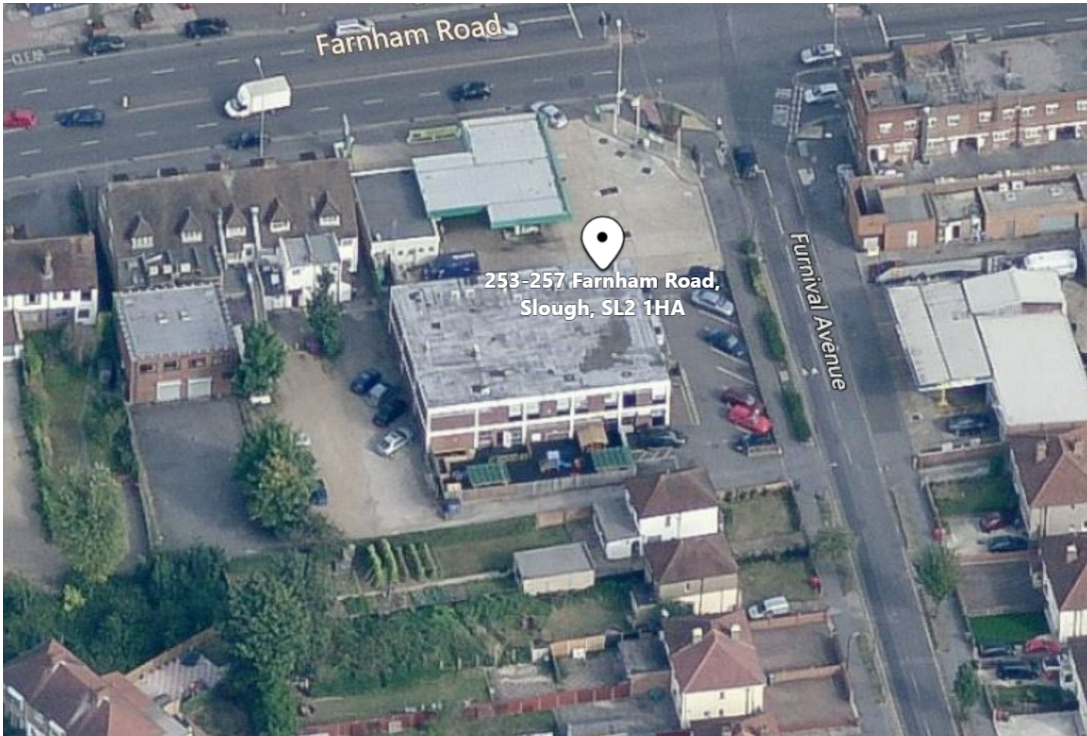
windows are noted on the materials diagram as being obscure glazed at first floor, it is not clear if these are the only windows to be obscure glazed as part of the proposals. The relevance of this to the living conditions of the future occupiers of the flats would be level of outlook provided, particularly first floor flat number 7. Whilst this unit technically has not been applied for as part of this scheme, the window serving this unit, as all of the windows serving the north western corner of the building, have been repositioned to face west/south west back towards the properties on Furnival Avenue. This differs from the prior approval and the consented scheme for 3 storeys and the physical alteration and its impact on living conditions is considered a material consideration as part of the proposals.

- 11.7 The proposed development contains some useable external space to the ground floor units and there balconies provided at second floor and inset in the mansard with 13 of the 14 new units having some form of private amenity space. There however is an overall shortfall of amenity space and no communal provision it is considered that planning contributions could be secured for open space and recreation purposes in accordance with the Developer Guide. The level of amenity provision for the development would therefore considered to be satisfactory subject to contributions towards open space and recreation improvements, of which the applicant has previously agreed too.

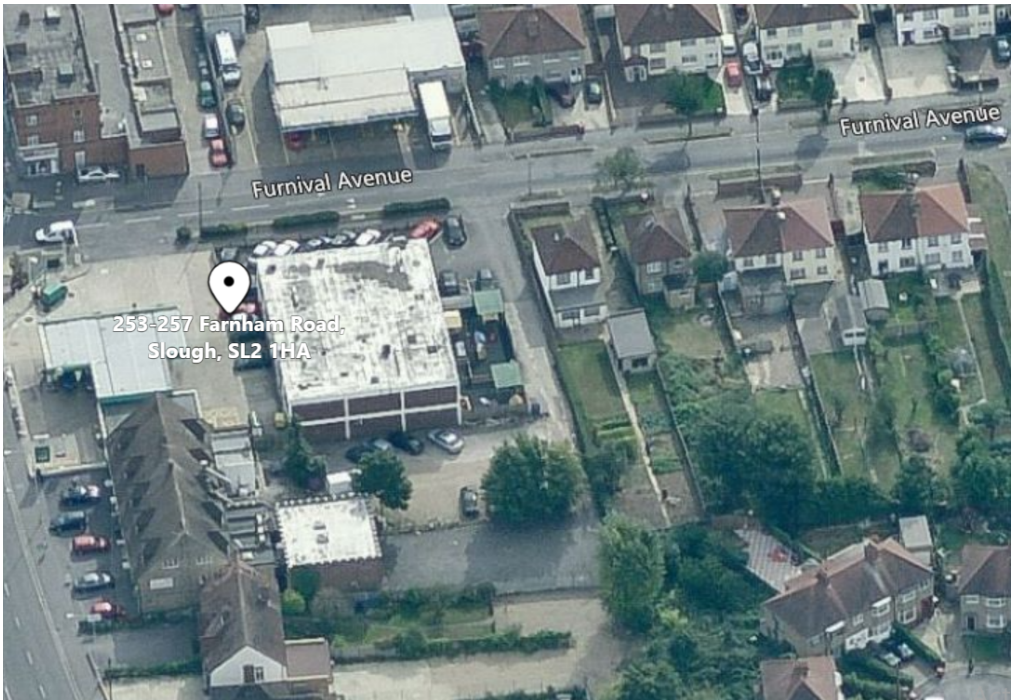
#### 12.0 **Relationship With and Potential Impact on Neighbouring Properties**

- 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 The guidelines set out in The Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document regarding generally acceptable separation distances within a residential context are considered to be of relevance.
- 12.3 The proposals have been assessed with regards to the potential impacts on daylight and sunlight levels in the adjoining residential properties, the potential for increased overlooking of existing private amenity space and towards existing windows in adjacent dwellinghouses and the likelihood of noise disturbances from the increased use of the site.
- 12.4 2 Furnival Avenue is adjacent to the development to the west. This comprises a semi detached two storey dwelling fronting onto Furnival Avenue which has both north and southern aspects. The flank elevation of No. 2 is adjacent to the western elevation of the proposed extended building at 253-257 Farnham Road. No. 2 Furnival Avenue has been extended at the rear at ground floor with a full width extension. The rear elevation of the extension contains double doors and a window which faces onto the garden. The property also contains a single storey outbuilding which comprises a garage located approx. 20m from the western elevation

of 253-257 Farnham Road. There are also windows in the rear elevations of the upper levels of 261 Farnham Road -269 Farnham Road which have oblique views of the development to the south west. See below image with the arrows signifying the views towards the site and from the site overlooking 2 Furnival Avenue. From the below images the relationship of the existing buildings can be seen.



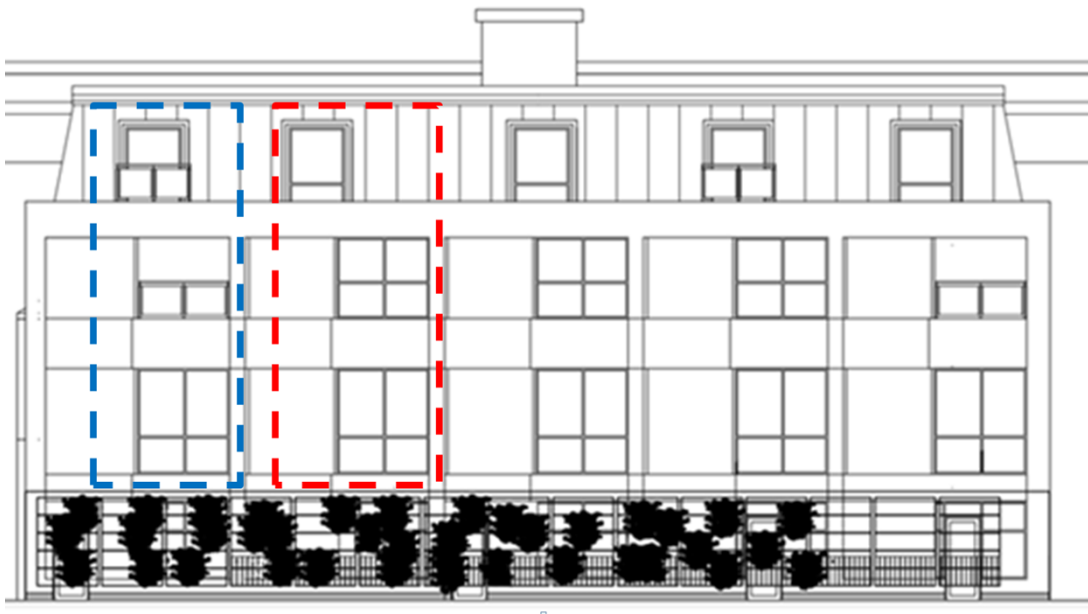
Aerial view from west of existing building



Aerial view from north of existing building

12.5 The above images also identifies the approximate orientation of potential views from the development (which would overlook the service road and garden of 2 Furnival Avenue. The existing first floor within the building contains high level windows on the western façade adjacent to the rear garden and service yard.

12.6 The image below comprises the western elevation of the proposals highlighting (in the dashed boxes) which windows and balconies are considered to have the potential to overlook the neighbouring property at 2 Furnival Avenue. These windows serve 5 flats; 2 at the first floor (flat 6 and 7), 2 at the second floor (flat 14 and 15) and 1 at the third floor in the new proposed mansard (flat 20), which is served by a total of 3 windows on the western elevation.



12.7 **Overlooking:** The proposals differ from the approved 3 storey scheme and refused 4 storey scheme on the west elevation with the 1<sup>st</sup> floor and 2<sup>nd</sup> floor windows in the north western corner of the development, (the bottom 2 windows/balconies hatched in blue in the above image), serving flats 7 and 15, have been re-orientated to face back south west towards 2 Furnival Avenue and the 2<sup>nd</sup> floor window being and replaced with an inset balcony; all of the windows in the 2<sup>nd</sup> floor also being smaller than the previous schemes. The obvious alteration is the inset mansard roof, this element of the scheme, which is set back from the external wall of the building, with windows and balconies being inset; both of the identified windows both the red and blue hatching in the image above serve flat 20.

12.8 As noted in the quality of Standard of accommodation section above, whilst the previous schemes on the site have provided obscure glazing, it is not clear from the proposals which windows have been proposed to be obscure glazed.

- 12.9 The proposed Mansard is considered a minor improvement on the previous refused scheme with regards to the resulting level of overlooking on the Furnival Avenue being less, with the inset windows decreasing the level of overlooking from the previously refused scheme, being set back over 1.4m from the buildings edge. However, a balcony is proposed on the north western corner of the mansard allowing occupants of the flat to walk out, provide views back to the rear of 2 Furnival Avenue and the garden space. There is also a proposed balcony located below this on the proposed 2<sup>nd</sup> floor which as noted above has been reoriented to as part of the proposals and would also provide views back to 2 Furnival Avenue, with again the 1<sup>st</sup> floor flat number 7 also being re-orientated towards 2 Furnival Avenue differing from the previous scheme. Whilst the window serving flat 7 could be obscure glazed, this is the only window serving this flat and therefore it is considered that this would harm the outlook of the unit to an unacceptable degree. Whilst it is considered that the proposed mansard is an improvement with regards to overlooking to the previously refused scheme, for the reasons noted above it is not considered that the proposals have fully addressed this to a satisfactory degree. Overall it is considered that the proposals would result in a loss of privacy to the occupiers of 2 Furnival Avenue due to the increased level of overlooking and the perception of overlooking by virtue of the intrusive nature of the proposals. This would cause harm to living conditions and amenity of occupiers contrary to Local Plan Policy EN1.
- 12.10 **Daylight & Sunlight:** A daylight and sunlight report has been submitted as part of the proposals assessing the scheme against BRE guidance, this considers the impact of the scheme on neighbouring properties. The report notes that the development would be in accordance with BRE guidance and that the development would have a acceptable impact on surrounding properties including the upper floors at 261-269 Farnham Road or at 2 Furnival Avenue. As such, the proposal would not amount to a significant loss of daylight or sunlight within the closet properties.
- 12.11 **Overshadowing:** As part of the daylight and sunlight report overshadowing has been assessed and the development is considered to have an acceptable impact on neighbouring properties to this regard.
- 12.12 **Noise:** No noise assessment was submitted as part of the scheme however the Council's Environmental Quality (Noise) team has raised no objections to the previous proposals on the site subject to the imposition of conditions require details of the chosen glazing and ventilation schemes to be submitted and approved in writing prior to construction commences. The internal noise levels stated within BS8233:2014 should be met.
- 12.13 In conclusion, the proposed development would create additional opportunities to overlook 2 Furnival Avenue to the west by virtue of the position and number of balconies and windows on the western elevation of the first, second and mansard floor which, are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon 2 Furnival Avenue by

virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

### 13.0 **Parking and Highway Safety**

13.1 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.

13.2 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.

13.3 The National Planning Policy Framework 2019 requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by emergency vehicles, and provide facilities for electric vehicle charging. Paragraph 109 of the National Planning Policy Framework states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

13.4 Reason for refusal 4 of application P/00226/044, stated the following:

*4) The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to additional on street car parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2.*

*The application has been supported by Transport Statement and Parking stress survey report*

13.5 As noted above the ground floor layout of this scheme has been amended, removing the previously proposed commercial space and proposing the space for undercroft car parking and cycle parking, creating a total of 23 parking spaces. Whilst this would be an improvement on the previous scheme, this would still be a shortfall of 10 parking spaces against the 33 spaces required by the Slough Borough Council Parking Standards. The scheme however has been reviewed by the Council's Highways Team where local car ownership data has been considered and it is noted that the proposed 1 parking space per dwelling is considered appropriate given



the recorded car ownership levels and Slough Borough Council's objective to reduce car ownership and car use within the borough with Core Policy 7 of the Core Strategy (2006 – 2026).

- 13.6 The proposals include 2 electric charging points are proposed. As set out by the council's environment officer, all of the parking spaces should have access to electric vehicle recharging facilities. A condition could be imposed in order to secure these provisions as was done so with application P/00266/43
- 13.7 24 x secure cycle spaces are proposed on site in a separate bike store located in the undercroft parking area in a two tier bike stand. The scheme provides cycle parking for over 1 per unit and is considered acceptable.
- 13.8 The bin stores for the site has been located on the south eastern corner of the site, next to Furnival Avenue, to ensure that the bins are located in an area which accords with the maximum drag distance of 10m for Eurobins The proposed bin store has the capacity to contain 2x 1100l Eurobins for recycling and 2 x 1100L Eurobins for residual waste which is considered to be acceptable.
- 13.9 Subject to the above provisions, the proposed development would provide an acceptable level of car and cycle parking and provide adequate access for vehicles and pedestrians without endangering highway safety. Subject to conditions, the proposals would comply with Core Policy 7 and Local Plan Policies T2 and T8 and the section 9 of the NPPF.
- 14.0 **Ecology**
- 14.1 Paragraph 170 of the NPPF requires new development to minimize impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.
- 14.2 The application property does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest. It is not within 200m of ancient woodland, and is not an agricultural building or barn. The building was previously used as an office and nursery and is currently undergoing internal conversion. Officers are satisfied there would be no likely significant harm on protected species or ecology resulting from the proposed development.
- 14.3 Some new landscaping is proposed within the amenity areas adjacent to the ground floor residential units and along the southern boundary adjacent to Furnival Avenue. New trees will could be planted on the Furnival Avenue frontage. A detailed landscaping scheme would be recommended and this should contain a planting schedule. This could be conditioned along with a method statement to ensure that the proposed trees would survive (and be replaced within 5 years). This therefore gives opportunity to

provide planting that would attract ecological habitats. Given the quantity of landscaping, together with ecologically focused planting; the proposal is considered to result in a potential minor net gain for biodiversity.

- 14.4 Based on the above, the proposal would satisfy Core Policy 9 of the Core Strategy and the National Planning Policy Framework.

15.0 **Surface Water Drainage and Flooding**

- 15.1 Paragraph 165 of the National Planning Policy Framework requires Major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

- 15.2 The application includes a drainage strategy which has been previously assessed by the Lead Local Flood Authority and found to be acceptable in principle, but with further details being required. The Lead Local Flood Authority recommended that this can be dealt with by condition.

- 15.3 The site falls within Flood Zone 1 and Flood Risk Assessment has been provided with the application. The site lies outside a flood warning zone and therefore no issues are identified. The Slough Strategic Flood Risk Assessment (2009) has not identified the site as having critical drainage issues.

- 15.4 No objections have been raised from Council's Highways and Transport team or the Lead Local Flood Authority regarding potential flooding impacts and having regard to the National Planning Policy Framework, the proposal is considered to be acceptable in terms of flood risk.

16.0 **Contamination risks on the site**

- 16.1 With regard to contamination, the Local Planning Authority must assess whether, as a result of the proposed change of use, taking into account any proposed mitigation; the site would still constitute Contaminated Land.

- 16.2 No comments have been received from the contaminated land officer. However, comments were received in relation to the previous prior approval application which would still apply. These comments confirmed that the risk of potential contamination on site would be low and no objections were raised on land contamination grounds.

17.0 **Air Quality**

- 17.1 The site is not located within an AQMA. Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution

unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. The proposals should not result in unacceptable levels of air pollution. This is reflected in Paragraph 181 of the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

17.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic and requiring electric charging points within new developments.

17.3 The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.

17.4 The Council's Air Quality Officer advises that the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality subject to the following mitigation measures being secured by condition:

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report and that All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.

17.5 Based on the above and subject to conditions, the proposal would satisfy Core Policy 8 of the Core Strategy and the National Planning Policy Framework.

## 18.0 **Section 106 Contributions**

18.1 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.

18.2 The proposed development relates to the provision of 14 new dwellings, in addition to small extensions to 9 consented dwellings. Under approved

application reference P/00226/043, officers considered whether affordable housing should be provided in light of overall provision of housing in the altered and extended building, i.e. including the units approved under prior notification. In coming to a view on this matter, officers had regard to the approved prior approval application which could have been implemented without the planning application and could comprise a separate building project. As such, although the development works are undoubtedly linked by virtue of the altered elevations comprising the cladding and fenestration enhancements, the use of the first floor is not subject to consideration in this application and only the net increase in dwellings should be considered. It was also considered that both Prior Approval and Application schemes provide a high number of studio apartments, which are likely to be available at more affordable levels.

- 18.3 The proposed scheme comprises 14 additional units and therefore would fall one unit short of the 15 unit requirement for affordable housing and education contributions. The previously refused application included an affordable housing contribution given it proposed 15 dwellings. The current scheme proposes 1 fewer apartments and the applicant states that this is down to the reduced floor area within the upper floor. Officers are of the view that 15 apartments could reasonably be provided which would normally incur the requirement for an affordable housing contribution. In this case, an alternative scheme for 15 dwellings has not been shown to work within the upper floor therefore the scheme is considered on its merits on the basis of 14 dwellings. Given the absence of affordable housing contributions for a development which could potentially accommodate 15 apartments, the benefits attributed to the provision of new housing is tempered in the planning balance where only a limited-moderate positive weight is afforded. These contributions were required as part of the previously refused scheme and such provisions for new housing were considered as a positive in the planning balance which could be afforded more weight (ie: moderate).
- 18.4 The proposals are considered to require an Open Space/Recreation Contribution of £4,200 (based on £300 per dwelling in Developer Guide). Based on the information assessed to date, such obligations would be considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 18.5 The above provision could be secured through a Section 106 Agreement and the applicant had previously agreeing to make these contributions.
- 19.0 **Presumption in Favour of Sustainable Development**
- 19.1 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.” The Local Planning Authority cannot demonstrate a Five Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2019 and refined in case law should be applied.

19.2 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are some conflicts with the Development Plan, namely the harmful impact on the visual amenity and character of the surrounding area, harm to the living conditions of the adjacent occupiers and the prejudicial impact on the development potential of the adjoining site.

19.3 In coming to a conclusion, officers have given due consideration to the limited-moderate benefits of the proposal in providing 14 new flats towards the defined housing need at a time where there is not a Five Year Land

19.4 Supply within the Borough and the re-use of a previously developed brownfield site. The Local Planning Authority considers therefore that the adverse impacts of the development, on the local character of the area, streetscene and on residential amenity would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole. On balance, the application is recommended for refusal.

## 20.0 **Summary**

20.1 The proposal has been considered against relevant development plan policies and the NPPF, and regard has been had to the comments received, and all other relevant material considerations.

20.2 Having considered the relevant policies set out, the representations received from consultees and all other relevant material considerations, it is recommended that the application is refused.

## 21.0 **PART C: RECOMMENDATION**

### 21.1 **Recommendation**

Refuse Planning Permission for the following grounds:

#### **Reason 1**

The proposed development by reason of the excessive height and design would result in a dominant and incongruous form of development which would have a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor would comprise an unacceptable height and form of development which constitutes an over-

development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

Reason 2:

The proposed development would result in additional overlooking of properties to the west by virtue of the position, orientation and number of balconies and windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The proposals would have an unneighbourly and visually intrusive effect upon the rear garden of 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 3:

The proposed development would create additional overlooking to the adjoining site to the east by virtue of the position and number of balconies and windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policy 8 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 4:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and paragraph 54 of the NPPF.

Informative

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner providing clear advice prior to submission of the application. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

