

Registration Date:	29-Jul-2021	Application No:	P/01125/009
Officer:	Alex Harrison	Ward:	Cippenham Green
Applicant:	Ragbir Singh, Thames Valley Garage	Application Type:	Major
		13 Week Date:	28-Oct-2021
Agent:	Bal Nijjer The Quay, Farnham Lane, Farnham Royal, SL2 3RY		
Location:	2A Bower Way, Slough, SL1 5HX		
Proposal:	Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 11 car parking spaces/15 cycle storage spaces and amenity space at the rear.		

**Recommendation:** Delegate to Planning manager for Refusal



## 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be refused.

1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

## **PART A: BACKGROUND**

2.0 Proposal

2.1 Full planning permission is sought for the demolition of the existing building and its redevelopment to provide a single building housing 11 flats. The building is proposed as a 3 storey building. 12 off street parking spaces are proposed to the front of the site and the existing access is retained to Bower Way.

2.2 The application is a second submission proposing a residential redevelopment of this site. The first proposed a scheme of 12 that was later reduced to 11 and subsequently refused by Members at the Committee meeting of 23 June 2021. Refusal reasons related to design, highways impact, noise impact, neighbouring amenity impact and drainage impacts

2.3 The application is accompanied by the following documents:

- Plans
- Planning, Design and Access Statement
- Transport Statement
- Noise report
- Sustainable drainage statement
- Flood Risk Assessment
- Soil Investigation Report

3.0 **Application Site**

3.1 The site is located on the southern side of Bower way and measures 300 square metres in area. The site is currently used as a commercial garage with MOT centre. It has a 2 storey flat roof building to the southern part of the site and a forecourt to the front.

3.2 The site is immediately adjacent to another commercial garage to the west along with other non-residential uses on Elmshott Lane, including a car sales business which runs to the southern side of the site. There are residential properties to the north and east of the site in two separate flat developments. The residential character of Bower Way is a mix between terraced family homes and flats.

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

##### 4.1 P/1125/008

Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 12 car parking spaces/12 cycle storage spaces and amenity space at the rear.

Refused 23/06/2021

##### F/01125/007

Prior approval notification for a change of use from offices (Class B 1 (a)) to 2no residential flats (C3) at first floor.

Withdrawn by the applicant.

##### F/01125/006

Notification for prior approval for the proposed change of use of the first floor from office (Class B1(a)) to 2 No. Residential flats (Class C3).

Refused 13/04/2016

##### P/01125/005

Alterations to front elevation to provide two new doorways.

Withdrawn 12/06/2006

#### 5.0 **Neighbour Notification**

##### 5.1

In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) a site notice was displayed outside the site on 06/08/21. The application was advertised as a major application in the 20/08/21 edition of The Slough Express.

##### 5.2

At the time of writing, 0 letters have been received.

#### 6.0 **Consultations**

##### 6.1

##### Thames Water

##### Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the

public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).

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.

## 6.2 Lead Local Flood Authority

- In order for us to provide a substantive response, the following information is required:
- **Background information** on the proposed design. Including proposal; site; plans of surface water drainage and any SuDS featured in the scheme
- Evidence that the applicant understands the **sensitivity of discharge points** relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)

- Evidence of and information on the **existing surface water flow paths** of undeveloped (greenfield) sites
- Evidence of and information on the **existing drainage network** for previously developed (brownfield) sites
- Evidence that the **proposed drainage will follow the same pattern as the existing**. This avoids directing flow to other locations. Identification of and information on areas that may have been affected by **failures in the existing drainage regime**
- Information evidencing that the **correct level of water treatment exists** in the system in accordance with the Ciria SuDS Manual C753
- **Where infiltration is used for drainage**, evidence that a **suitable number of infiltration tests** have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015
- **If not using infiltration for drainage** - Existing and proposed **run-off rate calculations** completed according to a suitable method such as IH124 or FEH. Information is available from UK Sustainable Drainage: Guidance and Tools. Calculations must show that the proposed run off rates do not exceed the existing run-off rates. This must be shown for a one in one year event plus climate change and a one in one hundred year event plus climate change.
- **If not using infiltration for drainage** - Existing and proposed **run-off volume calculations** completed according to a suitable method such as IH124 or FEH. Calculations must show that, where reasonably practical, runoff volume should not exceed the greenfield runoff volume for the same event. This must be shown for a 1 in 100 year, 6 hour rainfall event
- **Maintenance regimes** of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. **Evidence** that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Evidence that **enough storage/attenuation** has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus climate change event
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Evidence that **Urban Creep** has been considered in the application and that a **10% increase** in impermeable area has been used in calculations to account for this.

6.3

Highways

**Vehicular Access**

Drawing No. 2021/04-Rev-B, dated July 2021 fails to demonstrate a 2.4m x 43m visibility splay from the proposed vehicular access in accordance with the Manual for Streets (MfS) standards for a 30mph speed limit. Measurements taken from scaled Drawing No. 2021/04-Rev B dated July 2021 shows visibility splays of 2.4 metres x 33 metres, not 43 metres as labelled.

The submitted plan is insufficient for consideration and includes an incorrect scale bar which does not allow the drawings to be checked with any certainty.

SBC Highways and Transport request the submission of a suitable scaled, General Arrangement drawing of the site access which provides site access width, corner radii and demonstrates visibility splays of 2.4m x 43m can be provided from the site access in accordance with the Manual for Streets Visibility Standards for a road subject to a 30mph speed limit.

If the applicant cannot provide visibility splays of 2.4m x 43m as required by Manual for Streets, the applicant is required to complete a speed survey and provide visibility splays in accordance with the 85<sup>th</sup> percentile of recorded vehicle speeds and MfS visibility standards.

The applicant has provided no response to SBC's request (dated 29/04/21) for the applicant to provide a parking restriction along Bower Way on the site frontage to ensure vehicles can safely ingress/egress the proposed development. This restriction would ensure delivery vehicles have enough space to turn in and out of the site and have unobstructed visibility when egressing the site. Any such restriction would be subject to completing a TRO and the associated public consultation. On-street pavement parking has previously occurred along the site frontage on Bower Way, which may prevent safe access.

The applicant has not demonstrated safe access and suitable visibility can be provided. Therefore SBC Highways and Transport recommend refusal on highway safety grounds. Paragraph 108 of the NPPF requires that in assessing applications for development, it should be ensured that: *'safe and suitable access to the site can be achieved for all users'*.

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

The proposed development is located in close proximity to a number of facilities, providing opportunities for residents to travel by sustainable travel modes. The site benefits from being located in close proximity to the Elmshott Lane Neighbourhood Centre which includes a One Stop Convenience Store, Barbers Shops, Fast Food Takeaways, Vets and Cippenham Library all within 150m (2 minutes) walk. The site is also located 1000m (13 minutes) walk from a M&S foodstore.

The site is located within walking distance of several educational facilities and is approximately 120m from Cippenham Primary School, 550m (7 minutes walk) from Cippenham Nursery, 950m (12 minutes walk) from Western House Academy, 1500m (19 minutes walk) from Westgate Secondary School.

The proposed development is located approximately 900m (11 minutes)

walk from Burnham Railway Station. Burnham Railway Station offers 4 services to Reading and London Paddington during the AM Peak Hour. The site is located 150m from bus stops on Bower Way, where the Number 5 provides 1-2 services per hour between Cippenham and Slough. The Bath Road Bus Stops are located 450m from the proposed site where the Number 4 provides 1-2 services per hour between Slough, Heathrow and Maidenhead.

A 2018 study of Public Transport Accessibility Level (PTAL) rated the site with a PTAL rating of 1b on a scale of 1a to 5b, with 5b being the highest PTAL rating available in Slough.

### **Trip Generation**

The Transport Statement states in paragraph 5.1 that the development will generate 5 vehicular movements in the AM Peak and 5 two-way vehicular movements in the PM Peak but does not provide a data source. This would equate to 1 vehicle trip every 20 minutes.

SBC Highways and Transport have no objection to the proposed development on the basis of the site's trip generation, which is expected to have a minimal impact on highway capacity.

However, SBC Highways and Transport request the applicant provide the source of the trip generation calculation, which has not been included within the Transport Statement. Forecasts of trip generation should be based on survey data from TRICS, the National trip generation database.

### **Car Parking**

The proposed site layout plan appears to display spaces which measure 2.3m x 4.7m, rather than the minimum of 2.4m x 4.8m, with a minimum aisle width of 6.0m. Spaces bounded by a physical feature such as a wall should be widened by 300mm on the side bounded by the wall.

11 parking spaces are proposed at a ratio of 1 allocated parking space per dwelling.

SBC Highways and Transport consider the provision of 1 parking space per dwelling acceptable at this location given the site's proximity to Burnham Railway Station. In addition Car Ownership of 1.2 cars per dwelling was recorded within Cippenham Green Ward for 1 and 2 bed flats during the 2011 Census. Whilst this data is outdated, it is understood to be the best available data.

The proposals are considered in accordance with Policy T2 of the Slough Local Plan which allows for residential development to provide a level of parking appropriate to its location. Paragraph 8.62 of the Slough Local Plan states that it may be suitable to seek lower parking in areas which are well served by public transport.

SBC Highways and Transport require the applicant to make a contribution of £6000 towards a double-yellow parking restriction in the vicinity of the site access. This is to ensure there is suitable space for a delivery van to access/egress the site and ensure visibility splays of 2.4m x 43m can be

provided without obstruction.

### **EV Parking**

The applicant proposes the inclusion of an Electric Vehicle Charger (EVCP) for each dwelling and therefore the proposals can be considered compliant with the Slough Low Emission Strategy (2018 – 2025) which requires the provision of one EVCP per dwelling where parking is allocated.

It is recommended that the specification of the EVCP should be secured by an appropriately worded planning condition, should planning permission be granted.

### **Cycle Parking**

The cycle stores shown on the proposed site plan (Drawing No. 2021/04-Rev-B) are not compliant with the SBC Developers Guide.

The SBC Developers Guide Part 3: Highways and Transport makes the following requirements regarding cycle stores serving blocks of flats:

- That cycle stores are located within the building and accessed from the entrance foyer;
- The Slough Developers Guide specifies that cycle parking for residents should be provided as secure individual lockers measuring 2 m x 1m. The cycle store on Drawing No. 2021/04-Rev-B labelled as a 'secure cycle store' for 11 cycles only measures 4.1m x 1.48m. The Slough Developers Guide specifies that cycle parking for residents should be provided as secure individual lockers measuring 2 m x 1 m; and
- For developments with more than 10 flats, short stay visitor cycle parking should be provided for visitors in the form of Sheffield Stands. Where Sheffield Stands are provided, racks should be spaced at least 0.9m apart and should also allow for vehicles being 1.8m in length, as required by the Slough Developers Guide.

SBC Highways and Transport require the applicant to amend the proposed cycle parking to accord with the above comments and the Slough Developer's Guide: Part 3: Highways and Transport. The cycle parking currently displayed is unsuitable and the proposed development could be considered contrary to the local plan and the NPPF which require developments to facilitate journeys by sustainable travel modes.

### **Servicing and Refuse Collection**

SBC require the reconsideration of the location of the bin store shown on Drawing No. 2021/03-Rev-C. The bin store should not interfere with the revised visibility splay of 2.4m x 43m which has been requested.

SBC Highways and Transport request confirmation of the delivery and servicing arrangements and the provision of swept paths which demonstrate a long wheel base van can ingress and egress the site in a forward gear. This is required to ensure the site can accommodate

deliveries associated with online shopping. This is also required to understand whether parked vehicles will restrict access for delivery vehicles.

Suitable turning space should be provided within the site for a delivery vehicle to ingress and egress in a forward gear. If suitable space is not provided on-site, then delivery vehicles will be forced to wait on the public highway. The existing on-street parking means there is no kerbside parking available for a delivery vehicle to park and delivery vehicles are likely to cause obstruction of the public highway and create a highway safety problem.

### **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.

6.4 Contaminated Land Officer

No comments received to date.

6.5 Environmental Quality

No comments received to date.

6.6 Crime Prevention Design Advisor

No comments received to date.

6.7 Neighbourhood Team

No comments received.

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

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy Guidance:

Core Policies: Achieving Sustainable Development

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

Chapter 11: Conserving and enhancing the natural environment

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

Core Policy 1 – Spatial Strategy

Core Policy 4 – Type of Housing

Core Policy 6 – Retail, Leisure, and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 10 – Infrastructure

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities

OSC15 – Provision of Facilities in new Residential Developments

S1 – Retail hierarchy

EN17 – Locally listed buildings

Other Relevant Documents/Guidance

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

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The revised version of the National Planning Policy Framework (NPPF) was published in July 2021. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

## 8.0 **Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Highways and parking
- Sustainable design and construction
- Crime prevention
- Air quality
- Surface water drainage

## 9.0 **Principle of development**

9.1 The existing site is an existing commercial site that forms one of a number of small businesses in this area that predominantly front Elmshott Lane as well as turning the corner into Bower Way.

9.2 Core Policy 1 of the Slough Core Strategy relates to the spatial strategy for Slough. It states that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre. Outside of the town centre the scale and density of development should relate to the site's current/proposed accessibility, character and surroundings.

9.3 Core Policy 4 of the Core Strategy states that high density housing should be located in Slough town centre. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.

9.4 As with consideration of the previous application, the proposed development will provide 11 flats. These are not considered to be family housing and this is an area where Core Policy 4 would seek a predominance of such housing. However Core Policy 4 does not rule out flats in principle as it states high density housing should be located in the town centre. The provision of 11 flats on this site would not be considered to amount to a high-density scheme. It is reflective of the scale of other flat developments in the immediate area and therefore the scheme is not considered to be contrary to Core Policy 4.

9.5 Give that this site is a commercial garage and immediately abuts another commercial garage, the principle of development for this site is dependent

on whether or not suitable living conditions can be achieved. For this site the principle of development would be dependent on whether or not the ground is subject to any contamination and whether or not there are suitable noise levels in the area and assessments would be required to demonstrate that the site is suitable.

9.6 The previous application was refused for 5 separate reasons which stemmed in part from the fact that it was submitted with very little information for what was a major development and no pre-application discussion. The revised application for consideration here was submitted with additional information by comparison but there has still been no pre-application discussion with the Council.

9.7 The applicant has provided more information with this revised application including a noise assessment and contaminated land survey and this information will contribute to determining whether or not the principle of development is acceptable.

9.8 In terms of planning policy considerations the proposed development is considered to be acceptable in principle. However the overall principle of development is dependent on the findings of the noise assessment and the contaminated land survey bearing in mind the existing use of the site and its neighbors.

10.0 **Mix of housing**

10.1 One of the aims of national planning policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is largely reflected in local planning policy in Core Strategy Policy 4. The proposal would provide the following mix:

- 5 x one bed flats
- 6 x two bed flats

10.2 The recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	5-10%	25-30%	40-45%	20-25%
<b>Affordable</b>	35-40%	25-30%	25-30%	5-10%
<b>All dwellings</b>	15%	30%	35%	20%

10.3 The housing mix is the same as the first application and some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance the scale of development, at 11 units, is not overly high and the even split between 1 and 2 bedroom units can be considered appropriate. It would not harm the goals of achieving a sustainable, inclusive and mixed

community. The housing mix is therefore acceptable in light of Core Policy 4 of the Core Strategy.

**11.0 Impact on the character and appearance of the area**

11.1 The National Planning Policy Framework encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2

11.2 The previous application was refused on design grounds as it failed to result in high quality design. The application was submitted with limited detail beyond 4 elevations for the proposed building. There is no streetscene detail and no visualisations of the scheme to aid assessment.

11.3 The amended application proposes a very similar design to the first scheme considered. There are some cosmetic amendments but essentially the scheme is the same as before. This is largely due to the internal layouts of the flats being the same as before which then determines the windows in effectively the same location. The principal differences in the design are that part of the building is stepped back from the other part and the arrangement of roof gables are different.

11.4 The proposed development is considered to result in a non-descript design that does not maximise the potential to enhance the character of the area. Furthermore the building fails to sit comfortably in the streetscene. The increased scale and bulk does not sit comfortably with the lower scaled building to the west and creates a poor transition in scale with the blank façade on the west elevation becoming overly prominent.

11.5 It can be seen that the proposed design has sought to include elements that reflect the external appearance of Charlcot Mews and Holly Court but this would not necessarily achieve what would be regarded as high quality design. The facades continue to generate little visual interest and the proposal creates a contrived roof structure to open up the proposed communal terrace but making this area uncovered. There continues to be no principal entrance to the building which would accentuate a principal elevation. Instead the majority of residents would enter through a side door off an alley.

11.6 Paragraph 130 of the NPPF states that ... *'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...'*

Therefore the concerns raised above reflect the advice of the NPPF.

11.7 It goes on to say, in para 131 that:

*'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

- 11.8 It is considered that the revised scheme is not innovative and the design fails to raise the standard of design in the area. The NPPF is clear in stating that good design is a key aspect in achieving sustainable development stating that planning decision should ensure developments are visually attractive and add to the overall quality of an area. It is considered that this proposal as currently submitted, in spite of the previous refusal reasons, fails to achieve this.
- 11.9 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and EN2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the NPPF 2012.
- 12.0 **Impact on amenity of neighbouring occupiers**
- 12.1 The National Planning Policy Framework encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.
- 12.2 The nearest residential properties to the application site are immediately to the east and north. Land uses to the south and west are non-residential.
- 12.3 In respect of outlook, the building as designed proposes windows with outlooks to the north and south only which would have outlooks over the parking forecourt on the application site and the lot for the used car site to the south. To the north the windows will look towards the flats at Charlcot Mews but the distance between the proposed building and this existing building is suitable enough to ensure there would be no adverse overlooking impact.
- 12.4 The outlooks to the direct south would not have any adverse impact on residential amenity due to the adjacent land use to the south. However to the south east there is a building with flats forming part of Holly Court. The south facing windows at the south eastern corner of the will have an indirect outlook towards these windows, the previous scheme proposed balconies that exacerbated this impact and this element of the scheme was found to harm neighbouring amenity as a result. This revised application retains the proposed windows but removes the balconies and this serves to remove the direct overlooking impact from the rear of the proposal. There remains a degree of perception of overlooking from these windows.

12.5 As stated, the building, at 3 storeys in height, results in a bulky addition to the streetscene which is exacerbated by the roof structure. Consideration again falls to whether or not there are any overbearing impacts. Again, due to the nature of land uses to the west and south, there would be no overbearing impact. Similarly, the distance between the proposed building and Charlot Mews would mean that, while the building is visible, it would not be overbearing.

12.6 The previous application raised concerns, and subsequent reasons for refusal, over a potential overbearing impact to the east. The immediate east shows the proposed building abuts the existing building housing the flats at Holly Court. The relationship between the proposed building and Holly Court is such that, as with the first scheme, the proposal is immediately southwest of its neighbour. The relationship is such that the building will be indirectly in the outlook of south facing windows to Holly Court. As the building is 3 storeys in height with a roof there remains concern that the relationship between the two buildings would result in an overbearing character and loss of light in the afternoon/evening to the south facing windows of Holly Court.

12.7 The applicant has not provided any daylight/sunlight assessment with the application to demonstrate that there would not be an adverse impact. The south facing windows at Holly Court serve, (according to the approved plans for that site (ref P/12995/000)) living rooms and bedrooms and it is considered that these rooms would have the extent of natural light and sunlight they receive adversely affected by the proposed development. The plans show a '45 degree line' from the neighbouring site which does not appear to be 45 degrees and in any case serves to confirm that the building is within this guideline. The applicant has failed to provide any information with the application that would demonstrate that this is not the case and therefore it is considered that there would continue to be a significant adverse impact on the amenity of neighbouring residents through an overbearing and loss of light to the detriment of the enjoyment of those units.

12.8 For the reasons described above the submitted scheme is still considered to have an adverse impact on the amenity of the occupiers of Holly Court through overbearing impact, loss of light and overlooking. The proposal is therefore considered to be contrary to Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

### **13.0 Living conditions for future occupiers of the development**

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

- 13.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 13.3 The scheme as designed show that all units will be acceptable in size in respect of the national prescribed space standards.
- 13.4 This revised scheme proposed amenity space in the form of private gardens for Flats 3 and 4, private balconies for flats 5, 6, 9 and 10 and a communal roof terrace at second floor level. This arrangement means that each unit will have access to amenity space although not all units will have private amenity space. It is noted that the ground floor units that face north would not have an ideal level of privacy as all residents would pass the private gardens and be able to look into these areas.
- 13.5 As mentioned above the amended plans also include a 'roof terrace' which is proposed as an open area at second floor level that is entirely enclosed with obscure glazing. Concern was previously raised over a similar proposal in the previous application which showed the communal area with a roof covering. It provides a communal area for occupiers but it would not have an outlook and would continue to have a boxed in character. It is considered to provide little in the way of amenity value.
- 13.6 The previous application was refused due to the applicant not being able to demonstrate that suitable amenity values could be achieved in respect of noise impacts bearing in mind the site is immediately adjacent to a commercial garage. The revised application is accompanied with a noise report and no comments have been received on this at the time of drafting this report. Members will be updated via the amendment sheet prior to the Committee meeting.
- 13.7 At the time of drafting this report it has not yet been established that suitable amenity noise levels can be achieved for the residential units proposed and therefore it cannot be confirmed that appropriate residential amenity for occupiers of the scheme can be achieved in principle.

#### 14.0 **Highways and Parking**

- 14.1 The National Planning Policy Framework states that planning should seek to development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 32 of the National Planning Policy Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

- 14.2 The previous application was refused on the grounds that the scheme did not demonstrate that there would be no adverse impact on the highway. This revised application is accompanied with a Transport statement. The application continues to result in objection raised from the Highways Officer.
- 14.3 It is noted that matters relating to the clarification of trip generation have not been addressed and is an issue carried over from the first application. There is no objection in principle in respect of trip generation but the applicant has still not provided the data source that they have concluded that there would be 5no 2-way movements at peak times.
- 14.4 The submitted plans have shown the proposed parking and access layout in greater detail but it is still considered inadequate to make an appropriate assessment and includes an incorrect scale bar. The details submitted still do not show that suitable visibility can be achieved and has stated that either visibility needs to be achieved or a speed survey is carried out on Bower Way to establish appropriate splays. These matters were raised during consideration of the previous application and still have not been addressed.
- 14.5 The Highways Officer has stated the development would require electric vehicle charger points for each dwelling and the plans indicate that these are accommodated. The detail of this would be secured by condition should the scheme have been considered acceptable.
- 14.6 It is also noted that, should the scheme have been found to be acceptable, the applicant would have been required to enter into a legal agreement to undertake a Traffic Regulations Order to provide a parking restriction along Bower Way to ensure that the access would be safe. The Highways Officer has advised that this will require a contribution of £6,000 to secure. If the scheme were to be acceptable this would be secured through a Unilateral Undertaking.
- 14.7 On the basis of the level of information provided in this revised application, the applicant has still failed to demonstrate that the proposed redevelopment of the site would not have an adverse impact on highway safety and convenience and therefore the scheme is not considered to be in accordance with Policy 7 of the Core Strategy and Local Plan saved policies T1 and T8.
- 15.0 **Sustainable Design and Construction**
- 15.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes new residential

buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

15.2 No information has been provided in respect of energy efficiency and sustainability. The plans do not show sustainable development proposals although it is noted that the planning statement advises that there is 'potential' for rainwater harvesting and PV panels due to the flat roof proposed.

15.3 The revised application has not provided any information to demonstrate, or show a commitment to, that the development would achieve a carbon emissions rate that is 15% lower than Building Regs requirements and therefore the scheme is unable to show any benefits to this extent.

#### 16.0 **Crime Prevention**

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

16.2 No comments have been received from the Crime Prevention Design Advisor. It is noted that the entry to the building can be made secure. The site layout shows an access at the western extent of the site from Elmshott Lane and this could cause concerns as it could make the site accessible in an area that has little to no surveillance.

16.3 Should the proposed development have been considered acceptable, a condition would be added to a consent that would require the development to gain a secured by design accreditation. The absence of any information on this proposal means that there can be no perceived security benefits from the scheme.

#### 17.0 **Surface Water Drainage**

17.1 The site lies within Flood Zone 1 and is in an area that is not considered to be a high flood risk.

17.2 The previous application was refused on the ground that the applicant had failed to demonstrate that the development was acceptable in drainage terms. The application is a major development and therefore drainage considerations are prominent. This revised application was accompanied with a sustainable drainage strategy and a flood risk assessment. In spite of the information submitted, the Lead Local Flood Authority has considered the application and asked for a suite of information to enable them to consider any potential impact on flood risk.

17.3 It is noted that the applicant's statement has proposed drainage systems in

the form of rainwater harvesting and surface water drainage to soakaways however this information is not sufficient enough for this planning application, as reflected in the comments from the Flood Authority. It is also noted that the report references the inclusion of a sedum roof but this is not shown on the proposed plans and is therefore unclear as to whether or not it forms part of the scheme.

17.4 The amended application does not provide suitable information to demonstrate that the proposed drainage proposals are acceptable and as a result the proposed development is not acceptable in light of Policy 8 of the Core Strategy.

17.5 It is noted that Thames Water have comments and raised no objections. This consultant considers the capacity of existing waste and water infrastructure to accommodate new development which is a different consideration from the Lead Local Flood Authority. Therefore the Thames Water comments are not an alternative to the Flood Authority's view.

## **18.0 Air Quality**

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

## **19.0 Determination approach**

19.1 As with the previous application, this revised scheme is brought before Members in its current guise as it was felt that the issues need to be addressed and the changes that would subsequently be required were too significant to be dealt with by an amendment and would require a resubmission afresh. It should be noted that the application was still submitted without any pre-application discussion from the applicant which would have raised issues prior to submission and advised on solutions and requirements.

19.2 Paragraph 128 of the NPPF addresses design approaches and states:

*128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

19.3 The NPPF does require a proactive approach to bringing development forward however it is clear that this is a requirement on the part of the

Council and the developer. It places great weight on the benefits that pre-application discussions can bring and encourages Councils to promote this. The Council did promote this with the applicant but the reluctance to adopt this approach has resulted in the need to determine the application as submitted. The applicant has chosen not to submit for preapplication discussions and have chosen not to engage proactively with the Council before the application was submitted.

- 19.4 There is no obligation on Council to take a scheme with a number of issues and negotiate through the application process to the point it can be supported. If a permission for a proposal can be achieved then Officers will seek to work with the applicant however this proposal has a number of significant issues that has resulted in concerns with the merits of the scheme and a substandard level of information submitted.

## **20.0 Planning Balance**

- 20.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 20.2 In consideration of whether or not development is sustainable, para 8 of the NPPF set out 3 objective that should be met in order for a scheme to be considered sustainable development; the economic, social and environmental objective.
- As a result of the issues raised above, the proposed development is not considered to meet either the social or environmental objectives of paragraph 8 and therefore does not amount to sustainable development in the eyes of the NPPF. However, for information the proposal has been balanced in accordance with the requirements of Paragraph 11.
- 20.3 In the application of the appropriate balance, it is considered that there are significant benefits from the provision of 11 residential units in a sustainable location. However the proposed development is not considered to be of a high quality design and will have a significant adverse impact on existing residents. Furthermore the applicant has failed to demonstrate that the scheme is acceptable in drainage and highway terms.
- 20.4 The adverse impact of the issues identified above significantly outweigh the benefit of housing provision and therefore, on balance it is recommended that planning permission be refused.

## **21.0 PART C: RECOMMENDATION**

- 21.1 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material

considerations it is recommended the application be refused for the following reasons:

- 1) The proposed development would, by virtue of its bulk and detailed design, result in a overly bulky and prominent addition to the streetscene that would not help to achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy P8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.
- 2) The proposed development, by virtue of the scale, bulk and siting, would result in an unacceptable loss of amenity to neighbouring residents at Holly Court by way of an overbearing character, loss of light and loss of outlook. The applicant has failed to demonstrate that there would be no significant adverse harm and the proposal is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.
- 3) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.
- 4) On the basis of the information submitted with this application, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on highway safety and convenience which could lead to inadequate parking, access and servicing arrangements for the development proposed. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.