

Registration Date:	22-May-2020	Application No:	P/00226/044
Officer:	Neil Button	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		
Proposal:	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)		
		Expiry Date (EOT agreed):	31 st October 2020

Recommendation: Delegate to the Planning Manager for REFUSAL



P/00226/44 - 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 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).

Reason 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).

Reason 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).

Reason 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.

Reason 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.

PART A: BACKGROUND

2.0 Proposal

- 2.1 The applicant has applied for a change of use at ground floor from nursery (D1 Use Class) to commercial use (E Use Class) 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.
- 2.2 The application has been made following the approval of 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 10th September 2018). The applicant has commenced work on the change of use on the first floor.
- 2.3 The proposed dwelling mix of the proposed 15 additional residential units comprises 3 x studio units, 5 x 1bed 2 person units, 3 x 2bed 3 person units and 4 x 2bed 4 person units. The proposed ground floor has been revised to reinstate a commercial unit for which planning permission is sought for Class E Use (Commercial/Business/Retail) which occupies 185 sqm. The remainder of the ground floor comprises 3 x self contained flats, the bin and cycle stores and residential communal access and central core.
- 2.4 The two storey roof level extension proposes 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 include a minor change to the building line of the western elevation with the external wall projecting forward within a zig zag line to ensure certain the glazed elements of the facade are orientated northwards. Obscured or opaque glazing is proposed within specified windows in the western façade.

- 2.5 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 by an additional 22.48 sqm.
- 2.6 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.
- 2.7 The proposals include the provision of a refurbished car parking area within the existing forecourt adjacent to Furnival Avenue to provide 10 spaces and provision of newly demarked parking spaces 1-6. Spaces 1 and 2 contain access to an Electric Vehicle (EV) charger. The applicant confirms that parking spaces will be allocated to 14x 1 bed and 2 bed flats. 2 spaces will be set aside for the commercial unit.
- 2.8 A refuse and bin store comprising 4 x 1100ml Euro bins is located adjacent to the communal residential entrance. The cycle store is located next to the bin stores which will provide space for 24 bicycles on two tier stacked racks.
- 2.9 The proposal essentially comprises a similar scheme as the originally submitted proposals in the previous application (Ref: P/00226/043) which contained a second additional floor. The top floor was removed in revised plans submitted under the previous application due to concerns raised by officers and approval was given for a single storey rooftop extension in addition to the associated works and change of use of the ground floor former nursery.
- 2.10 The following documentation has been submitted as a part of the planning application:
 - Application Forms
 - Application Certificates
 - Site Location Plan
 - Existing Plans and Elevations (Revised 13th October 2020)
 - Revised Plans, Sections and Elevations (Revised 13th October 2020)
 - Design and Access Statement
 - Noise Assessment
 - Drainage Strategy
 - Surface Water Drainage Design Report:
 - Sunlight and Daylight Letter
 - Transport Statement (Revised)

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.
- i) Erection of metal studwork for the first floor corridor/ party walls was in progress.
 - ii) 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.
 - iii) The site would be seen again (by SBC Building Control) when corridor/ party walls constructed.
- 3.4 Subsequent correspondence from the applicant confirms no further substantive work had taken place and this was verified by site visit.
- 3.5 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/00226/043:** 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

4.2 Pre-Application Advice:

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).

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.

5.0 Neighbour Notification

5.1 B P Service Station, 257A, Farnham Road, Slough, SL2 1HA, 261A, Farnham Road, Slough, SL2 1HA, 261B, Farnham Road, Slough, SL2 1HA, 261, Farnham Road, Slough, SL2 1HA, 2, Furnival Avenue, Slough, SL2 1DW, Ats Euromaster Ltd, 1A, Furnival Avenue, Slough, SL2 1DH, 251A, Farnham Road, Slough, SL2 1DE, 251, Farnham Road, Slough, SL2 1DE, 1, Furnival Avenue, Slough, SL2 1DH, 263, Farnham Road, Slough, SL2 1HA, 263A, Farnham Road, Slough, SL2 1HA, 263B, Farnham Road, Slough, SL2 1HA, 4, Furnival Avenue, Slough, SL2 1DW, 265, Farnham Road, Slough, SL2 1HA, First And Second Floor Flat, 265, Farnham Road, Slough, SL2 1HA, Room 2, 6, Furnival Avenue, Slough, SL2 1DW, Room 5, 6, Furnival Avenue, Slough, SL2 1DW, 6, Furnival Avenue, Slough, SL2 1DW, Room 3, 6, Furnival Avenue, Slough, SL2 1DW, Room 4, 6, Furnival Avenue, Slough, SL2 1DW, Room 1, 6, Furnival Avenue, Slough, SL2 1DW, 3, Furnival Avenue, Slough, SL2 1DH, Burnham House, Flat 4, 267, Farnham Road, Slough, SL2 1HA, Burnham House, Flat 3, 267, Farnham Road, Slough, SL2 1HA, 267, Farnham Road, Slough, SL2 1HA, 267B, Farnham Road, Slough, SL2 1HA, 267A, Farnham Road, Slough, SL2 1HA, Burnham House, 267, Farnham Road, Slough, SL2 1HA, Burnham House, Flat 2, 267, Farnham Road, Slough, SL2 1HA, Rear Of, First And Second Floors, 267, Farnham Road, Slough, SL2 1HA, Rear Of, 267, Farnham Road, SL2 1HA, Burnham House, Flat 1, 267, Farnham Road, Slough, SL2 1HA, 249A, Farnham Road, Slough, SL2 1DE, Peking Cuisine, 249, Farnham Road, Slough, SL2 1DE

1 response has been received (from the adjoining occupier) raising the following objections:

- Same reasons for objection apply as applied to the previous application
- Increased pressure on car parking from additional residential units.
- Vehicles park in a hap-hazard way on the street and driveways end up

- being blocked.
- Concern about composition of dwelling types – and due to the no. of studio units.
- Overcrowding in the flats will be created.
- Anti-social behaviour from tenants.
- Inconsiderate car parking causes danger to pedestrians.
- Unacceptable increase in height.
- Encroachment on privacy at neighbouring property.
- Windows in upper floors will overlook neighbours garden and be invasive.
- If the scheme is approved – family will be displaced.

5.2 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, a site notice was displayed at the site which expired on 3rd August 2020 and the application has been advertised in The Slough Express.

5.3 No further comments were received.

6.0 Consultation

6.1 Transport and Highways

Application Description

The proposed development is for 15 dwelling as follows:

- 3 x Studio flats;
- 5 x 1 Bedroom Flats;
- 7 x 2 Bedroom Flats; and
- 185m² Commercial Area.

The site will provide a total of 24 residential flats over 4 floors including 9 flats previously permitted on the first floor through a prior approval application. The 9 flats on the first floor would provide the following accommodation:

- 7 x Studio flats; and
- 2 x 1 bedroom flats.

This proposal equates to the construction of an additional 6 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 access shared with the petrol station. 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 18 unit scheme which had 23 parking spaces, a ratio of 1.27 spaces per dwelling (App Ref: P/00226/043).

A total of 16 parking spaces are proposed which equates to 0.66 spaces 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

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.

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 16 car parking spaces on-site. The vehicular trip rates and forecast vehicular trip generation are not accepted.

Notwithstanding the car parking impacts, the site is not expected to have an adverse impact on highway capacity in terms of the level of additional trips.

Parking

The proposed layout of parking spaces is the same as that previously agreed, however the previously proposed undercroft parking area is now removed and only 16 spaces are provided. 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 Shopping Centre and Town Centre Zones. Therefore the parking standards for ‘Predominantly Residential’ Areas are considered appropriate. The parking standards require 35 parking spaces or 1.45 spaces per dwelling for the proposed development, as demonstrated in Table 1 below:

Table 1: Slough Borough Council Parking Requirements (Predominantly Residential Area)

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	9	1.75	1	16	8
Total Parking Requirement				35	24

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

As demonstrated by the table above, the proposed 16 parking spaces would be a shortfall of 19 parking spaces against the 35 spaces required by the Slough Borough Council Parking Standards.

The documentation submitted by the applicant does not provide suitable evidence for the shortfall in parking provision against the number compared with parking standards. The previously approved development already represented a shortfall in parking provision and the proposals for a parking ratio of 0.66 spaces per dwelling further departs from the parking standards.

The site is not highly accessible by public transport and 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 site is situated 2500m from Burnham Railway Station and 3200m from Slough Station which are beyond acceptable walking distance.

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

Table 2: Recorded Local Car Ownership

	Slough 002B	Slough 002
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.

Therefore the site is unlikely to support low levels of car ownership. The shortfall in parking and proposed parking ratio of 0.66 spaces per dwelling is considered inappropriate and Slough Highways and Transport Team cannot support this application. The shortfall in parking provision is likely to lead to parking overspill onto the surrounding streets causing a highway safety and/or capacity problem.

The applicant should revise the application to provide a number of parking spaces consistent with the Slough Borough Council parking standards or the parking ratio of the previously consented scheme.

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

Mindful of the above significant amendments are required before this application could be supported. If the applicant considers that they can address the comments that have been made then I would be pleased to

consider additional information supplied. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

Reason for Refusal

Car Parking

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.

6.2 Lead Local Flood Risk Authority Advisors – No objection.

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.

6.3 Environmental Quality – Ground Contamination

No comments received.

6.4 Thames Water – No objection.

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.

6.6 Crime Prevention Design Advisor - No objection.

The following issues need to be resolved at the detailed design stage:

Private Residential Car Park: I strongly recommend that access to the car park be made secure through the inclusion of electronic gates or shutters (LPS1175 SR2 or equivalent). These measures must incorporate an access control system that allows the driver to operate the system without leaving the vehicle. The layout and design of this facility should also incorporate the safer parking principle of surveillance, lighting and management processes and procedures.

Postal services: Details relating to how the postal service be managed be should be provided.

Bicycle storage facility: The cycle storage proposed facility could be vulnerable to unauthorised intrusion. This in turn can raise the fear of crime among legitimate users residents may feel vulnerable in this area and abandon the bicycle storage facilities preferring to take their bikes into the private space of corridors and stairwells. This in turn could cause conflict between neighbours. Cycle store facility should be secured a dedicated room or secure cycle compound (there should be no windows within integral stores, and doors must meet the standards of <https://www.securedbydesign.com/> Home 2019 guide).

Physical security: Condition is recommended to require the development will achieve the Secured by Design Award shall be submitted to, and approved by the authority.

The following advice should be followed in order to demonstrate Secured by Design 'Silver' standard:

1. External Communal entrances: All external and internal Communal entrance doors meet the requirements of the minimum physical security requirements of LPS1175 Issue 8 B3)
 - i. Developments with more than two floors are required to have a visitor door entry system and access control system.
 - ii. All external and internal Communal entrance doors access will be controlled via an electronic remote release locking systems with audio/ visual intercom links to each apartment. This will allow residents to communicate with their visitors without having to open their front door and speak to them face-to-face as this allows them to filter who is allowed into the building and up into their flat..
 - iii. The system will be required to record and store images for a minimum of 30 days.
 - iv. Tradesperson's release mechanisms are not permitted as they have been proven to be a cause of ASB and unlawful access to residential areas
 - v. Post boxes to be located as shown on plans (outer air lock

lobby of each core)

2. Compartmentalisation: The Access control system must provide compartmentalisation of each floor within the development, and from the parking level, and cover each of the following;
3. Secure communal lobbies: Any internal door sets should meet the same specification as above be access controlled (ground floor and residential floor lobbies)
4. Bin and cycle store doors. Must be robust and secure (meet the minimum physical security standards of LPS 1175 issue 8 B3, with electronic access control. *Please note Double leaf door can be problematic in terms of sustainable operation and security, as the active leaf is required to secure against the passive. alternatively a single leaf door may well be more appropriate and cost effective.*

6.7 Environmental Quality: Air Quality – No objections.

(Comments received in respect of previous scheme P/00226/043) at this site. 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

6.8 Environmental Quality: Noise

(Comments received in respect of previous scheme P/00226/043) at this site.

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 LAeq16h and 58dB LAeq8h. LAm_{ax} values have not been presented in the table, however the graph at the end of the report suggests that LAm_{ax} 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 LAm_{ax} values into consideration, and as WHO Guidelines for Community Noise (1999) allow for 45dB LAm_{ax} 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: Rw 36dB, achieved with 6/12/10mm glazing.

North and West Elevations: Rw 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.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 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 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)

7.2 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

8.0 **Principle of Development**

8.1 **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.

8.2 **Loss of Nursery (Class D1) Floor space & Re-provision for Class E (Commercial/Business):** The proposal results in the change of use of the ground floor nursery (Class D1) which results in the net loss of 260 sqm floor space with 185 sqm re-provided as Class E (Commercial/Business/Retail) floor space. 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.

8.3 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 floor space is considered to be acceptable in principle. It is noted that the proposals re-provide 185 sqm of Class E floor space within the ground floor which is considered acceptable in light of the location on the edge of the Farnham Road Shopping Centre.

8.4 **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.

8.5 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.

8.6 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 proposed floorplan indicates that satisfactory independent accesses could be provided for the ground level flats, and the minimum room and flat sizes (in accordance with the Nationally Described Space Standards) and sound insulation could be secured by condition. In addition, some external amenity spaces are provided with the ground floor units and upper floor units. In conclusion, it is considered that adequate residential amenity for the converted ground floor flats could be secured by the proposals. The proposal would result in a positive re-use of the existing building including a mixture of land uses.

- 8.7 The principle of residential use on the site is 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.
- 8.8 **Prior Approval Status:** The description of development confirms that the proposals would involve the change of use of the ground floor Class D1 Nursery (to provide 185 sqm Class E floor space), minor extensions to the western façade of the building to facilitate a new zig-zag building line and erection of a two storey extension 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 12 x self contained flats within the new second and third floor levels. The development results in a total residential provision of 15 new dwellings.
- 8.9 There would be a total 24 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:
- “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*
- 8.10 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.
- 8.11 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 24 dwellings).

- 8.12 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). The applicant has also confirmed that works on implementing the prior approval have been paused to allow for this planning application to be determined. 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.
- 8.13 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.
- 8.14 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).

- 8.15 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).
- 8.16 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 the previous application and the principle of the development is considered to be acceptable in land use terms.
- 8.17 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.

9.0 **Design and Impact on the Street Scene**

- 9.1 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.
- 9.2 **Scale, Height & Bulk:** The proposed external works as listed in the application description include the erection at roof level of two new residential floors which increase the height of the existing building by circa 6m (excluding the lift overrun). The surrounding environment to the east 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.
- 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.

- 9.4 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. Therefore, on balance it is considered the proposals would add a significant constraint should this site come forward in the future. The additional height is symptomatic of the proposed over-development of the site. The approved development (of a lower height) that preceded this application was viewed on the basis that it did not unduly restrict the adjoining site.
- 9.5 Officers consider that irrespective of the design and the quality of finished facades that proposed height of the development would not be acceptable and would not sympathetically relate to the surrounding environment. The inappropriate and excessive height of the resulting building would in the officer's view, constitute significant harm to the residential character of the area and of the street scene in Farnham Road.
- 9.6 **Design and Appearance:** The proposed re-cladding of the building would accentuate the elevational features of articulated brick panels and farmed bays. The proposals also include the replacement of the existing window framing system, including replacing all windows and doors, and the masonry brickwork in the south, eastern and western elevations. The existing masonry brick on the northern elevation will be retained and cleaned. New EWI white render treatment to the existing concrete frame of the building will be applied.
- 9.7 A combination of these elevational works will potentially improve the appearance of the existing structure. Conditions would have been recommended to require submission and approval of detailed sections and elevations to ensure the detailed junctions of the extensions with the existing building are as seamless as possible. However, it is considered compliance with these conditions would not overcome the fundamental issue of the

unacceptable height of the proposals.

- 9.8 **Landscaping:** The applicant confirms that no high hedges will be planted where opportunity for hiding places exists, and the proposed greenery will not obstruct the natural surveillance at ground floor level. 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 confirmed that they would accept a condition which requires detailed planting schedules and the submission of a new landscape masterplan for the scheme.
- 9.9 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour. No objections have been raised by the Crime Prevention Design Advisor subject to condition requiring Secure by Design compliance (silver standard).
- 9.10 Based on the above, due to the excessive height of two storey rooftop extension, 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 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 the requirements of the National Planning Policy 2019.

10.0 Housing and Standard of Accommodation

- 10.1 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.
- 10.2 The proposals comprise 3 x Studio units, 5 x 1bed 2 person units, 3 x 2bed 3 person units and 4 x 2bed 4 person units (15 units in total). 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.
- 10.3 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.

- 10.4 The proposed 15x flats (subject to this application) subject to consideration of this planning application would have acceptably sized internal spaces that would broadly comply with the Nationally Described Space Standards with the exception of the second and third floor studio units which only falls marginally under the minimum size for a 1 bed 2 person flat by 0.44 sqm. The Proposed Flats are sized as follows:

Floor	Flat No.	No. of Bedrooms	Size (sqm)
Ground	1	2 Bed	61.42 sqm
Ground	2	1 Bed	55.11 sqm
Ground	3	1 Bed (Studio)	39.12 sqm
First*	4	1 Bed (Studio)	41.31 sqm
First*	5	1 Bed (Studio)	43.05 sqm
First*	6	1 Bed	50.75 sqm
First*	7	1 Bed (Studio)	45.09 sqm
First*	8	1 Bed (Studio)	37.85 sqm
First*	9	1 Bed (Studio)	40.00 sqm
First*	10	1 Bed (Studio)	39.19 sqm
First*	11	1 Bed	45.73 sqm
First*	12	1 Bed (Studio)	35.09 sqm
Second	13	2 Bed	65.27 sqm
Second	14	1 Bed	50.75 sqm
Second	15	1 Bed (Studio)	49.56 sqm
Second	16	2 Bed	72.91 sqm
Second	17	2 Bed	73.20 sqm
Second	18	1 Bed	50.00 sqm
Third	19	2 Bed	65.27 sqm
Third	20	1 Bed	50.75 sqm
Third	21	1 Bed (Studio)	49.56 sqm
Third	22	2 Bed	72.91 sqm
Third	23	2 Bed	73.20 sqm
Third	24	1 Bed	50.00 sqm

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

- 10.5 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.
- 10.6 6 flats on the extended first, new second and third floors at the western façade contain floor to ceiling height windows which have the potential to directly overlook the garden space at the neighbouring property at 2 Furnival

Avenue. The 9 other windows on the western elevation have opaque views towards the garden area but these windows do not overlook any habitable room windows within 2 Furnival Avenue. The previous application proposed the insertion of obscure or opaque glazing to windows on the first and second floors to prevent direct overlooking of no.2 Furnival Avenue. The obscured glazed windows served flats which benefitted from other windows generating a reasonable aspect.

10.7 The current proposals would require similar measures to reduce direct views west. However, the provisions would potentially compromise at least 3 flats. It is considered that these measures could overcome the potential for overlooking of neighbouring gardens but would compromise residential quality further. The impact of the increased height of the building is considered in more detail below.

10.8 The proposed development contains some useable external space to the ground floor units and there are recessed balconies provided at second and third floors. 12 of the 14 new apartments will have some form of private external amenity space which is welcomed. As there is an overall shortfall of amenity space and no communal provisions 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 is therefore considered to be satisfactory given the applicant has agreed to make appropriate contributions towards open space and recreation improvements.

11.0 Relationship With and Potential Impact on Neighbouring Properties

11.1 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.

11.2 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.

11.3 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.

11.4 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.



- 11.5 The above image 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.
- 11.6 The image below comprises the western elevation of the extended building which identifies 3 x upper floor dwellings with 6 x floor to ceiling height windows on the extended first, new second and third floors which result in the potential to create overlooking of the neighbouring property at 2 Furnival Avenue.



- 11.7 **Overlooking:** The proposals differ from the consented development insofar as the revised scheme extends the overall massing and height of the building which would create additional opportunities for direct overlooking and a further obstruction in terms of daylight and sunlight.
- 11.8 The previous scheme contained 2 windows that required additional mitigation in terms of providing obscure glazing to prevent overlooking. The current proposals require further mitigation to potentially 6 windows which would serve 6x flats in the development. The above elevation indicates 6 windows are to be obscured up to 1.7m in height. Officers consider the need to insert obscure glazing would not overcome the perception that the development would be intrusive to occupiers in the garden space at 2 Furnival Avenue. The increased height would add to the perception of overlooking and would be unneighbourly. In conclusion, it is considered that the proposals would result in a loss of privacy at 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.
- 11.9 **Daylight & Sunlight:** The daylight and sunlight impacts are set out in the technical BRE report submitted with the previous application alongside an addendum letter from the consultant which considers the impact on no. 2 Furnival Avenue. The combined reports indicate that there will be no material impact on the adjacent windows or rooms within the neighbouring properties at 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.
- 11.10 **Overshadowing:** The applicant has submitted a sun-path analysis in the Design and Access Statement which demonstrates that the proposals would not cause an unacceptable overshadowing effect on the adjacent external spaces including the gardens along Furnival Avenue.
- 11.11 **Noise:** The Council's Environmental Quality (Noise) team has raised no objections to the proposals but conditions are recommended for the

development to be acceptable in terms of environmental noise, SBC require details of the chosen glazing and ventilation schemes which are able to meet the specifications described above, to be approved in writing prior to construction commences. The internal noise levels stated within BS8233:2014 should be met.

- 11.1 In conclusion, 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 No. 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).

12.0 **Parking and Highway Safety**

- 12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

- 12.2 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.

- 12.3 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”.

- 12.4 The applicant has submitted a Transport Statement (TS) in support of the application. The TS seeks to provide a justification for the reduced car parking whilst assessing the impacts of the development on the local highway.

- 12.5 The Proposed Site Plan identifies 16 parking spaces. Six of the existing parking spaces are located to the east of the building and are accessed through the BP Petrol Station. The applicant has confirmed 14x spaces will

be allocated for the 1 and 2 bed apartments. The 10 studio units will not have any allocated car parking spaces. 2 car spaces will be allocated to the commercial unit.

- 12.6 If the proposed 9 consented flats within the first floor are accounted for (in addition to the 15 additional units applied for in this application), 34 x parking spaces would be required based on the SBC Parking Standards (for 24 flats including the 9 permitted development flats), which require the provision of 1.25 spaces for each 1 bedroom flat (1.25 x 17) one bed flats = 21.25 parking spaces) and 1.75 parking spaces for each two-bed flat (1.75 x 7 flats = 12.25 parking spaces).
- 12.7 There is a parking shortfall (overall for both developments including the permitted development flats) and this is considered to be unacceptable as the parking provision equates to an average of 0.67 spaces per flat which Officers deem unsatisfactory in this location on the edge of a District Shopping / Commercial Area which is only moderately sustainable. Local Car Ownership Data has been considered to understand if local facilities and public transport reduce car ownership in this area of Slough. This is highlighted in the Transport Officer comments section of this report. 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. Therefore the site is unlikely to support low levels of car ownership. The shortfall in parking provision is likely to lead to parking overspill onto the surrounding streets causing a highway safety and/or capacity problem.
- 12.8 The applicant has confirmed that a right of way exists across the Petrol Station land to access car spaces 1-6 (which are existing). The red line site plan has been amended accordingly. Notwithstanding this, should the Petrol Station site come forward for the development, or the owners of this land apply to use the land adjacent to the parking spaces for another purpose, car parking spaces 1-6 would be compromised and this could result in reducing the parking available on the site including the 2 EV spaces. Transport Officers previously advised that the area would only be able to accommodate 2 car parking spaces in tandem and would reduce the number of usable spaces on the site to 12 spaces which would result in further car parking demand in the area. It is considered that the further modifications to the parking area could not be addressed by condition or other controls through this planning application.
- 12.9 The applicant confirms that 2 x active electric charging points are proposed (to car spaces 1 and 2 in front of the commercial unit adjacent to the Petrol Station). Passive charging infrastructure is also required within the remaining bays. A condition could be imposed in order to secure these provisions but this could be compromised if the scenario outlined in para 12.8 occurred.
- 12.10 24 x secure cycle spaces are proposed on site in a separate bike store located close to the communal entrance at ground floor level. These comprise 12 x two tier bike stands. The cycle store is accessed internally at the ground floor via the entrance lobby which makes it a secure location.

Secure cycle parking of (at least) one bicycle per flat is provided.

- 12.11 The bin store has been relocated adjacent to the communal entrance adjacent to Furnival Avenue. The residential bin store would accord with the maximum drag distance of 10m for Eurobins (MfS Para 6.8.11). 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.
- 12.12 The proposed development would comply with some policies and guidelines as described above in respect of the access, refuse provisions, cycle parking provision and traffic impact, subject to conditions. However, on balance the proposals would provide an unacceptable level of car and cycle parking which would result in significant additional parking demand in the local area and this could lead to additional conflicts in the highway. For the above reasons, the proposals would not comply with Core Policy 7 or Local Plan Policies T2 and T8 or the NPPF.

13.1 **Ecology**

- 13.2 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.
- 13.3 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. Since the building was vacated the building has been stripped out and is currently undergoing internal conversion works at first floor level to implement the residential flats approved through the prior approval. Following a site visit there did not appear to be any signs of any protected habitats and the developer asserts there are none. Officers are satisfied there would be no likely significant harm on protected species or ecology resulting from the proposed development.
- 13.4 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 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.
- 13.5 Based on the above, the proposal would satisfy Core Policy 9 of the Core

Strategy and the National Planning Policy Framework.

14.1 **Surface Water Drainage and Flooding**

14.2 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.

14.3 The application includes a drainage strategy which has been assessed by the Lead Local Flood Authority and found to be acceptable in principle, but further details are required. The Lead Local Flood Authority are recommending this can be dealt with by condition.

14.4 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.

14.5 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.

15.0 **Contamination risks on the site**

15.1 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.

15.2 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.

16 **Air Quality**

16.1 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.

- 16.2 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.
- 16.3 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.
- 16.4 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:
- 16.5
- 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.
- 16.6 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.

17. **Section 106 Contributions**

- 17.1 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.
- 17.2 The proposed development relates to the provision of 15 new dwellings, in addition to small extensions to 9 consented dwellings under construction. Officers have considered whether affordable housing should be provided in light of overall provision of housing in the altered and extended building would comprise a total of 24 dwellings (including 9 x units on the converted first floor). If both developments were considered cumulatively, the Council would normally require an affordable housing contribution of **£310,625 (approx.)** in accordance with Table 3 of the Developer Guide.
- 17.3 In coming to a view on this matter, officers have had regard to the approved

prior approval application which could be 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.

17.4 Notwithstanding the Prior Approval scheme, as 15 units are proposed as part of the current application, the proposals would trigger the threshold for which an affordable housing, open space and education contributions could be secured. The applicant has proposed affordable, education or open space contributions in accordance with the Developer Guide as follows:

- Affordable Housing Contribution - **£47,738.08** (for 15 dwellings)
- Open Space/Recreation Contribution - **£4,200** (based on £300 per dwelling in Developer Guide)
- Education Contribution - **£44,042** (based on Page 6 Table of the Developer Guide)

17.6 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.

The above provisions could be secured through a Section 106 Agreement and the applicant has agreed to make these contributions.

18.0 **Presumption in Favour of Sustainable Development**

18.1 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 can not 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.

18.2 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, additional adverse impact on highway safety by virtue of the increased demand for car parking spaces on surrounding streets, harm to the living conditions of the adjacent occupiers and the prejudicial impact on the development potential of the adjoining site.

18.3 In coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing 15 new flats (and affordable housing contributions) towards the defined housing need at a time where there is not a Five Year Land 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, highways safety and car parking stress 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.

19.0 **Summary**

19.1 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.

19.2 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.

PART C: RECOMMENDATION

21.0 **Recommendation**

21.1 Refuse Planning Permission for the following grounds:

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).

Reason 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).

Reason 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).

Reason 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.

Reason 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.