

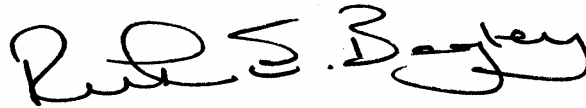
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Date of issue: 12th February 2008

MEETING	PLANNING COMMITTEE
	(Councillors Maclsaac (Chair), Aziz, Dodds, Hewitt, Parmar, Plimmer, Smith, Swindlehurst and Zarait)
DATE AND TIME:	WEDNESDAY, 20TH FEBRUARY, 2008 AT 6.30 PM
VENUE:	TOWN HALL, BATH ROAD, SLOUGH, BERKSHIRE
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
CONSTITUTIONAL MATTERS			
1.	Declarations of Interest (Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)		
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SERVICE IMPLEMENTATION ISSUES			
PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH			
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4.	P/12828/001- 141-143, Chalvey Grove, Slough	23 - 32	Cippenham Meadows
5.	P/14196/000- Land at, 40-48, Grays Road, Slough	33 - 42	Central
PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH			
6.	P/00864/045- Quality Hotel Heathrow, London Road, Langley, Slough	43 - 84	Colnbrook with Poyle
7.	P/03023/003- Land Adj, 18, Blenheim Road, Slough	85 - 90	Upton
8.	P/12934/003- Theale & Neighbouring Land, To The East Of Theale, Old Bath Road, Slough	91 - 118	Colnbrook with Poyle
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10.	Planning Enforcement Policy	125 - 144	All
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MATTERS FOR INFORMATION			
12.	Planning Appeal Decisions	153 - 154	All

AGENDA
ITEM

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13.	Authorised Enforcements and Prosecutions	155 - 172	All
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Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Minicom Number for the hard of hearing – (01753) 875030

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Planning Committee – Meeting held on Tuesday, 15th January, 2008.

Present:- Councillors Maclsaac (Chair), Aziz, Dodds, Hewitt (Vice-Chair), Parmar, Smith, Swindlehurst and Zarait.

Also present under Rule 30:- Councillors Dhillon and E Khan.

Apologies for Absence:- Councillor Plimmer.

PART 1

54. Declarations of Interest

None.

55. Minutes

The minutes of the last meeting of the Committee held on 17th December, 2007 were approved as a correct record and signed by the Chair.

56. Planning Applications

Oral representations were made to the Committee by objectors and applicants or their agents under the public participation scheme and local Members prior to the planning applications being considered by the Committee as follows:-

P/06348/006 - Lion House, Petersfield Avenue, Slough - Objectors and the applicant's agent addressed the Committee.

With the agreement of the Chair the order of business was varied to ensure that applications where objectors/applicants and/or local Members had indicated a wish to address the Committee were taken first.

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated, together with further representations and/or petitions received.

Resolved – That the following decisions be taken in respect of the planning applications set out below, subject to the information, including conditions and informatives set out in the report of the Head of Planning and Strategic Policy and the amendment sheet circulated at the meeting, and subject to any further amendments and conditions agreed by the Committee as indicated below:-

Planning Committee - 15.01.08

Application No	Proposed Development	Decision
P/06348/006	Lion House, Petersfield Avenue, Slough: demolition of existing building and erection of a three and four storey building containing 88 residential dwellings	Refused on the following grounds: Insufficient provision of family housing; loss of employment land; mass and bulk of development; overlooking of adjacent residential development; loss of light; insufficient parking ratio and outstanding S106 matters.
P/00471/013	57, Chalvey Road East, Slough: demolition of existing petrol station, associated building, structures and forecourt and erection of a three storey building with mansard roof and additional recessed roof to provide 8 no. two bedroom flats and 30 no. one bedroom flats on upper floors and five commercial units on ground floor, with basement car parking for 38 no. cars and 38 no. bicycles with off street servicing (outline).	Refused
P/01196/043	Tesco, Wellington Street, Slough: reconfiguration of existing At-Grade car park to Tesco Store P/02684/008- Slough East T E C, British Telecom, And 297 Langley Road, Slough: residential development and doctors surgery (outline planning application).	Approved with conditions, including a condition that the Applicant introduces measures to secure the car park on nights when the store is closed, to prevent the use of the car park as a race track and other forms of anti social behaviour.

Planning Committee - 15.01.08

Application No	Proposed Development	Decision
P/06684/013	<p>Queensmere Shopping Centre, Slough: demolition of part of the Queensmere Shopping Centre and redevelopment to provide 3,019 sq metres of class A1 retail floorspace together with associated alterations to pedestrian access arrangements to the shopping centre.</p> <p>demolition and redevelopment of existing service road with construction of a roof above.</p> <p>(Councillor Parmar returned to the meeting).</p>	Delegated to HPSP for completion of S106 Agreement
P/08948/001	<p>Units 3, 4, 5 and 6, Waterside Drive, Slough: extensions to rear of existing buildings, minor re cladding, new front canopies, alterations to parking layout and site landscaping and change of use from class B1(A) (offices) to class B1(C) (light industrial) or class B2 (general industrial) or class B8 (storage or distribution).</p> <p>(Councillors Swindlehurst and Zarait left the meeting).</p>	Delegated to HPSP for decision
P/10012/003	<p>Poyle Quarry, Poyle Road, Colnbrook: erection of a new processing plant, use of land as a plant site and internal haul road, and construction of a new access road with roundabout on poyle road for use in connection with the extraction of mineral from part of preferred area 12.</p> <p>(Councillor Parmar left the meeting).</p>	Delegated to HPSP for decision

Application No	Proposed Development	Decision
P/13768/002	137-143, Upton Road, Slough: demolition of three detached houses and redevelopment to provide eleven no houses comprising two pairs of semi detached houses and two terraces together with parking and access (outline access and layout only). (Councillors Parmar and Zarait returned to the meeting).	Refused

57. Sphere of Mutual Interest- Poyle Quarry Extension, Eastern Part of Preferred Area 12

The Head of Planning and Strategic Policy outlined a report seeking Members' views on the Council's formal response to the Poyle Quarry extension, eastern part of Preferred Area 12 application, that would be determined by the Royal Borough of Windsor and Maidenhead. It was noted that the application relied on a concurrent application submitted to Slough Borough Council for the retention of the existing plant site south of the old Bath Road. That application (to be determined on the same agenda), sought to retain the use of the plant site and haul road, replace the existing processing plant with more modern equipment and construct a new access road from the plant site to Poyle Road. The application for the gravel extraction and backfilling with inert waste would be considered by the Windsor Planning Panel on 23rd January, 2008.

The Officer discussed the Council's initial response to the Royal Borough of Windsor and Maidenhead which raised concerns relating to ground water flows and the failure of the environmental statement to address the worse case scenario in terms of visual intrusion and the impact of the proposed haul route on the footpath which should have been created along the Colne Brook. As regards the visual impact the assessment concluded that the extraction and restoration activities would be screened by the bunds and it was anticipated that there would only be noise and visual impact during the formation of these. In terms of ground water Slough Borough Council had made it clear to the applicant Cemex, that a trench system was not considered appropriate as it would be difficult to maintain, had health and safety implications, and was not deep enough to allow for sufficient ground water flows. The applicant had requested that the requirement to provide a footpath along the Colne Brook be delayed until the completion of the extraction and backfilling of the Poyle Quarry extension, as the haul route between the extraction site and the processing plant site intersected the line of the proposed footpath. It was however considered that there were

Planning Committee - 15.01.08

adequate means of protecting the safety of users of the footpath and it was felt that the provision of the footpath should not be delayed further.

The Officer concluded that the information submitted by the developer had largely overcome the Council's concerns relating to insufficient information. It was considered that the proposed mitigation measures which accompanied the application and those that had been subsequently submitted addressed the concerns of Slough Borough Council with respect to noise and dust, and traffic and highways.

Resolved - That in the event that the Royal Borough of Windsor and Maidenhead is minded to approve the application, that Slough Borough Council seeks:-

- (a) To be consulted on the requirements of any environmental scheme submitted by the applicants; to address potential nuisances relating to dust and noise pollution; and to ensure that the residential amenities of the residents of Slough are not adversely affected.
- (b) To be consulted on: the details of the control system for ground water management submitted pursuant to conditions and on the means of securing the long term maintenance of the system for ground water management.

58. Simplified Planning Zone for Slough Trading Estate- S106 Agreement

The Head of Planning and Strategic Policy outlined a report seeking authority to vary an existing Section 106 Agreement to amend the future provision of bus services in Slough. He advised that when the new simplified planning zone for Slough Trading Estate was adopted by the Council in November, 2004 it was accompanied by a Section 106 Agreement which included a review mechanism for the provision of new bus services. The first bus service was now well established, and linked Slough and Burnham stations via the Trading Estate. Slough Estates (now known as SEGRO), was required to commit to the procurement of the second bus service by 31st December, 2006 or they would be required to pay sums of money to the Council by that date, in lieu of this provision. A second payment was required by the 31st December, 2008 in lieu of the provision of a third bus service. Members were reminded that a delay to the deadline was agreed by the Committee on 31st August, 2007 and extended to 31st December, 2007.

The Officer advised that the proposals were to split the present route 1 (LINX) into routes 1A and 1B, with route 1A continuing to link Slough and Burnham stations and route 1B diverting to serve Britwell. It was also proposed that a new route 2 would be introduced, providing a replacement link between Slough and Priory Estate and the diversion of the existing route 3 to operate to Slough Trading Estate and create a new link between Manor Park and the Trading Estate. It was noted that SEGRO had confirmed that their Board had

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given approval to enter into a contract with First for these proposed routes, from 22nd March, 2008 to 31st January, 2011.

Members considered the report and a map of the bus routes. A Haymill Ward Member stated that the proposed routes would not provide adequate transport provision for the people of Northborough and was concerned that there had been insufficient consultation. The Officer noted the Members' concerns and suggested that a meeting be arranged with the Head of Transport and the relevant Member to discuss these matters.

Resolved - That subject to the satisfactory outcome of a meeting between the Transport Manager and Haymill Ward Members, that the Committee agrees the variation to the provisions of the existing Section 106 Agreement with SEGRO to:-

- (a) Remove references to the second and third bus routes.
- (b) Replace these with suitable references to amendments to the existing LINX route (routes 1A/1B), a new route 2 and amendment to route 3.

59. Authorised Enforcements and Prosecutions

Members noted the status of various ongoing enforcement and prosecution issues.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.45 pm)

Human Rights Act Statement

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain expectations, be directly unlawful for a public authority to act in a way which is incompatible with a Convention Right. In particular Article 8 (Respect for Private and Family Life) and Article 1 of Protocol 1 (Peaceful Enjoyment of Property) apply to planning decisions. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act 1998 will not be referred to in the Officers Report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

Please note the Ordnance Survey Maps for each of the planning applications are not to scale and measurements should not be taken from them. They are provided to show the location of the application sites.

CLU / CLUD	Certificate of Lawful Use / Development
GOSE	Government Office for the South East
HPSP	Head of Planning and Strategic Policy
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order

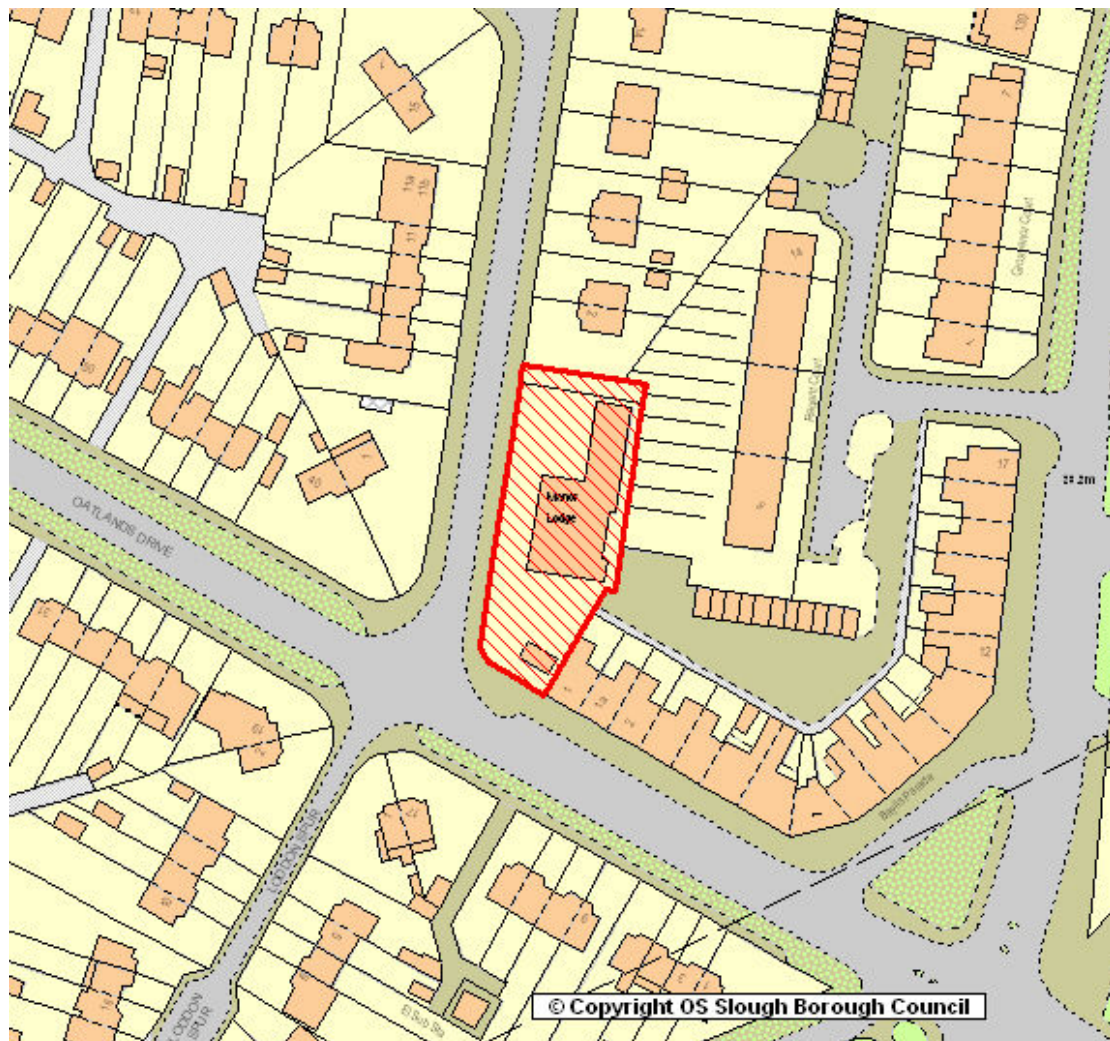
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C3	Dwellinghouse
D1	Non Residential Institutions
D2	Assembly & Leisure

	OFFICER ABBREVIATIONS
DS	David Scourfield
WM	Wesley McCarthy
RS	Reena Sharma
KM	Kate Morrissey
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
GB	Gregory Bird
SG	Sarah Gambitsis
KB	Keryn Bond
JH	Jasmine Hancock
AM	Ann Mead
FI	Fariba Ismat

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Registration Date	28-Dec-2007	Applic. No	S/00626/003
Ref:	Mr. G. Bird	Ward	Baylis and Stoke
		Applic type:	Major
		13 week date:	28th March 2008
Applicant	Slough Borough Council		
Agent	Lennon Planning Ltd 4, King Street Lane, Winnersh, Berkshire, RG41 5AS		
Location	Manor Lodge, Mildenhall Road, Slough, SL1 3JE		
Proposal	OUTLINE APPLICATION FOR THE ERECTION OF A TWO STOREY BUILDING TO ACCOMMODATE TWELVE FLATS AND ASSOCIATED PARKING		

Recommendation: Approve subject to Conditions



S/00626/003

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This is an Outline application for the construction of a block of 12 flats. Reserved matters for this application are Appearance, Landscaping and Scale. Matters for determination in this application are Access and Siting.
- 1.2 The application is considered to be sustainable in meeting the objectives of PPS3 and the Local Plan for Slough in making the best use of urban land. The proposal does not result in a loss of a community facility which has been relocated elsewhere and meets the criteria set out in Policy H13 (Infill/Backland Development) of the Local Plan.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is an application for **outline** planning permission for the *erection of a two storey building to accommodate 12 flats and associated parking*. The siting and means of access are to be determined at this outline stage. All other matters are reserved.
- 2.2 It is important to note that this application is nearly identical to the previously approved application S/00626/001, approved by committee on the 21st March 2006. The description of this application was '*outline of application for erection of a two storey building to accommodate 13 flats and associated parking*'. This application has been re-submitted with a reduction of 1 flat to cater for amendments to the built form and changes to the parking areas, as a result of enforced changes to the scheme to accommodate a maintenance access for Thames Water.
- 2.3 The proposed building would be located in the southern part of the site, adjacent to 1 Oatlands Drive and the footprint follows the corner with Mildenhall Road. The building would therefore change its orientation to reflect this corner position. At the rear of the site an area of amenity space would be provided. Beyond the building to the north, a new access would be located off Mildenhall Road, which would lead to a car parking area for 15 cars.
- 2.4 Layout plans and illustrative elevations of the building and its design have been submitted to support the application. These plans show five units located on each of the ground and first floors, and three further units located in the upper floor. These upper floor units are accommodated in the roof space. The ridge and eaves of the building reflect that of the adjacent terraced properties at Baylis Parade.

3.0 **Application Site**

3.1 The site is currently owned by Slough Borough Council and was formerly used as a family and children's resource centre. The site currently occupies 1 x 3 storey building built during the 1960's era and set back from Mildenhall Road. The site itself adjoins Baylis Parade to the east and Regent Court to the north. The site is bound by the highway on two sides at Oatlands Drive and Mildenhall Road.

4.0 **Site History**

4.1 **S/00626/000** – Redevelopment of site to provide 14 x 1 bedroom flats and 19 parking spaces (outline) – **withdrawn**.

S/00626/001 – Erection of a two storey building to accommodate 13 flats and associated parking (outline) – **Approved with conditions**.

S/00626/002 – Installation of non-illuminated advertising board – **Approved with conditions**.

5.0 **Neighbour Notification**

5.1 The following neighbours were consulted by letter:

1 – 4 (all) London Spur;
1 – 11 (all), 15, 15A, 15B Mildenhall Road;
7 – 23 (odd) & 40 Oatlands Drive.

No objections received.

A Press Notice has also been issued.

6.0 **Consultation**

6.1 **Highways:**

6.1.1 **Vehicular Crossover**

1. *In order to give priority to pedestrians, a crossover would need to be provided as means of access and not a bell mouth. However, the crossover would need to be constructed to carriageway standards. Undertakers' mains and services would need to be lowered to a cover depth of 600mm.*

2. *The edge of footway (back of footway) 2.4m x 2.4m pedestrian visibility splays are required, in front of which no obstructions exceeding 600mm in height is to be permitted.*

3. *The application would alter the traffic flows on the highway. The street lighting would therefore require to be modified (designed to BS 5489) to incorporate those flows. Such alterations must be designed and implemented at the expense of the applicant.*

4. *The access points made redundant by this development must be reinstated as standard footway construction.*

6.1.2 **Cycle access**

The path to the cycle / refuse store should be widened to 1.5 metres. This would allow cyclists to use the footpath for ingress and egress.

6.1.3 **Servicing**

The parking area must be designed to take the loading of service vehicles.

6.1.4 **General**

The application should be revised in accordance with my comments and submitted for further consideration.

6.2 **Traffic:**

6.2.1 *I note that this application is an alternative to a previously submitted scheme also for 12 flats on this site. The current proposal is for 12 one-bed flats with 15 car parking spaces.*

6.2.2 *The proposed development has the potential to generate approximately 39 traffic movements per day (two-way). This is not in itself likely to be material when considered against existing background traffic levels in the area, particularly if the potential from the permitted site uses is included in the calculations. On this basis, I consider that an objection to this proposal on traffic generation grounds is unlikely to be sustainable.*

6.2.3 *The development makes a provision for 15 car parking spaces to serve the 12 flats, all of which are 1-bed units. This equates to a car parking provision of 1.25 spaces per dwelling. Local Plan standards require 1.25 spaces per dwelling for 1-bed dwellings and I can therefore confirm that the proposed level of car parking accords with local Plan car parking standards.*

6.2.4 *The plans indicate an area for a secure cycle store to be provided which is required to provide 12 secure cycle spaces. I assume that you can secure this matter by condition.*

6.2.5 *Mindful of the above, I can confirm that I have no objection to this application from a traffic and road safety point of view.*

6.3 **Planning Policy:**

6.3.1 *No Policy objection. The principle of having flats upon the site was established in the previous permission and so it is not possible to apply the new core strategy policies to this revised application.*

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National Planning Policies:

Planning Policy Statements 1 (Delivering Sustainable Development) and 3 (Housing) and Planning Policy Guidance 13 (Transport).

Local Development Framework (Core Strategy 2006-2026)

Core Policies 1, 4, & 7

Adopted Local Plan for Slough

Policies H13, H14, EN1, T2 & OSC17

8.0 Planning Considerations

8.1 It is important to note that the principle of this form of development (discussed in the paragraphs below) has already been established in the previous approval S/00626/001 dated 21st March 2006. The only changes to this assessment are in regard to the Local Development Framework Core Strategy Document, and in particular – Core Policy 4 (Type of Housing). This policy would normally prohibit the construction of flats outside the town centre as it does not provide 'Family Housing' in accordance with this document.

8.2 The principle of providing flats on the site has been established by the previous approved scheme and no objection is therefore raised in terms of the Core Strategy, since the previous scheme pre-dates the Core Strategy and the extant permission can be implemented.

8.3 The proposal results in the loss of the community facility at the site. The building accommodated a family and children outreach centre but this use has been discontinued. The family and children outreach centre has been relocated to the Slough Family Resource Centre at Chalvey Park. The building has been vacant since December, 2005.

8.4 The proposal has not resulted in the loss of a community facility as this has been provided in an alternative location in the central area of Slough. As a result, the proposal does not conflict with the objectives of the Local Plan and in particular Policy OSC17 that states that community facilities should be lost unless they are provided in an alternative location.

8.5 The application proposes the use of the site for residential purposes. In principle, the proposal would result in the re-use of existing urban land for residential purposes. Therefore, it broadly meets the objectives of PPS3 and the Local Plan for Slough in making the best use of urban land. However, the proposal must be assessed against the criteria set out in Policy H13 of the Local Plan relating to infill and backland development. The main issues to

address are:-

- (a) Design/visual amenity.
- (b) Impact on local residents.
- (c) Traffic.
- (d) Parking.
- (e) Amenity of future residents.

9.0 **Visual Amenity**

- 9.1 The application is outline but illustrative plans have been submitted. These plans show an elevation of the building and demonstrate the scale, bulk and height of the building necessary to accommodate 13 units. The illustrative plans show that the development of this scale can reflect the height and roof pitch of the adjacent building of Baylis Parade. It is considered that it has been demonstrated that a building of this scale would not overdominate the street scene and could be sympathetic to the character of the existing development in the area. The illustrative plans and those that show siting and layout of the scheme show adequate space provided around the building in order that it does not result in a cramped form of development. It is considered that the scheme has demonstrated that 12 x 1 bed units could be accommodated on the site in a way that does not harm the visual amenity of the site and area. Detailed design matters are to be dealt with at the reserved matters stage.

10.0 **Local Residents**

- 10.1 The loss of a community use on the site would result in a fewer number of people visiting the site and therefore less activity and disturbance to local residents. The existing building is located within close proximity (18 metres) to Regent Court which is located to the east (rear). The building is three storeys in height and has a significant overpowering impact upon these residential flats at the rear. The proposed building would be located towards the front of the site on Mildenhall Road and is a reduced 2.5 storeys in height. The separation distance between the proposed and the existing properties at Regents Court is 22 metres and this results in a more favourable relationship relative to the existing situation. The development would be located adjacent to Baylis Parade on the Oatlands Drive frontage and adjacent to 2 Mildenhall Road on this road frontage. In both cases, the development respects the 45° line of sight from the neighbouring habitable room windows. The proposed development would be set flank to flank with these properties and would not have a significant impact on them in terms of overpowering or loss of light.

- 10.2 *It is noted that this application differs from the previous approval inasmuch that the building would no longer be located directly adjacent to no. 1 Baylis Parade. There would be a buffer of 4.5m between the flanking walls, in order to provide the maintenance access for Thames Water. This amendment would have no detrimental impact upon this dwelling.*

No objection is raised to the development sited as shown on the plans, in neighbour and residential amenity terms.

11.0 **Traffic**

- 11.1 *The Head of Traffic had not raised objection to the scheme in terms of traffic generation. This is especially relative to the traffic generated by the previous use of the site as a community facility. It is considered that relative to the existing level of traffic on the highway network, the additional traffic would not be significant. There is no objection on traffic generation grounds.*

- 11.2 *The proposal includes 15 spaces to serve 12 units. This results in a car parking ratio of 1.25 spaces per unit, which is the same as the approved scheme. The Head of Traffic has not objected to the proposed layout and there is no objection on parking grounds.*

12.0 **Highway Safety**

- 12.1 The Head of Highways is satisfied with the principle of the development and has recommended some amendments to the scheme in order to meet the detailed layout requirements. It is considered that the scheme can be amended in order to incorporate the Head of Highways' requirements. Subject to these being incorporated and an amended plan submitted, no objection is raised on highway safety grounds.

13.0 **Amenity of Future Residents**

- 13.1 This application is an outline application and full details of the internal layout of the building are not to be determined at this stage. The proposed plans do show a scale of the building that indicates that the unit sizes and the amenity space provided would enable an adequate level of amenity to be afforded to the future residents of the flat. Details would be dealt with at the reserved matters stage and conditions would ensure that parking and cycle parking are provided to serve residents.

14.0 **Summary**

14.1 The proposed scheme is considered to be an acceptable re-submission of the previous application. If anything, the proposal is less impacting upon the site and surrounding neighbourhood due to the decrease in the residential intensity of the site, which in turn has resulted in less building bulk, reduced trips to and from the site and a reduction in parking requirement. As such the proposal is in keeping with Local Plan Policies, Local Development Framework Policies and National Planning Guidance.

PART C: RECOMMENDATION

15.0 **Recommendation**

15.1 Approve subject to suitable conditions.

15.2 The decision to grant planning permission has been taken having regard to the Policies and proposals in the Adopted Local Plan for Slough, 2004 and Local Development Framework Core Strategy Document (2006-2026), as set out below, to all relevant material considerations, including Supplementary Planning Guidance and National Guidance.

- Policy H13 (Backland/Infill)
- Policy H14 (Amenity Space)
- Policy EN1 (Design)
- Policy OSC17 (Loss of Community, Religious and Leisure Facilities)
- T2 (Parking)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- PPS1
- PPS3

16.0 **PART D: LIST OF CONDITION(S)**

Condition(s)

1. Details of the design and external appearance of any buildings to be erected, the landscaping of the site, road and footpath design, vehicular parking and turning provision, (hereinafter collectively referred to as 'the reserved matters') shall be approved in writing by the Local Planning Authority prior to the commencement of the development.

REASON To ensure that the proposed development is satisfactory and to comply with the provisions of Article 3(1) of The Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of all reserved matters referred to in condition

1 above shall be submitted in writing to the Local Planning Authority no later than the expiration of three years from the date of this permission.

The development hereby permitted must be begun not later than whichever is the later of the following dates and must be carried out in accordance with the reserved matters approved:

- i) the expiration of 3 years from the date of this permission: or
- ii) the expiration of two years from the final approval of the reserved matters referred to in condition 1 above, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

3. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Drawing No. P.0100, Dated 29/06/07, Recd On 19/11/2007
- (b) Drawing No. P.0101, Dated 29/06/07, Recd On 19/11/2007
- (c) Drawing No. S.001, Dated 29/06/07, Recd On 19/11/2007

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004.

4. Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Plan for Slough 2004.

5. Samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as

not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Plan for Slough 2004.

6. No development shall commence until details of the new means of access are submitted to and approved in writing by the Local Planning Authority and the access shall be formed, laid out and constructed in accordance with the details approved prior to occupation of the development.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions prejudicial of general safety along the neighbouring highway in accordance with Core Policy 7 of The Local Development Framework Core Strategy 2006-2026, Submission Document.

7. No development shall be commenced until visibility splays of 2.4 metres by 2.4 metres have been provided at the junction with the public highway. The visibility splay(s) shall thereafter be kept free of all obstruction higher than 900mm above the adjoining carriageway level.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Core Policy 7 of The Local Development Framework Core Strategy 2006-2026, Submission Document.

8. No development shall commence on site until a detailed landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights of new trees and shrubs.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

9. No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time

on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Local Plan for Slough 2004.

10. No development shall commence until a plan to show 15 parking spaces has been submitted to and approved in writing by the Local Planning Authority. These shall be provided on site in accordance with the approved details prior to occupation of the development and retained at all times in the future for the parking of motor vehicles.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Core Policy 7 of The Local Development Framework Core Strategy 2006-2026, Submission Document.

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

REASON To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

12. No part of the development shall commence until details of the secure cycle store, incorporating storage for 12 cycles has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall then be occupied until the store and has been laid out and constructed in accordance with the approved details and maintained thereafter.

REASON To provide sufficient infrastructure to allow convenient and accessible cycle parking to be provided on site to comply with the requirements of The Adopted Local Plan for Slough 2004.

13. The development hereby granted outline planning permission is for 12 x one bedroom units only and no other number of units or size of accommodation.

REASON The development of a greater number of units or larger units would need to be reconsidered in respect to its impact on visual amenity, neighbour amenity and traffic and parking.

14. No development shall commence until details of the proposed bin store (to include siting, design and external materials have been submitted to and approved in writing by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN 1 of The Local Plan for Slough 2004.

Informative(s)

1. The applicant will need to apply to Highways Engineering, The Green and Built Environment for street naming and/or numbering of the unit/s.
2. No water metres will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.
3. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
4. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
5. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.
6. The applicant must apply to the Highway Authority for the provision of the vehicular crossover and any other associated works within the existing highway, if any. The council at the expense of the applicant will carry out the required works.
7. The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.
8. Prior to commencing works the applicant will need to enter into a Section 278 of the Highways Act 1980 / Minor Highway Works Agreement with Slough Borough Council for the works within the existing highway [temporary access point (if required), installation of crossover, reinstatement of redundant access points to standard to footway construction, installation of street lighting modifications, drainage works etc...]. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
9. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

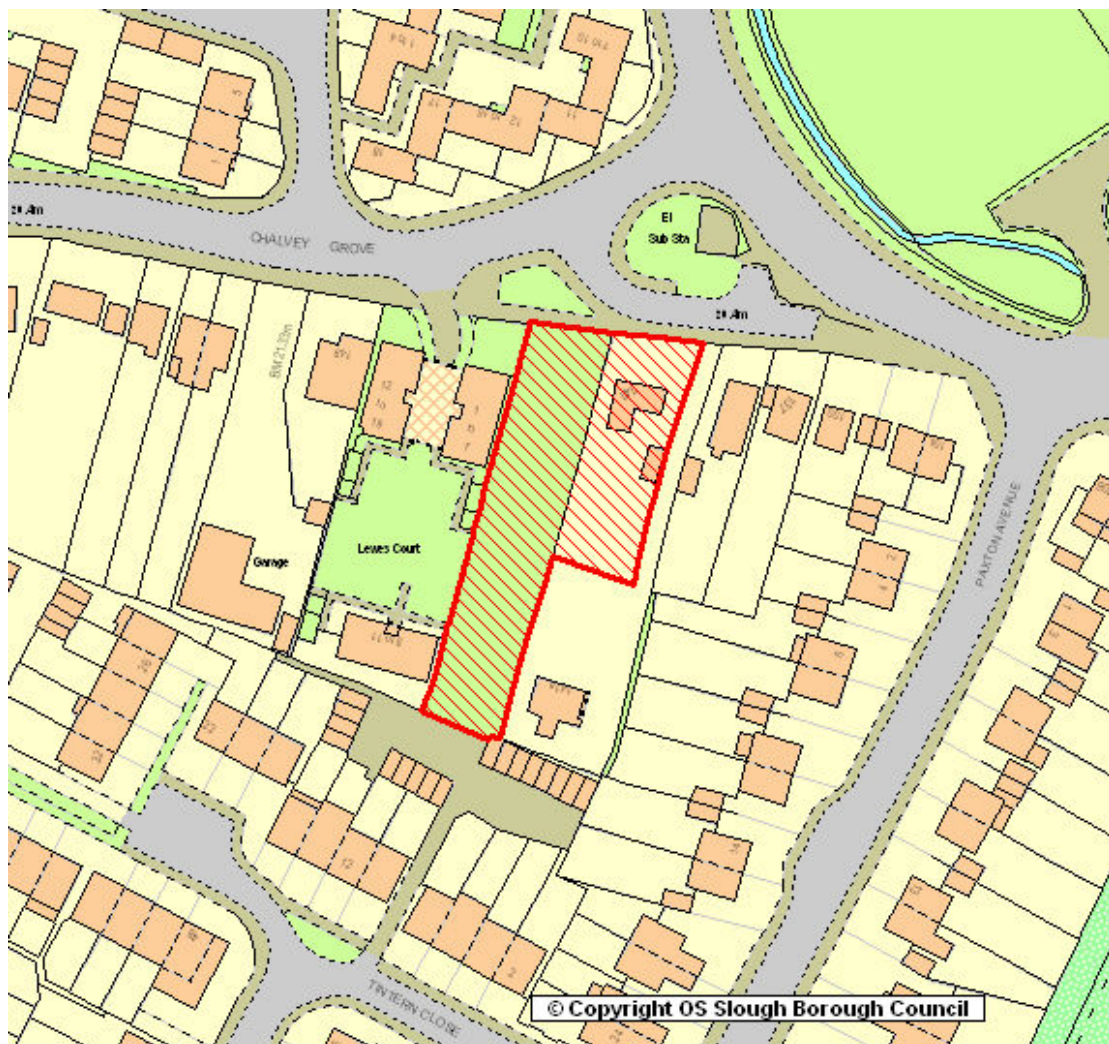
Policies:- H13 (Backland/Infill), H14 (Amenity Space), Policy EN1 (Design), Policy OSC17 (Loss of Community, Religious and Leisure Facilities), T2 (Parking), Core Policy 4 (Type of Housing), Core Policy 7 (Transport).

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 477340.

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Registration Date	11-Dec-2007	Applic. No	P/12828/001
Ref:	Mr. W. McCarthy	Ward	Cippenham Meadows
Applicant	Mr. H Singh	Applic type:	Major
Agent	Network Property Design 18-20, Park Street, Slough, SL1 1PD	13 week date:	11th March 2008
Location	141-143, Chalvey Grove, Slough, Berkshire, SL1 2TD		
Proposal	CONSTRUCTION OF 1 NO. THREE STOREY BLOCK OF FLATS, CONSISTING OF 14 NO. ONE BEDROOM FLATS AND 1 NO. PART TWO / PART THREE STOREY BLOCK OF FLATS, CONSISTING OF 1 NO. BEDSIT, 4 NO. ONE BEDROOM AND 1 NO. TWO BEDROOM FLATS, WITH 21 PARKING SPACES.		

Recommendation: Refuse



P/12828/001

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 This is application proposes the construction of 1no. bed-sit, 18no. one-bedroom and 1no. two-bedroom flats, with 21no. parking spaces.
- 1.2 Having regards to the Policies contained within national planning policy guidance and local planning policies contained within the Local Development Framework, Core Strategy and the Adopted Local Plan, the proposed development is recommended for refusal, due to its unacceptable relationship with the adjoining property at no. 141A Chalvey Grove and applicant's failure to enter into a Legal Agreement for the payment of a financial contribution towards the provision of affordable housing and the improvement educational facilities in the area.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This is an application for full planning permission for the: *CONSTRUCTION OF 1 NO. THREE STOREY BLOCK OF FLATS, CONSISTING OF 14 NO. ONE BEDROOM FLATS AND 1 NO. PART TWO / PART THREE STOREY BLOCK OF FLATS, CONSISTING OF 1 NO. BEDSIT, 4 NO. ONE BEDROOM AND 1 NO. TWO BEDROOM FLATS, WITH 21 PARKING SPACES.*
- 2.2 The building on the frontage of the site would cover the full width of the land of nos. 141 and 143 Chalvey Grove, measuring 24m. An undercroft access would be provided, which leads to a rear car park for 21no. cars. This block would consist of single aspect flats, facing either Chalvey Grove to the north or the rear car park to the south.
- 2.3 The second block would be located in the most southern part of the site, adjacent to the rear block of flats at Lewes Court. This building would have a gable-ended roof adjacent to Lewes Court, at a height of three-storeys and a half-hipped roof on the boundary with the bungalow at 141a Chalvey Grove.
- 2.5 The area between the two buildings would be completely hardsurfaced, in order to provide 21no. parking spaces at a ratio of 1.1 spaces per flat.

3.0 **Application Site**

- 3.1 The application site is in close proximity to the junction of Chalvey Grove and Keel Drive, with access from a small section of Chalvey

Grove, which is a cul-de-sac. Immediately to the west of the site is two flatted developments and character of the area is one of mixed family accommodation in semi-detached and terraced properties, as well as flats.

3.2 The application site is L-shaped, with the longest section consisting of no. 143 Chalvey Grove and abutting the flatted scheme called Lewes Court. The shorter section is no. 141 Chalvey Grove, with a bungalow located towards the most southern part of no. 141 Chalvey Grove.

3.3 The garage court for various terraced properties in Tintern Close can be found to the rear (south) of the site, with another bungalow located directly to the east of the site, at no. 139 Chalvey Grove.

4.0 **Site History**

4.1 No. 141:
P/12828/001: Demolition of existing house and garage and erection of a three-storey building for 7no. one-bedroom flats and 9no. parking spaces – Approved: 14-Jul-2005

4.2 No. 143:
P/03013/009: Erection of two buildings to provide 10no. 1 bed flats, parking and refuse/ cycle store – Withdrawn: 3 Feb. 2006

5.0 **Neighbour Notification**

5.1 Neighbours notified of the proposal were:
1 – 11 Lewes Court
137, 139, 141a Chalvey Grove
6 – 16 (evens) Tintern Close
A Press Notice has also been issued.

No objections received.

6.0 **Consultation**

6.1 **Traffic:**
Traffic Officer's comments to be provided in the amendment sheet.

6.2 **Highways:**

Existing situation

1. The small service road and turning area forming part of the highway off Chalvey Grove suffer from on street parking with cars and vans. I believe the majority of these vehicles may be from 139 Chalvey Grove (rear of) which appears to be operating as a workshop/garage. The planning officer should check to see

if this current use is permitted. The current use is certainly having a detrimental affect on the operation of the service road / turning area. The service road / turning area has no waiting restrictions.

Vehicular crossover and access

2. In order to give priority to pedestrians, a crossover will need to be provided as means of access and not a bell mouth. However, the crossover will need to be constructed to carriageway standards. Undertakers' mains and services will need to be lowered to a cover depth of 600mm.
3. The existing crossover/s made redundant by the applicant's proposals must be removed and reinstated as standard footway construction.
4. The edge of footway (back of footway) 2.4m x 2.4m pedestrian visibility splays are required, in front of which no obstructions exceeding 600mm in height is to be permitted. Please secure this requirement by condition.
5. The application will alter the traffic flows on the highway. The street lighting will therefore require to be modified (designed to BS 5489) to incorporate those flows. Such alterations must be designed and implemented at the expense of the applicant.
6. The access road between the two blocks should be provided as a shared area being a 5.0 metres wide, plus buffer strips of 1m on both sides. The shared surface must be accessed from a vehicular crossover raising up into a shared surface area constructed in a material that differentiates the surface from that of the bituminous road it is accessed from, ideally block paving. This will alert motorists they are entering an area where they are likely to encounter pedestrians and cyclists. This shared area will assist with service/delivery vehicle access.
7. The rumble strip should be removed on a shared area.

Servicing

8. Servicing proposals are acceptable in principle. However a traffic regulation order supported by double yellow lines must be installed on the service road and turning area. This will be at the expense of the applicant and must be enforceable prior to any construction works commencing on site. Please secure this obligation via the s106 agreement.

Parking

9. Secure cycle parking with an unobstructed access of 1.5 metres is required; please consult traffic for further details.
10. Highway works and contributions summary
11. The applicant will need to enter into a Minor Highway Works Agreement with Slough Borough Council for the satisfactory implementation of the highways schedule.

The highways schedule includes:

- Installation of crossover
- Reconstruct the footway fronting the application site.
- Reinstatement of redundant access points to standard to footway construction
- Installation of street lighting modifications
- Drainage connections

Summary

12. Subject to the application being revised in accordance with my comments I confirm that I have no objection to this application from a highway perspective.

6.3 **Environmental Protection:**
No objection, conditions suggested.

6.4 **Planning Policy:**
No objection, due to the planning history of the site, which previously included a flatted development prior to the LDF Core Strategy coming into use for development control purposes.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 **National Planning Policies:**
Planning Policy Statements 1 and 3
Planning Policy Guideline 13

Local Development Framework (Core Strategy)
Core Policies 1, 4, & 7

Adopted Local Plan for Slough
Policies EN1, EN2, H13, H14, T2

8.0 **Planning Considerations**

8.1 The main issues to consider with regards to this application are whether the proposal would have an unacceptable impact on the amenities of the adjoining properties, whether the resultant development would have an adverse effect on the established residential character of the area, and whether the principle of the creation of new flats is acceptable in regards to specifications for amenity space, parking, access, layout and the Local Plan and Local Development Framework policies.

9.0 **Design**

9.1 Policy EN1 advises that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounds in terms of siting and relationship to

nearby properties amongst other criteria.

- 9.2 The design of the frontage block (northern), consisting of a three storey building with undercroft access is considered to be similar in design the existing flats to the west of the application site. The buildings would be finished in facing brick and concrete interlocking tiles. This is considered to be acceptable in terms of the character of the area.
- 9.3 The rear block (southern) is of similar design, but in an attempt to reduce the scale of the building, it would be two-storey in height adjacent to no. 141a, with a pitched and hipped roof. On the other boundary with Lewes Court the building would have a gable-end. Although this would normally not be acceptable, this block would not be highly visible in the street scene and although the proposed design of this block would not enhance the area, there will be minimal, if any impact upon the character of the area and design the proposal complies with Policy EN1.
- 9.5 The proposed bedrooms sizes within the rear block are inconsistent with minimum requirements as defined in the Supplementary Planning Document '*Flat Conversions*', which provides a benchmark for acceptable residential room sizes for flats. The inconsistencies come in the size of the bedrooms (falling short of the minimum 11.14m²). In this regard, it is considered the proposal fails to provide high quality housing, contrary to the principles of PPS3.

10.0 **Suitability of the site for Residential Use**

- 10.1 Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing) both advise that residential development should be sited within suitable locations. Whilst PPS3 goes on to say '*Developers should bring forward proposals from market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities*'.

- 10.2 Accompanying this national guidance, Core Policy 4 (Type of Housing) of the LDF Core Strategy submission document 2006-2026 advises that, amongst other things:

'High density development should be located in the Slough Town Centre.

In the urban areas outside the Town Centre, new residential development will predominately 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.

Within existing suburban residential areas there will only be limited infilling which will consist of family houses that are designed to enhance the distinctive suburban character and identity of the area'.

- 10.3 The Core Policy 1 (Spatial Strategy) of the LDF Core Strategy submission document states that high density housing should be located in the designated part of the town centre. Chalvey Grove is not located within the town centre as defined in the Local Plan Proposals Map or the indicative town centre area shown on the Core Strategy Key Diagram.
- 10.4 The site is located within a suburban area, hence suitable forms of residential development are considered acceptable taking into consideration current policies, guidance and material planning considerations. Previous applications, one each for nos. 141 and 143, that were submitted prior to the Core Strategy coming into use for Development Control Purposes have however established the principle of flats on these sites. No objection is therefore raised to the principle of a flatted development on the site.
- 11.0 **Impact upon Neighbouring Properties**
- 11.1 The impact of the northern block upon the neighbouring dwellings has been established by the approval of the block on no. 141. The property to the east is a very deep bungalow, with no habitable room windows in the west elevation. The proposed building would therefore not result in a loss of light or outlook for the occupants of this bungalow.
- 11.2 The southern block would however be on the boundary with the bungalow at no. 141a Chalvey Grove and two storey in height, with a half-hipped roof that would be 7.6m at eaves level on the boundary and increasing to 10m at ridge level. The side elevation would also have the only habitable room window for the bed-sit flat at first floor level in this building. It is believed that due to the siting, scale and design of this building, it would have a significant detrimental impact on the amenities of the adjoining occupiers of no. 141a, in terms of having an overbearing impact and resulting in a loss of light and outlook. Although the bungalow does not have any windows in the side elevation, the private garden is located in front (northern side) of the dwelling and the proposed southern block would result in a significant level of overshadowing of this garden area.
- 11.3 The proposed southern block does also include a side window facing straight into the rear garden of no. 141a and it is believed that the occupants of this bungalow would experience a significant loss of privacy as a result of the proposed window.

12.0 **Amenity Space**

12.1 The scheme provides limited amenity space for the 20 proposed flats in the form of a small amenity area behind the southern block and to the east of the frontage block, with a total area of 100m². This is considered to be insufficient for a development of this scale and nature, but in light of the flatted scheme at Lewes Court, which provides a similar level of amenity space, no objection is raised to this issue.

13.0 **Highways & Traffic**

13.1 No objections have been raised to the proposed development by the Highways Engineer, subject to various highway works that should be undertaken.

13.2 In terms of the proposed parking provision, the scheme includes one parking space per one-bedroom flat and 2 spaces for the proposed two-bedroom flat. This is consistent with other similar schemes, which have been approved in the past. The Traffic Engineer's comments would however be reported on the amendment sheets.

14.0 **Affordable Housing**

14.1 In accordance with the Council's LDF: Core Strategy and national guidance, proposals that include more than 14 residential units, should provide affordable housing. The Council's requirement regarding affordable housing for smaller schemes (less than 24 units), is for the payment of a financial contribution towards the provision of affordable housing elsewhere in the borough. This enables the Council to provide accommodation in line with the housing need of the borough. The applicant is however reluctant to enter into an agreement to pay the required financial contribution and would prefer to provide the affordable accommodation on site. Further progress regarding this matter would be reported in the amendment sheets.

15.0 **Section 106**

15.1 The applicant is also required to enter into a legal agreement for the permanent of a financial contribution towards the improvement of educational facilities in the borough. As stated above, the applicant is reluctant to enter into an agreement to pay the required contributions and a holding objection is therefore raised.

16.0 **Summary**

16.1 The proposal is considered to be inconsistent with the Local Plan Policies in terms of the impact on the adjoining property and

additionally the development provides a substandard form of accommodation by reason of bedroom sizes of the southern block of flats, contrary to the principles of PPS3.

PART C: RECOMMENDATION

17.0 **Recommendation**

17.1 The proposal is contrary Planning Policy Statement 3 (Housing) and Policies H13 and EN1 of the Adopted Local Plan for Slough 2004 for reasons outlined in the report above. The proposal is therefore recommended for refusal.

18.0 **PART D: REASON(S) FOR REFUSAL**

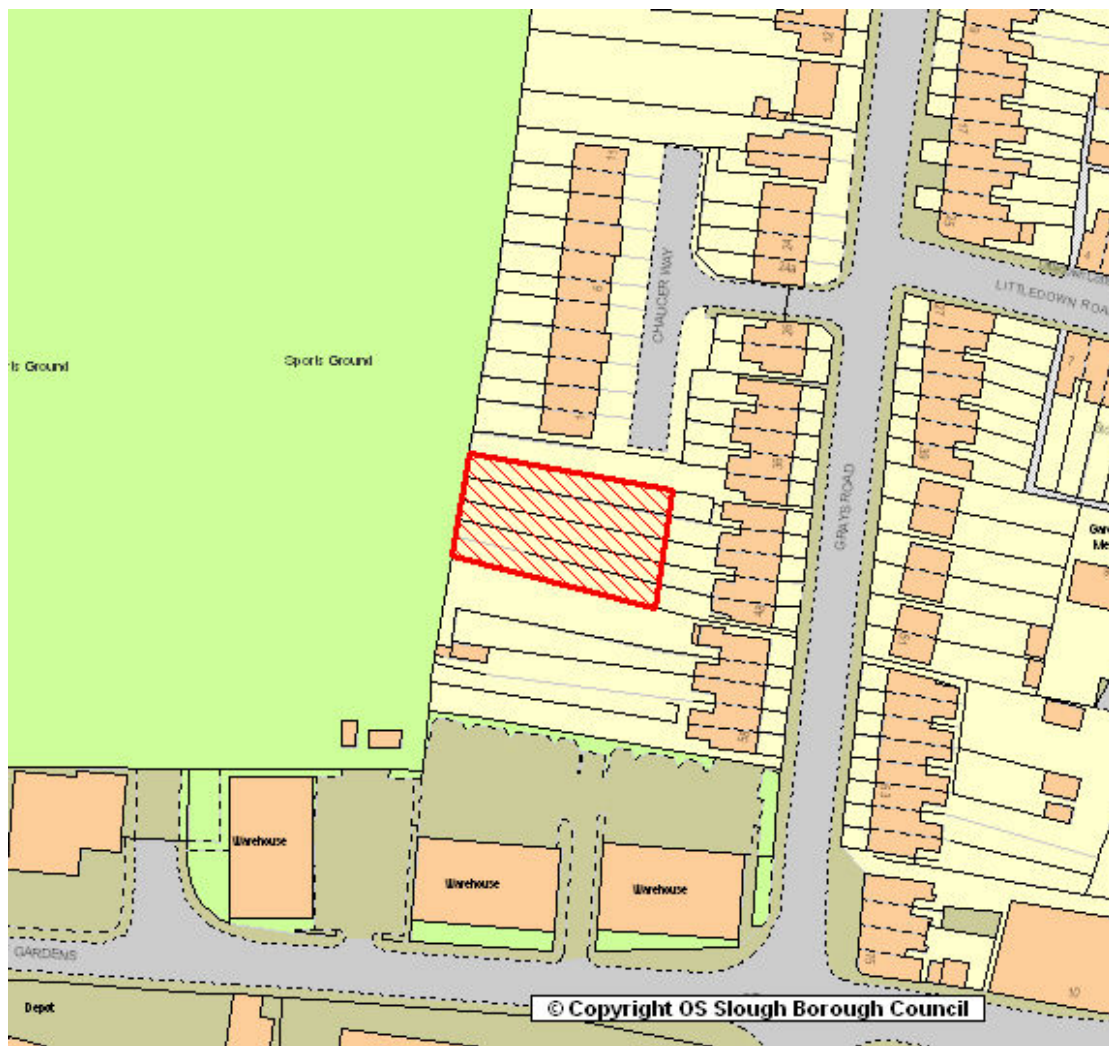
Reason(s)

1. The scale, siting and design of the proposed southern block of flats would result in a significant detrimental impact on the amenities of the occupiers of the bungalow at no. 141a Chalvey Grove, due to the overbearing impact, loss of light and privacy that these occupants would experience, contrary to PPS3 and Policies EN1 and H13 of The Adopted Local Plan for Slough, 2004.
2. The proposed development fails to provide high quality housing, due to the substandard room sizes proposed in the southern block of flats, contrary to PPS3.
3. The proposed development would prejudice the comprehensive development on land within the vicinity of the application site, contrary to Policies H9 and H13 of The Adopted Local Plan for Slough, 2004.
4. A holding objection is raised to the failure of the applicant to enter into a Legal Agreement to pay a financial contribution towards affordable housing and education, contrary to PPS3 and Policies OSC5 and OSC15 of The Adopted Local Plan for Slough, 2004.

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Registration Date	28-Nov-2007	Applic. No	P/14196/000
Ref:	Mr. G. Bird	Ward	Central
Applicant	Cape Corporation Limited		
Agent	Corrigan, Soundy Kilaiditi Architects 93a, High Street, Eton, Windsor, Berkshire, SL4 6AF		
Location	Land at, 40-48, Grays Road, Slough, Berkshire, SL1 3QG		
Proposal	ERECTION OF A THREE STOREY BLOCK OF 10 NO. FLATS WITH ASSOCIATED PARKING ON LAND TO THE REAR OF 40-48, GRAYS ROAD.		

Recommendation: Refuse



P/14196/000

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This is an application to erect a three storey block of 8 no. 1 bedroom flats and 2 no. 2 bedroom flats with associated landscaping and parking.
- 1.2 Having regards to the Policies contained within national planning policy guidance and local planning policies contained within the Local Development Framework, Core Strategy and the Adopted Local Plan, it is considered that the proposed development is contrary to the Core Strategy policy by virtue of an inappropriate form of residential development on a site outside the Town Centre whilst providing a substandard form of accommodation.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is an application for full planning permission for: *erection of a three storey block of 10 no. flats, with associated parking on land to the rear of 40-48, Grays Road.*

Each of the 8no. one-bedroom flats would be of a similar size, with a floor area ranging between 44.3m² and 46.3m². The one-bedroom flats would be located on the ground and first floor. The proposed 2no. two-bedroom flats would be located on the second floor, which would have a floor area of 69.4m² each. The ground floor of the site consists of an area of landscaping, 10 parking spaces and allocated bin and cycle storage areas.

- 2.2 The building design is rectangular in appearance with stepped and recessed roof to accommodate the second floor. The roof itself is flat. Balconies are proposed on the rear elevation for the two bedroom flats located on the second floor. The materials proposed consist of brick and render.
- 2.3 The proposal would see the loss of approximately 0.68Ha of land that has previously made up the rear gardens of 40-48 Grays Road.
- 2.4 Amenity space for the site consist of an area to the rear of the flats approximately 5.4m x 18m in size (97.2m²).

3.0 Application Site

- 3.1 The application site is located behind 40-48 Grays Road, a predominantly low density residential road located to the East of the site. The main vehicular access would be off of Stoke Gardens to the South, a predominantly commercial road with B1 uses on either

side.

- 3.2 A recent approval was granted directly to the south of the application site (P/01949/014) for '*Residential development to provide two buildings consisting of Block A (4 no. one-bedroom and 14 no. two bedroom flats) and Block B(12 no. one bedroom and 26 no. two bedroom flats) and 52 car parking spaces*'. It is through this development that the site access would be gained.
- 3.3 To the rear (West) of the application site is an expanse of open land annotated as 'Sports Ground on the proposals map. It is important to note that this 'Sports Ground' is located within the designated 'Existing Business Area', with a slip road accessing the site located off of Stoke Gardens. This designation means that the Council will promote the re-use of the site for business/industrial uses under Local Plan Policy EMP12 (Remaining Existing Business Areas). The site is in ownership of the SMITHKLINEBEECHAM factory located adjacent to its West.
- 3.4 To the North of the site is the residential street of Chaucer Way. Chaucer way itself is a relatively new development approved in 2000 under approval no. 00907/012 with the description 'Demolition of office buildings and officers and erection 6 no. 3 bedroom houses and 9 no. 2 bedroom houses with parking'.

4.0 **Site History**

- 4.1 None relevant

5.0 **Neighbour Notification**

- 5.1 Neighbours notified of the proposal were:
35-68 (even) Greys Road
1 Chaucer Way

No objections received. A Press Notice has also been issued.

6.0 **Consultation**

6.1 **Traffic:**

- 6.1.1 Traffic Officer's comments to be provided in the amendment sheet.

6.2 **Highways:**

- 6.2.1 *The application is proposed from an extension of a parking aisle from the approved application to the south of this application site.*
- 6.2.2 *The doors to the bin store must be prevented from opening onto the access.*

6.2.3 *The parking aisle must be extended 1m beyond end bay number 1 to improve access from that end bay.*

6.2.4 **Summary**

Subject to the application being revised in accordance with my comments I confirm that I have no objection to this application from a highway perspective.

6.3 **Royal Berkshire Fire and Rescue Service:**

No objection.

6.4 **Environmental Protection:**

6.4.1 No objection, conditions suggested.

6.5 **Planning Policy:**

6.5.1 The scheme cannot be supported as it conflicts with Local Development Framework Core policy 4.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 **National Planning Policies:**

Planning Policy Statements 1 and 3
Planning Policy Guideline 13

Local Development Framework (Core Strategy)

Core Policies 1, 4, & 7

Adopted Local Plan for Slough

Policies EN1, EN2, H13, H14, T2

8.0 **Planning Considerations**

8.1 The main issues to consider with regards to this application are whether the proposal would have an unacceptable impact on the amenities of the adjoining properties, whether the resultant development would have an adverse effect on the established residential character of the area, and whether the principle of the creation of new flats is acceptable in regards to specifications for amenity space, parking, access, layout and the Local Plan and Local Development Framework policies.

9.0 **Design**

9.1 Policy EN1 advises that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounds in terms of siting and relationship to

nearby properties amongst other criteria.

- 9.2 The design of the building at three storeys with a brick and render facade is not considered to offer exceptional character to the area. When taken into context of the recently approved development at 'The Pavilions 1-3 Stoke Gardens' however it is of a lesser scale and follows the general building style.
- 9.3 The height of the building is comparative to the dwellings along Chaucer Way, and although more bulky due to the flat roof as opposed to a pitched roofs of Chaucer Way, there is a sufficient separation distance to make this building identifiable as an individual structure as opposed to an incompatible continuation of the adjoining development.
- 9.4 Although the proposed design would not enhance the area, due to the fact that it is a backland development, there would be minimal, if any impact upon the character of the area. It is therefore considered that with regards to bulk and design the proposal complies with Policy EN1.
- 9.5 The proposed rooms sizes within each 1 bedroom residential unit are inconsistent with minimum requirements as defined in the Supplementary Planning Document '*Flat Conversions*' which provides a benchmark for acceptable residential room sizes for flats.
- 9.6 The inconsistencies come in the size of the bedrooms (falling short of the minimum 11.14m²) however it is noted that internal alterations would address this problem sufficiently and an objection is not raised on these grounds.
- 9.7 A number of windows on habitable rooms, particularly on the front elevation have been proposed as obscure glazed and fixed shut. In particular the bedrooms of flat 1, 4, 5 and 8, and the living areas of flats 5 and 8. The living area of Flat 5 has half its windows obscure glazed, whilst the living area of Flat 8 has all windows, but one, obscure glazed.
- 9.8 In this regard, it is considered the proposal fails to provide a suitable level of outlook, hence is a substandard form of accommodation contrary to the principles of PPS3, which requires development to provide high quality housing.
- 9.9 Planning Caselaw re-iterates this conclusion; where two schemes comprising a fourteen flat 4/6 storey development was proposed on a former cinema site. With regard to the living conditions of neighbours, an inspector found that the proposals would result in a loss of privacy to neighbours through overlooking of their windows or back gardens. The use of obscure glazing to overcome this

would provide unsatisfactory living conditions for the future occupants of a significant number of flats, because of the lack of an outlook, and so would be unacceptable (St Albans 30/9/05 DCS No.100039707).

10.0 **Suitability of the site for Residential Use**

10.1 Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing) both advise that residential development should be sited within suitable locations. Whilst PPS3 goes on to say *'Developers should bring forward proposals from market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities'*.

10.2 Accompanying this national guidance, Core Policy 4 (Type of Housing) of the LDF Core Strategy submission document 2006-2026 advises that, amongst other things:

'High density development should be located in the Slough Town Centre. In the urban areas outside the Town Centre, new residential development will predominately 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

Within existing suburban residential areas there will only be limited infilling which will consist of family houses that are designed to enhance the distinctive suburban character and identity of the area'

10.3 The Core Policy 1 (Spatial Strategy) of the LDF Core Strategy submission document states that high density housing should be located in the designated part of the town centre. Grays Road or the development site is not located within the Commercial Core Area of the town centre as defined in the Local Plan Proposals Map or the indicative town centre area shown on the Core Strategy Key Diagram.

10.4 The site is located within a suburban area, hence suitable forms of residential development are considered acceptable taking into consideration current policies, guidance and material planning considerations.

10.5 In this regard, the proposal falls short of providing 'suitable' residential development in the form of flats. As described in paragraphs 10.2 & 10.3 above, LDF Core Policy 4 advises that outside the Town Centre, new development would consist predominantly of Family Housing. The proposal site does not fall within the Town Centre, nor does it meet the criteria for Family Housing.

- 10.6 LDF Core Policy 4 has been adopted for Development Control Use to control residential growth within the Borough. The Council's Annual Monitoring Report (AMR) 2006 reveals that the majority of dwellings built in Slough in recent years have been flats and that many recent approvals have been for flats, not houses. Whilst the Berkshire Housing Market Assessment (Final Report v1.0 February 2007) concluded that there are a high proportion of flats within East Berkshire, concentrated mainly within Slough. There is a further concern for the sustainability of an increase in this form of development, and the future polarisation of type and size of dwellings in different authority areas within Berkshire.
- 10.7 Additionally the Housing Trajectory for Slough (2001 – 2026) as set out in Appendix 2 of the Core Strategy Document, shows that Slough is likely to meet its housing target by approximately 2016, further reinforcing the view that the true housing need lies not in housing numbers, but rather in housing type, that being the need for family housing rather than flats.
- 10.8 It is for these reasons the proposal is considered unacceptable. It is noted that the recent approval no. P/01949/014 for '*Residential development to provide two buildings consisting of Block A (4 no. one-bedroom and 14 no. two bedroom flats) and Block B(12 no. one bedroom and 26 no. two bedroom flats) and 52 car parking spaces*', located at the intersection with Stoke Gardens and Grays Road – adjacent to the application site. This approval was however initially granted in May 2006 and a subsequent application for a similar scheme, with more units in the same size buildings, was approved in November 2007. The first approval was therefore approved prior to the LDF Core Strategy Policies being adopted for Development Control purposes; hence although a similar development has been sited next door, it was assessed under different policies.
- 10.9 It has also been reported to Committee that the flatted development on the corner of Stoke Gardens and Grays Road, resulting in the loss of the commercial usage, would form a logical 'rounding off' of the Business Area boundary. The proposed scheme that would gain access through the approved flatted development, would however relate more to the family dwellings to the east and north of the site, since it is located in the rear gardens of nos. 40 – 48 Grays Road. The proposed 10no. flats does not relate to the character and the density of the predominantly family dwellings to the east and west of the application site. The application site does clearly not form part of the Town Centre, as defined within the LDF Core Strategy and should therefore include predominately family housing.

10.10 In summary, the proposal fails in principle to provide a suitable type and density of residential development that relates to the character of the area and as such is contrary to LDF Core Policies 1 and 4.

11.0 **Impact upon Neighbouring Dwellings**

11.1 The impact of the development upon the neighbouring dwellings would be limited to the dwellings at the Southern end of Chaucer Way, and the dwellings 40-48 Grays Road (of which the garden area is the application site).

11.2 The separation distance of the proposed building to the rear of the Grays Road dwellings would be approximately 24.5m, which is considered to be within acceptable guidelines.

11.3 To the rear of the site is the large 'sports ground', whilst on the flanking elevation to the South there is the proposed car park for the Pavilions development. To the North of the proposal site is the flanking wall of Chaucer way, which is separated by a distance of approximately 6m.

11.4 Taking these factors into consideration, the proposal does not cause any foreseeable detriment to the surrounding residents, complying with Policies EN1 and H13 of the Local Plan.

12.0 **Amenity Space**

12.1 The scheme provides limited amenity space for the 10 proposed flats in the form of a small amenity area to the rear (West) with a total area of 97.2m². This area is only 5m in depth and in front of the bedrooms and living rooms of Flats 2 and 3. It is therefore considered that this area is not only inappropriate in terms of the quality and usability, but would also result in substandard privacy and a noise nuisance for the future occupiers of Flats 2 and 3.

12.2 Consideration must be taken of the large 'sports ground' to the rear of the site. This is a private open space, which could be developed for business use at any time and can therefore not be considered to be "additional" amenity space for the future occupiers of the proposed scheme. It is therefore believed that the proposal does not include suitable amenity area, contrary to the principles of Policy H14.

13.0 **Highways & Traffic**

13.1 No objections are raised to the proposed development in regards to access and the impact upon the highway network.

13.2 Comments from the Traffic Engineer would be reported on the amendment sheets.

14.0 **Summary**

14.1 The proposal is considered to be inconsistent with the LDF core strategy Policy 1 (Spatial Strategy) and Policy 4 (Type of Housing) in regards to the type of residential development proposed. Additionally the development provides a substandard form of accommodation by reason of an unsuitable level of outlook for four of the flats and the substandard amenity space, contrary to the principles of PPS3.

PART C: RECOMMENDATION

15.0 **Recommendation**

15.1 The proposal is contrary Core Policies 1 (Spatial Strategy) and 4 (Type of Housing) of the Local Development Framework Core Strategy 2006-2026 Submission Document; and Planning Policy Statement 3 (Housing) for reasons outlined in the report above. The proposal is therefore recommended for Refusal.

16.0 **PART D: REASON(S) FOR REFUSAL**

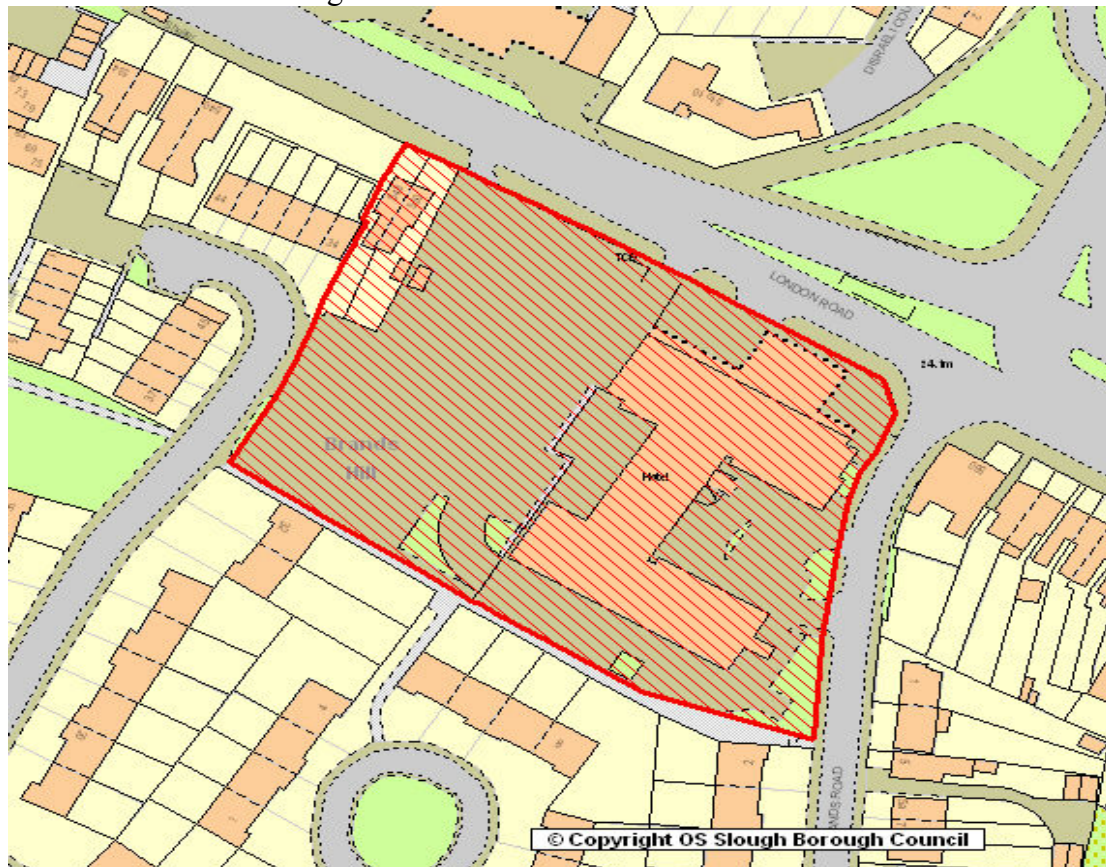
Reason(s)

1. The proposed development for 10no. flats is contrary to Planning Policy Statement 3, Policy H13 of the Adopted Local Plan 2004, Core Policy 4 of the Slough Local Development Framework, Core Strategy 2006 - 2026, Submission Document and the supporting Housing Needs Assessment in that the proposed development would add to the existing over provision of flatted development and sterilisation of potential family housing land, contributing further to the lack of new family house construction in Slough and results in there being an ever increasing mismatch between housing needs and housing provision in Slough, both in the private and public sectors.
2. The design of the proposed development fails to provide high quality housing, due to the lack of outlook from habitable rooms, creating a substandard form of accommodation to the detriment of the amenity of future residents, contrary to the principles of Planning Policy Statement 3 (Housing).
3. The proposed development fails to provide an appropriate level of amenity space in terms of the quality, usefulness and detrimental impact on the occupants of the ground floor Flats 2 and 3, contrary to the principles of Planning Policy Statement 3 (Housing) and Policies H13 and H14 of The Adopted Local Plan for Slough, 2004.
4. A holding objection is raised to the possible loss of the trees on the site, in light of the insufficient information that was submitted, in order to make an informed decision on whether the trees are worthy of

retention.

Registration Date	06-Jul-2007	Applic. No	P/00864/045
Ref:	Mr Smyth	Ward	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	5th October 2007
Applicant	Quality Hotel Heathrow		
Agent	JLA Architects Kings House, 30, Station Way, Cheam, Surrey, SM3 8SQ		
Location	Quality Hotel Heathrow, London Road, Langley, Slough, Berks, SL3 8QB		
Proposal	DEMOLITION OF NOS. 548 AND 550 LONDON ROAD; ERECTION OF A PART THREE STOREY/PART FOUR STOREY / PART FIVE STOREY EXTENSION PARTLY ABOVE UNDER CROFT CAR PARKING AND A NEW BASEMENT PARKING AREA AND THE ERECTION OF AN ADDITIONAL PART FLOOR ABOVE THE EXISTING HOTEL BUILDING TO CREATE AN ADDITIONAL 172 HOTEL BEDROOMS (TOTAL OF 300 BEDROOMS). INTERNAL ALTERATIONS INCLUDING THE PROVISION OF A NEW RECEPTION AREA TWO RESTAURANTS AND A BAR AREA, FOUR MEETING ROOMS, STAFF ACCOMMODATION WITH CHANGES TO THE EXTERNAL APPEARANCE OF THE BUILDING AND PROVISION OF AN ADDITIONAL 19 CAR PARKING SPACES WITHIN A NEW BASEMENT AREA		

Recommendation: Delegate to HPSP for S106



P/00864/045

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the policy background and comments from consultees:

Delegate to the Head of Planning and Strategic Policy for resolution of S106 and finalisation of conditions.

Sustainability

1.2 Having considered the relevant policies, the development is considered to be sustainable and not have an adverse affect on the environment for the reasons set out below.

PART A: BACKGROUND

2.0 **Proposal**

2.1 A full application has been made for:

- demolition of Nos. 548 and 550 London Road (staff accommodation),
- erection of a part three storey/ part four storey/ part five storey extension partly above undercroft car parking and a new basement parking area and the erection of an additional part floor above the existing hotel building to create an additional 172 hotel bedrooms (total of 300 bedrooms);
- internal alterations including the provision of a new reception area, two restaurants and a bar area, four meeting rooms and staff accommodation;
- changes to the external appearance of the building; and
- provision of an additional 19 car parking spaces within a new basement area.

The application is accompanied by full plans showing the site layout, floor plans and elevations and indicative landscaping. Also submitted are:

- Design and Access Statement, and
- Transport Statement.

2.2 The proposed hotel redevelopment would comprise 5 blocks (A-E). Proposed extensions include:

- one additional storey to link Block B;
- part one/ part two additional stories to Block C;
- a new 5 storey block (Block D) at the west end of the development site facing London Road; this would be a continuation of Block C;
- a new 3 storey block (Block E) over undercroft parking at upper ground level, projecting from the back of new Block D;
- slight increases in width of Blocks A, B and C on the internal

facing walls.

- 2.3 Also proposed as part of this scheme is the:
- closure of the access off London Road near the junction with Brands Road and the relocation of the access to the centre, and the egress to the west end, of the site frontage;
 - expansion of the lower ground car park through the creation of a part basement parking level with parking above (part undercroft) at upper ground level and the reorganisation of the on-site car parking as a whole;
 - re-positioning of the main entrance to the hotel ('Porte cochere') to the front of proposed Block D.
- 2.4 In terms of external alterations to the appearance of the building, it is proposed to improve the appearance of the existing hotel building using a combination of brick and cladding panels. The existing brick elevation to Block A which faces the gardens of residential properties on Brands Road and Merlin Close would remain untouched except for new double glazed windows to replace the existing windows.
- 2.5 With the proposed demolition of the two semi-detached staff houses at the west end of the site (Nos. 548 and 550 London Road) it is proposed to extend the existing landscaping along the site boundary adjacent to No. 32 Layburn Crescent and to extend the parking along this boundary inside the landscaping strip. The plans show that the planting would be done to the Local Planning Authority's approval.

Design and Access Statement

- 2.6 The Statement covers the details of the proposal including:
- the type and amount of additional facilities being proposed,
 - the layout of the extensions and changes to the site layout,
 - the scale of the various blocks,
 - details of the proposed materials and finish,
 - the landscaping proposed,
 - provision for disabled access and crime prevention.

Transport Statement

- 2.7 The Statement concludes: *The site is located within close proximity to a high standard road and public transport network with easy access by foot and bicycle. Access to the Quality Hotel Heathrow would be from London Road using an improved access. The traffic impact arising from the Holiday Inn Express (when compared with the unimplemented extant permission (P/00864/042)) would not have an adverse impact on the local road network. The proposed number of car parking spaces dedicated to the Holiday Inn Express would be 203 spaces and it should be noted that arrivals and departures by car for visitors to the Hotel (other than staff) constitute on average 50% of the total daily movements. ... It is*

considered that the proposed development is acceptable in highway and transportation terms. Therefore there should be no reason to raise a highway objection to this proposal.

3.0 **Application Site**

3.1 The development site is the Quality Inn Hotel site on the south side of London Road at Brands Hill. The hotel comprises a three/ four storey flat roof building made up of three blocks (Blocks A-C).

- Block C is the front block that faces London Road. It runs on an east-west axis and is three stories high.
- Block A is the rear block that faces out towards the residential properties in Merlin Close to the south of the site. Block A also runs on an east-west axis and is 3 stories over a lower ground level car park.
- Block B is the link block between Blocks A and C and runs on the north-south axis. Block B is 4 stories high including the lower ground level.

3.2 The hotel has 180 parking spaces provided in an at grade car park to the west of the hotel buildings (former site of The Plough public house) and in a lower ground car park area beneath and to the rear of the hotel buildings. The car park operates a barrier entry and exit / pay and display system.

3.3 Access to the site is from London Road only with a drop off area in front of the hotel. The access from London Road operates as a 'left in' near the junction with Brands Road and 'left out' at the centre of the site frontage.

3.4 The development site also takes in two two-storey semi-detached houses (Nos. 548 and 550 London Road) at the west end of the development site, which are to be demolished to make way for the proposed redevelopment.

3.5 The site itself is situated within a predominantly residential area (on the south side of London Road). The site fronts onto London Road to the north, Brands Road to the east, is adjoined by a walkway and then the side boundaries/ rear garden boundaries of properties on Brands Road, Merlin Close and Layburn Crescent to the south and is adjoined by Layburn Crescent and the side boundary of No. 32 Layburn Crescent to the west. Note: the developer owns No. 32 Layburn Crescent. A row of conifer trees runs inside the west boundary of the site as far as the back boundary of No. 548 London Road.

4.0 **Site History**

4.1 There have been a number of planning applications for various proposals over the years on this site. The most relevant

applications are as follows:

P/00864/042 – Extension & alterations to include 96 bedrooms on 5 floors, function suite, leisure facility, new staff accommodation, basement parking & additional access. Approved with Conditions 19-Sep-2006.

P/00864/031 – Proposed extensions to existing hotel to provide additional 117 bedrooms: (1) part 4 storey new side extension, (2) 5 storey block adjoining front block of existing hotel, (3) additional roof floor on front and central block (excluding existing southern wing), (4) single storey extensions to provide public function and leisure facilities, (5) basement parking, (6) closure of brands road access and provision of off site highway improvements on london road (amended plans dated 18/07/96). Approved with Conditions 15-May-1998.

4.2 The P/00864/042 permission remains extant and runs with the land and is therefore a material consideration in the determination of this planning application.

5.0 **Neighbour Notification**

5.1 524, 526, 534, 536, 538, 540, 560-574 (even nos), 563-571 (odd nos) London Road
573 London Road (petrol station)
1 Disraeli Court, Sutton Place
1-5, 5a, 7-27 (odd nos), 31, 33, 35, 2-20 (even nos) Brands Road
1, 2-14 (even nos) Pepys Close
26-34 (even nos) Springfield Road
1-12 (inclusive) Merlin Close
1-45 (odd nos), 2-44 (even nos) Layburn Crescent

Notices placed on site
Notice placed in local press
NO OBJECTIONS RECEIVED

6.0 **Consultation**

6.1 **Coln/ Poyle Parish Council:**

The following issues were raised:

- Overspill parking in residential streets, i.e. Brands Road, mainly cause through hotel charging to use hotel car park.

Comment: A condition that the parking is only for the use of hotel guests, staff and contractors is to be secured by way of S106 Agreement.

- Extra noise, disturbance and inconvenience during proposed construction.

Comment: The applicant has acknowledged that there would obviously be some disruption during the construction period with

the temporary access for the hotel guests via Brands Road. The contractor's traffic and deliveries will however be off the London Road. Also at the completion of the project the Brands Road hotel access would be permanently closed, with all hotel access off London Road. In respect to other noise and disturbance through the construction/ demolition phase, this is principally an Environmental Health issue and will be dealt with under the Environmental Pollution Act. In the event that a statutory nuisance occurs EH is able to serve notice on the developer. The standard construction/ demolition informatives have also been recommended as well as a condition for a construction management plan.

- Traffic generation – the exit from Brands Road onto the A4 made more intolerable. A change in the road layout will be necessary.

Comment: Council's Traffic consultant has reviewed the proposal including the Traffic Assessment submitted with the application and has concluded that an objection to this application cannot be raised on traffic generation and impact grounds when compared with the traffic generation levels of the previous consent which is still valid (P/00864/0432, granted 19 Sept 2006). Council's Traffic consultant's conclusion is also subject to restrictions on the use of the conference/ function rooms and the bar/ restaurant to hotel guests only and not open to the general public. Conditions have been recommended accordingly.

- Air pollution – increase in traffic generated by an increase of 176 bedrooms will not help air quality on the Brands Hill A4 which is already very poor.

Comment: The site is not within a designated air quality area. Although the new scheme includes more bedrooms it does not include provision for any large conference/ banquet or leisure facility as found in the existing or the approved scheme. Only a small increase in parking spaces on site is proposed. It is anticipated that the majority of guests would be arriving from the airport and that the majority of these would arrive by the regular airport bus or taxi. Council's Traffic consultant has concluded that an objection to this application cannot be raised on traffic generation and impact grounds when compared with the traffic generation levels of the previous consent which is still valid (P/00864/0432, granted 19 Sept 2006). The same would apply to air pollution.

- The rear of the hotel is very untidy/ unsightly. Outside wall needs cladding.

Comment: The applicant has amended the proposal so that the rear wall of the building would now be clad/ finished to LPA approval. A condition has been recommended accordingly.

- Residents in Merlin Close are regularly overlooked with hotel guests looking out windows.

Comment: No extension/ additional floors are proposed to the

existing rear bedroom block. The applicant has advised that the proposal includes new restrictive openings (i.e. safety catches) to replace the existing sliding windows in the rear elevation of the existing rear bedroom block. Furthermore, all of the bedrooms will have a comfort cooling system installed (NB: there is no air conditioning at present) which should reduce the need for guests to open the windows. These changes have been proposed to in order to reduce the existing overlooking problem.

6.2 **Traffic:**

I note that this application is seeking the redevelopment of the existing hotel site with the loss of some existing facilities and the addition of some 172 bedrooms and its re-branding as an “Express Inn” type of facility. I understand from the application forms and the accompanying Transport Assessment that the existing and proposed developments are as follows;

Existing

- 128 bedrooms
- 200 sq m function/conference facilities
- 220 sq m restaurant/bar
- 184 car parking spaces
- 25 sq m leisure complex

Proposed

- 300 bedrooms
- 473 sq m restaurant/bar
- 205 sq m function/conference facilities
- 203 car parking spaces.

It can be seen from the above that there is a significant increase in the number of bedrooms on site along with an increase in the size of the restaurant and the loss of a small leisure facility. In considering the traffic generation potential of the proposals for this site the applicants have referred to a **number of existing planning consents which are yet to be implemented, but remain valid.**

The most fundamental of these is a **consent granted in 2006** which is stated at Table 4 of the Transport Assessment (page 15) would have increased the size of the hotel complex to the following

Extant consent

- 221 bedrooms
- 660 sq m conference/meeting rooms

- 492 sq m Restaurant/Bar
- 430 sq m Leisure facility

The applicant's consultants have carried out a traffic generation comparison between the proposed and extant uses and have concluded that the proposal will not generate traffic generation levels in excess of that of the extent permissions. Whilst I do not necessarily agree with some of the trip generation figures that they have used for this purpose, which shows a significant reduction in traffic of some 587 movements per-day (two-way), **I consider that it is unlikely that the proposal will lead to an increase in traffic.**

In view of the above, I do not consider that an objection to this application could be raised on traffic generation and impact grounds, provided that the earlier consent does remain implementable. This conclusion is also subject to restrictions on the use of the conference/function rooms and the bar/restaurant to hotel guests only and not open to the general public.

From a car parking point of view, the existing Hotel has 128 rooms and 184 car parking spaces, which equates to a ratio of 1.43 spaces per room. **Local Plan standards for Hotel uses would require the provision of 1 space per bedroom resulting in a requirement for 300 spaces.**

The applicants propose 203 car parking spaces for this site which equates to a ratio of 0.68 spaces per room, which is clearly below Local Plan standards. In support of this the applicant suggests that existing surveys of the hotel car park occupancy against room occupation levels has demonstrated that the average requirement is a ratio of 0.63 vehicles parked per room. I am however concerned that this is an average figure and could therefore be exceeded 50% of the time and also that the survey appears from Appendix 2 of the report to have taken place over a single day (2nd May 2007).

The results of the survey tabled at Appendix 2 also suggest that the maximum occupancy of the car park was 121 spaces. This equates to a ratio of 0.94 spaces per bedroom against existing room levels, close to Local Plan parking standard requirements and in excess of the proposed parking ratio.

I am however also mindful that significant information in respect of parking standards associated with Express Inn type facilities was submitted in connection with the application for a similar facility at Calder Way. This included detailed surveys of other existing operational facilities. The results of this exercise demonstrated that a parking ratio of 0.63 spaces per bedroom is reasonable.

Whilst I am therefore not satisfied with the applicant's assessment of the car parking for this site, **I consider, on balance that a reason for refusal of planning permission based on insufficient car parking may well, in light of evidence and experience from other sites, be difficult to sustain. This is however again on the basis that all facilities on site are restricted to use by hotel residents only.**

Some secure cycle parking should be provided at this site and a Travel Plan should be required. The Travel Plan should be secured using our model S106 schedule and the cycle parking can be secured by condition. I would also support the highways comments in relation to the site accesses and the workability of the car park and assume that the applicants will address these matters.

Subject to the above, I can confirm that I do not wish to object to this application on traffic and road safety grounds. I would recommend that the following conditions be imposed as part of any consent that you may issue.

Recommended Conditions.

1. Travel Plan
2. No part of the development shall commence until details showing the provision of a secure cycle store and an unobstructed footway link to accord with the Local Planning Authority's "Cycle Parking Standards" has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall then be occupied until the cycle store and footway link have been laid out and constructed in accordance with the approved details and that area shall not thereafter be used for any other purpose.

Reason: To ensure that adequate and convenient cycle storage is provided to accord with Local Plan standards.

3. The scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6.3 Highways:

Highways - existing situation/conditions

1. The existing access from London Road operates as a left in left out and right turns out are prevented physically by a central reservation extending approximately 25 metres past the existing access. U turning manoeuvres may be problematic at the western end of the central reservation. The current location of the central reservation allows right turn manoeuvres from the opposing petrol station egress.
2. The junction of the existing access conforms to current sight line requirements.
3. Overspill parking opportunities are available on neighbouring residential roads such as Brands Hill and Pepys Close.
4. The applicant states 184 car parking bays are provided.
5. The car park operates a barrier entry and exit system for the rear car parks. The barrier for the entry is located 25 metres from London Road.
6. A drop off area and turning area is provided outside the hotel entrance. This area is accessible without passing the barriers.

Proposed junctions onto London Road

7. As the junction is off a distributor road of 40mph (former trunk road) serving a large development **sight lines of 2.4m x 120m must be provided from the priority road onto the site. These should shown on the drawing and take into account the curvature on the priority road. No obstructions over 600mm in height will be permitted in the sight line areas. The sight lines must fall on land in control of the applicant.**
8. **The separate egress includes the lengthening of the central reservation westbound to prevent right turn manoeuvres out of the hotel. Although preventing this right turn is necessary the proposals are likely to be objected to by the opposite petrol station as right turns will no longer be accommodated exiting the petrol station. Preventing the right turns manoeuvre from the petrol station will have the added complication of sending additional traffic around the already congested Brand Hill gyratory. It may be a better solution to maintain the existing access location with the current left in left out arrangement. Pedestrian refuge would be welcomed. Traffic to expand further.**

Servicing

9. **The applicant should demonstrate servicing proposals including tracking drawings.**
10. **The “fenced area for delivery” will reduce parking provision.**

Parking layout

11. **For 60 degree echelon parking the aisle width must be 4.2 metres width allowing two way flows.**
12. **Tracking drawings for coach parking/turning must be provided.** Using the London Road access as a turning area will not be permitted. This access must be kept clear to allow clear access from London Road.
13. **The basement/undercroft parking area must be designed in accordance with The Institution of Structural Engineers publication “Design Recommendations for Multi-storey and Underground Car Parks 2002- 3rd Edition” to ensure it will operate safely and provide unimpeded ingress and egress for the specified number of parking bays. In order to demonstrate this it is necessary to **submit a dimensioned car park layout for approval.** This requirement should not be made as a planning condition for approval, if the parking provision is a critical factor for the approval of this scheme.**

From the layout submitted please provide the following information-

- **Dimensions of support columns**
- **Aisle widths**
- **Ramp gradients**
- **Specify headroom clearance**

14. I have the following concerns-

- **Column locations are not in accordance with the guidance. The column positions should be amended.**
- **Columns obstruct the 6m parking aisle within the lower ground car park. These columns must be relocated/removed.**
- **The flanked walls provide zero visibility for egress from adjacent parking bays. The walls/bays must be revised to provide adequate visibility.**
- **The aisle for the end parking bays must be extended 1m beyond the end bays. This is to facilitate the ingress and egress of cars using those end bays.**

Cycle Parking

15. **Visitor/staff cycle parking in the form of Sheffield stands in well overlooked locations should be provided (MfS 8.2.10&20).**

Highway works summary

16. **The applicant will need to enter into a s278 (Minor Highway Works) Agreement with Slough Borough Council for the following works within the existing highway.**

- **Installation of junctions (once agreed)**
- **Reinstatement of redundant access points to standard footway construction**
- **Installation of central reservation (if required)**

Highways summary

17. The application should be revised in accordance with my comments and submitted for further consideration.

Should the application be revised in accordance with my comments the following conditions will apply.

18. No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing and constructed in accordance with Slough Borough Council's Design Guide.

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

Should the application be revised in accordance with my comments the following informative(s) will apply.

19. The applicant will need to apply to Highways Engineering, The Green and Built Environment for street naming and/or numbering of the unit/s.

20. No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.

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

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

23. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 Agreement with Slough Borough Council for the implementation of the works in the highway works summary. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.

Subsequent comments (dated 23 Jan 2008)

- Applicant needs to show refuse storage area next to service delivery bay – lose a few parking spaces and will need to submit a Refuse Management Plan to address transfer of refuse/ recycling from elsewhere on the site to this collection point (include condition).
- Make main entrance at middle of site.
- Remove row of parking spaces in front of main entrance and relocate some/ all of these to other side where coach parking currently is located.
- Widen driveway in front of entrance to allow buses/ coaches to park in front of hotel (main entrance side) without obstructing other vehicles entering the site.
- Include road markings to direct cars.
- Show curbs and include bollards to ensure left in and left out.
- Still need to show landscaping to soften/ break up frontage.
- Main entrance – pavement in front of entrance and pavement between bus lay-by and front of building both very narrow.
- Disabled parking needs to be provided.
- Prior to doing any works developer must consult regarding S278 proposals with surrounding neighbours and businesses – S106 obligation, or pay money for Council to do this.

Comment: Most of the points raised have now been addressed. Any outstanding matters will be dealt with by way of condition/ informative.

6.4 **Planning Policy:** Principle already established so no policy issues.

6.5 **Environmental Protection:**
EP Officer identifies that there is a history of on-site contamination associated with this site particularly given its previous use as a petrol filling station and garage.

Given that the current application submitted encompasses a significant extension to the hotel, it is recommended that the

following condition be placed on any planning permission granted. Investigations should include testing for soil vapour and monitoring for ground gas. The Environment Agency should be notified about the possible contamination and consulted for comments and any conditions they may wish to request for the protection of groundwater.

The development will not be permitted to start until a thorough and complete written site contamination investigation and assessment has been carried out to the satisfaction of the Planning Authority and that the development itself will need to incorporate all the measures shown in the agreed assessment to be necessary to prevent significant risk of harm to human health, the environment or property.

The assessment shall be submitted to, and approved in writing by the Local Planning Authority. This should include:

- i) A desk study containing a site history and an initial risk assessment. If this confirms there is the potential for contamination then a further site investigation shall be carried out which shall fully characterise the nature, extent and severity of any contamination.*
- ii) If the site poses an unacceptable risk a remedial strategy is required detailing the specific remediation and mitigation measures necessary to ensure the protection for future occupants of the development. This should provide a contingency to deal with any previously unidentified contamination which, may be encountered during works.*
- iii) The remediation scheme shall be implemented before the development is first occupied.*

On completion of the remediation works the developer shall provide written confirmation that all works were completed in accordance with the agreed strategy.

Comment: Condition has been included accordingly. Refer results of consultation with EA below.

6.6 Environment Agency:

This is classified an 'Investigated Site' of high risk for potential contamination of groundwater.

The site lies on a major gravel aquifer and our records indicate that groundwater levels are shallow in this area. The application does not include any assessment of the potential risk to controlled waters nor address the significant historical contamination mentioned in the memo from Hugh Davis.

In consequence we have to OBJECT to the proposal.

OBJECTION: We object to the proposed development because of the absence of sufficient information to demonstrate that the risk of pollution to controlled waters is acceptable and /or can be satisfactorily remediated.

There are three strands to this objection.

1. We consider the level of risk posed by this proposal to be unacceptable.

2. The application fails to provide assurance that the risks of pollution are understood, as a desk study, conceptual model and assessment of risk have not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

3. Under PPS23 the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

We ask to be consulted further on receipt of such information when we will comment further on that (or other concerns which may affect the site once the above issue has been addressed.)

Comment: *The applicant has now submitted a site investigation report to the Environment Agency for its consideration. The EA have withdrawn their objection subject to the following conditions / informatives being placed on the decision, if granted:*

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: to protect groundwater quality from the effects of prior use of the site.

Advice to LPA:

This condition has been recommended as the Environment Agency is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in PPS23 we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied. Sections 1 and 2 of the above condition may be deleted at the discretion of the LPA.

Condition: Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure remedial measures have been carried out satisfactorily.

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To show that no soil borne contamination has been mobilised by redevelopment activities on site.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters from the effects of soil borne contamination outside investigated areas.

The Environment Agency asks to be consulted on details submitted in compliance with the above conditions.

Informative

The development proposes a basement car park in an area of shallow groundwater. The geo-environmental report indicates that water levels are between 2 and 3m below ground level. Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building-up of groundwater levels may occur on the up-gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater-fed streams, ditches or springs.

Comment: *Advice is being sought from the Council's Environmental Services Section to confirm the wording of the conditions that need to be imposed with regard to site and ground water contamination and their response will be reported on the Amendment sheet.*

6.7 **Berkshire Archaeology:**

This development is large in scale and ground reduction has been proposed to accommodate a lower ground car park. The site is located in Colnbrook-and-Poyle area, well known for its archaeological potential with sites around the Queen Mother Reservoir and further north. There is likely to be archaeological mitigation required in this location, therefore I recommend the following:

Condition:

No development may take place until the applicant has secured and implemented a phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has been submitted by the applicant and approved by the Planning Authority.

Reason:

The site is within an area of archaeological potential, specifically relating to Bronze Age, some Roman and medieval remains. Archaeological monitoring is required to mitigate the impact of development and ensure preservation "by record" of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

I would be happy to produce a brief when more details of the foundations, depth impact and site conditions and geology become available. If you have any queries or need any further clarification, please do not hesitate to contact me.

Comments: A condition and informative have been recommended accordingly.

6.8 **Thames Water:**

Waste Water

Thames Water has no major concerns, subject to the following informatives:

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior

approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Thames Water further recommends, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

Sewerage Infrastructure

Thames Water has no objection to the proposal with regard to sewerage infrastructure.

Petrol/ Oil Interceptors

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.

Awaiting comments with respect to Clean Water.

Comment: Informatives have been recommended accordingly. Any response received with regard to Clean Water to be reported on in the Amendment Sheet.

6.9

Drainage:

- Requested further information on drainage.
- What is the existing situation re drainage? Where does it go at the moment?
- Is it soakaway or attenuation connection to sewer?
- NB: changing the structure of the site (basement) this could potentially reduce infiltration area.
- Need calculations for discharge to the various storms over the paved area of the site and how they are going to accommodate this?
- Questions whether there is a big enough connection to accommodate discharge to existing system without attenuation.
- Basements would need to be drained to foul via an interceptor which will involve pumping.
- Cannot rely on whole capacity of sewer in area.

Comment: Refer comments received from Thames Water (above). The matters can be dealt with by way of conditions/ informatives on the decision, if granted.

6.10 **Airport Traffic:** No comments received to date.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Guidance 13 (Transport)
- Planning Policy Guidance 16 (Archaeology and Planning)
- Planning Policy Statement 23 (Planning and Pollution Control)
- Planning Policy Guidance 24 (Planning and Noise)

Local Development Framework, Core Strategy, Submission Document

- Core Policy 1 (Spatial Strategy)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 11 (Social Cohesiveness)
- Core Policy 12 (Community Safety)

Adopted Local Plan for Slough

- EN1 (Standard of Design)
- EN2 (Extensions)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- OSC14 (Sequential Test for Key Complementary Town Centre Uses)
- T2 (Parking Restraint)

The planning considerations for this proposal are:

- The principle of the development
- The design and appearance/ impact on the street scene and appearance of the local area
- The impact on the living conditions of the adjoining residential properties
- Traffic/ highway/ parking and servicing implications
- Environmental Impacts
 - Site Contamination
 - Infrastructure/ Drainage
 - Noise and Disturbance

- Air Quality
- Refuse storage
- Disabled Access
- Crime Prevention

8.0 **Principle of Development**

8.1 The principle of an extension to the hotel and demolition of the 2 houses (Nos. 548 and 550 London Road) is assessed under PPS1, Core Policies 1 and 4, and Policy OSC14 of the Adopted Local Plan and in terms of delivering sustainable development, making effective and efficient use of land, and the loss of family housing.

8.2 The proposal is for an extension to an existing hotel operation. A similar application for extension to the hotel and demolition of the two staff houses has been considered previously (extant permission P/00864/042). Therefore no policy objections are raised to the principle of hotel development or the loss of two houses on this site in relation to PPS1, Core Policies 1 and 4 of the Local Development Framework Core Strategy and Policy OSC14 of the Adopted Local Plan. The acceptability of the scheme will however depend on how well the proposal complies with the other relevant Local Plan and Core Strategy policies.

9.0 **Design, Scale, Bulk and Massing**

9.1 Design and external appearance is assessed against PPS1, Core Policy 8 and Local Plan Policies EN1 and EN2.

9.2 Planning Policy Statement 1 (Delivering Sustainable Development) advises that *‘Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted’.*

9.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: *“All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.”* Part 2 to that policy covers design and in sub section b) it states: *“all development will respect its location and surroundings”.*

9.4 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”,* in accordance with the criteria set out in that policy.

9.5 Policy EN2 of the Adopted Local Plan states that *“Proposals for extensions to existing buildings should be compatible with the*

scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure. Extensions should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.”

- 9.6 The principal change arising from this latest scheme relates to the introduction of a new three storey block (Block E) to be erected over undercroft parking which is to run off the rear (south side) of new Block D. Block E would measure approximately 12.5m high, 16m wide, would project approximately 30m from the rear of new Block D and would have a flat roof. The block would be approximately 35m from the front elevations of the two-storey terrace dwellings at Nos. 37-45 Layburn Crescent (to the west) and 19m to the flank wall of the two-storey end of terrace dwelling at No. 32 (to the south). There is considered to be sufficient separation to ensure that the scale, bulk, massing of this block would not have an adverse impact on those properties.
- 9.7 There is no significant change to the proposal as far as the five storey extension at the west end of the site (new Block D), although the central tower between Blocks C & D has been reduced under this scheme from 6 stories down to five and simplified in design terms. This is considered to be acceptable. An additional part fifth floor is proposed to be added to Block C (previously only one additional floor (4th) was proposed to be added to this block), although this would be setback from the main elevation to reduce its bulk as seen from London Road. No height changes are proposed in terms of Block B and Block A from the previous scheme.
- 9.8 The scale of the extensions is considered to be compatible with the scale of the existing hotel. Some minor changes are proposed in terms of the fenestration, although these are considered to be acceptable. It is proposed that the whole of the extended hotel would be clad so that the materials are consistent throughout. This includes re-cladding the rear wall of Block A to improve the external appearance of this block as seen from the residential properties in Merlin Close.
- 9.9 No significant changes are proposed in terms of the access arrangements from London Road and within the site. The main access route into the main car park would remain at the west end of the site as under the previous scheme.
- 9.10 No objection is therefore raised in terms of the design, scale, massing, bulk and external appearance of the development. The proposal is considered to be consistent with guidance given in PPS1, Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

- 10.0 **Impact on Adjoining Residential Properties**
- 10.1 The impact on adjacent residential properties is assessed against Core Policy 8 and Local Plan Policies EN1 and EN2.
- 10.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that *“The design of all development within existing residential areas should respect the amenities of adjoining occupiers.”*
- 10.3 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”*, in accordance with the criteria set out in that policy.
- 10.4 Policy EN2 of the Adopted Local Plan states that *“Proposals for extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure. Extensions should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.”*
- 10.5 As noted above, the principal change arising from this latest scheme relates to the introduction of a new three storey block (Block E) to be erected over undercroft parking to the rear of new Block D. This would bring the hotel development closer to residential properties in Layburn Crescent (especially nos. 37-45 (odds) (to the west) and no. 32 (to the south)). The potential issues concerning this block are considered to be loss of privacy/ overlooking, visual impact and loss of light.
- 10.6 The bedrooms within this block would face east/ west. Therefore in terms of overlooking/ loss of privacy the only properties likely to be affected are Nos. 37-45 Layburn Crescent (to the west). A separation distance of 35 metres would still be maintained between the new bedroom block and the front elevations of nos. 37-45. There is also a row of evergreen semi mature trees along the west boundary of the site which would help to reduce overlooking from these rooms. The block would be partially offset from the row of terraces at nos. 37-45 Layburn Crescent. Smaller windows are also proposed on this elevation and air conditioning within the rooms to reduce the need to open the windows. Given the above, it is not considered that a significant impact in terms of overlooking/ loss of privacy for these properties would result.
- 10.7 The Colnbrook/ Poyle Parish Council has raised concern that the residents in Merlin Close are regularly overlooked with hotel guests looking out windows. It is noted that no extension/ additional floors are proposed to the existing rear bedroom block (Block A). The applicant has advised that the proposal includes new restrictive openings (i.e. safety catches) to replace the existing sliding

windows in the rear elevation of that block. Furthermore, all of the bedrooms would have a comfort cooling system installed (NB: there is no air conditioning at present) which should reduce the need for guests to open the windows. These changes have been proposed to in order to reduce the existing overlooking problem.

- 10.8 In terms of visual impact it is considered that there would be sufficient separation distance between the new block and the neighbouring residential properties to ensure that an overbearing visual impact and loss of sunlight/ daylight would not arise.
- 10.9 Lastly, in terms of sunlight/ daylight impacts, given the orientation of the new extensions and the site to the neighbouring properties, the separation between the new blocks and the surrounding properties, and given that no change is proposed to the height of rear bedroom Block A, it is not considered that any adverse shading or loss of light impacts would arise from this proposal.
- 10.10 No objection is therefore raised in terms of the impacts on adjoining residential properties. The proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

11.0 **Noise and Disturbance**

- 11.1 The relevant policies in terms of assessing noise and disturbance impacts are PPG 24 and Core Policy 8. Core Policy 8 requires that development shall not give rise to unacceptable levels of noise pollution.
- 11.2 Although the new scheme includes more bedrooms it does not include provision for any large conference/ banquet or leisure facility as found in the existing and the approved scheme. The applicant has advised that the proposed facility would be a Holiday Express Inn Hotel (budget hotel), and that by early evening most guests should be within the hotel and that any activity would be fairly minor and limited to small numbers of guests arriving late at the front entrance of the hotel only. It is also proposed to place restrictions on the use of the parking to hotel guests, staff and contractors only and conference/ function/ meeting rooms and restaurants/ bar to hotel guests only (to be secured via S106 Agreement). Accordingly, evening noise or nuisance to the surrounding houses or local residents should be minimised.
- 11.3 No details of external plant or kitchen extract/ ducting have been provided. It is recommended that conditions be placed on the decision, if approved, to ensure that noise levels emitted from external plant do not exceed certain noise limits and to require details of external plant and kitchen extract/ ducting before the commencement of development.

11.4 Subject to the above conditions, no objection is raised with respect to noise and disturbance in relation to Core Policy 8 of the Local Development Framework Core Strategy.

12.0 **Traffic and Highways**

12.1 The relevant policies in terms of assessing traffic and highway impacts are Core Policies 7 and 10, Local Plan Policy T2 and the adopted parking standards.

12.2 Core Policy 7 requires that development proposals will have to make appropriate provisions for reducing the need to travel, widening travel choices and making travel by sustainable means of transport more attractive than the private car, improving road safety, improving air quality and reducing the impact of travel upon the environment.

12.3 Core Policy 10 states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. 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. These improvements must be completed prior to the occupation of a new development and should serve both individual and communal needs. Infrastructure includes transportation.

12.4 The Council's Traffic consultant does not propose to raise an objection on traffic generation and impact grounds in light of the earlier extant consent which is still valid (i.e. P/00864/042, granted on 19-Sep-2006). However, this conclusion is subject to restrictions on the use of the conference/function rooms and the bar/restaurant to hotel guests only and not open to the general public. The number of parking spaces proposed is below Local Plan standards. However, in light of evidence and experience from other sites, the Council's Traffic consultant considers that a refusal based on insufficient car parking may well be difficult to sustain at appeal. This conclusion is again on the basis that all facilities on site are restricted to use by hotel guests only. No objection to this application on traffic or road safety grounds is therefore raised subject to a condition on secure cycle parking and a Travel Plan to be secured by S106 Agreement. A financial payment is required for general transport improvements in Slough, as per the previous S106 Agreement for P/00864/042.

12.5 The Council's Highways Engineer has reviewed the proposal and most of the matters raised have been addressed to their satisfaction. The only outstanding matters relate to sight lines, a refuse management plan, cycle parking and it is recommended that these be covered by way of conditions on the consent, if granted.

The Council's Highways Engineer has also advised that the applicant will need to enter into a S278 Highway Works Agreement with the Council to cover installation of junctions, reinstatement of redundant access points to standard footway construction and installation of a central reservation (if required). The applicant will also be required to consult with surrounding neighbours and businesses prior to carrying out the S278 works. It is proposed that these would be secured by way of the S106 Agreement.

12.6 Subject to the above conditions and S106 undertakings, no objection is raised with respect to traffic and highway impacts in relation to Core Policy 7 of the Local Development Framework Core Strategy, Local Plan Policy T2 and the adopted parking standards.

13.0 **Land Contamination**

13.1 The relevant policies in terms of assessing contamination impacts are PPS23 and Core Policy 8. Core Policy 8 states that development shall not:

- give rise to unacceptable levels of pollution;
- cause contamination or a deterioration in land, soil or water quality;
- be located on polluted land unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers.

13.2 Council's Environmental Services Section has identified that there is a history of on-site contamination associated with this site particularly given its previous use as a petrol filling station and garage. Environmental Services have requested that a condition be placed on the decision if granted to require the submission of a site contamination study and appropriate remediation measures as may be appropriate.

13.3 The Environment Agency has also been consulted about the proposal and has objected on the basis that:

- the site is classified as an 'Investigated Site' of high risk for potential contamination of groundwater. The site lies on a major gravel aquifer and our records indicate that groundwater levels are shallow in this area; and
- as the application does not include any assessment of the potential risk to controlled waters nor address the significant historical contamination mentioned in the memo from Environmental Services.

13.4 The applicant has since submitted a site investigation report to the Environment Agency for its consideration. The EA have now responded and withdrawn their objection subject to the certain conditions/ informatives being placed on the decision, if granted. Advice is being sought from the Council's Environmental Services

Section on the conditions that need to be imposed with regard to site and ground water contamination and their response will be reported on the Amendment sheet.

13.5 Subject to appropriate conditions (yet to be finalised), no objection is raised with respect to contamination impacts in relation to PPS23 and Core Policy 8 of the Local Development Framework Core Strategy.

14.0 **Drainage**

14.1 The relevant policy is Core Policy 10, which states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. 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. These improvements must be completed prior to the occupation of a new development. Infrastructure includes utilities (water, sewerage and drainage).

14.2 The application states that the development will connect to the existing drainage system. Council's Senior Drainage Engineer has reviewed the proposal and has advised that further information on the existing drainage situation and calculations will be required, particularly as a development of this type and size is likely to need some sort of attenuation so as not to overwhelm the existing drainage system. The basements would also need to be drained to a foul via an interceptor which would involve pumping.

14.3 The proposal has been forwarded to Thames Water for their comments. They have advised that they have no objections to the proposal subject to the imposition of conditions/ informatives on attenuation/ regulation of surface water drainage, the installation of a properly maintained fat trap and the installation of petrol/ oil interceptors in all car parking/ washing/ repair facilities. Appropriate conditions/ informatives have been recommended accordingly.

14.4 Subject to the above conditions/ informative(s), no objection is raised with respect to drainage impacts in relation to Core Policy 10 of the Local Development Framework Core Strategy.

15.0 **Air Quality**

15.1 Core Policy 7 requires that development proposals will have to make appropriate provision for improving air quality and reducing the impact of travel upon the environment.

15.2 Concern has been raised about the impact of the development on air quality. The site is not within a designated air quality area.

Although the new scheme includes more bedrooms it does not include provision for any large conference/ banquet or leisure facility as found in the existing or the approved scheme. Only a small increase in parking spaces on site is proposed. It is anticipated that the majority of guests would be arriving from the airport and that most of these would arrive by the regular airport bus or taxi. Council's Traffic consultant has concluded that an objection to this application cannot be raised on traffic generation and impact grounds when compared with the traffic generation levels of the previous consent which is still valid (P/00864/0432, granted 19 Sept 2006). The same line of argument would apply to air pollution.

15.3 On this basis, no objection is raised with respect to air quality impacts in relation to Core Policy 8 of the Local Development Framework Core Strategy.

16.0 **Refuse storage**

16.1 The relevant policy is Core Policy 8 and Council's guidance for refuse storage and collection (1992). Core Policy 8 requires that all development is sustainable, of a high quality design and improves the quality of the environment.

16.2 The loading bay would be located at the west end of the site behind new Block D. The proposal has been amended to show the refuse storage area next to the service delivery bay. The size is considered to be acceptable.

16.3 Council's Highways Engineer has requested the submission of a Refuse Management Plan to address the transfer of refuse/ recycling from elsewhere on the site to this collection point. A condition has been recommended accordingly.

16.4 Subject to the above condition, no objection is raised with respect to refuse storage in relation to Core Policy 8 of the Local Development Framework Core Strategy and the Council's guidance for refuse storage.

17.0 **Disabled Access**

17.1 Core Policy 11 requires that all development should be easily accessible to all and everyone should have the same opportunities.

17.2 The following provision has been made for disabled access:

- Hotel extensions to be designed and built to comply with DDA 2005, Approved Part M of the Building Regulations and BS 8300 2001.
- 2 disabled parking bays adjacent to the front entrance
- Level access throughout the ground floor level to all public

areas

- Horizontal circulation within the new wing – floor levels to be kept the same as adjacent wings
- 3 no. new passenger lifts to provide vertical circulation
- 5% of new guest bedrooms to be made accessible for disabled persons, with a total of 15% accessible throughout the extended hotel

17.3 Adequate provision for disabled access is therefore considered to have been made and the proposal is considered to be in accordance with Core Policy 11 of the Local Development Core Strategy.

18.0 **Crime Prevention**

18.1 Local Plan Policy EN5 and Core Policy 12 require that all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour. Policy EN5 sets out criteria including limiting the number of access points, provision of secure boundaries, external areas to be well lit and have maximum natural surveillance, use of robust materials and defensive landscaping.

18.2 The site itself would only have the one main access from London Road. Both side and rear boundaries are currently fenced off, although details will be required with respect to the treatment of the front boundary, the extension to the western boundary and the closure of the temporary entrance from Brands Road. A condition has been included to address these points. Other than this, the applicant has advised that the existing hotel already uses CCTV cameras in the car park areas. It is their intention to provide CCTV cameras within all new parking areas to curb car crime.

18.3 Adequate provision for crime prevention is therefore considered to have been made and the proposal is considered to be in accordance with Policy EN5 of the Adopted Local Plan and Core Policy 12 of the Local Development Framework Core Strategy.

19.0 **Landscaping**

19.1 The relevant policy is EN3 of the Adopted Local Plan. Policy EN3 states that comprehensive landscape schemes will be required for all new development proposals. Landscaping schemes must have regard to (amongst other things):

- Impact upon street scene;
- Screening effect of the proposed landscaping;
- Use of both hard and soft landscaping to soften the built form;
- Variety of plant and tree species and their appropriateness for the location; and

- The extent to which landscaping can act as a means of enclosure.

19.2 It is the applicant's intention to improve the landscaping along all boundaries of the site. The existing row of trees along the back half of the western boundary are to be retained to give screening for the properties in Layburn Crescent and it is proposed to extend the planting along the remainder of the western boundary following the removal of the two staff houses.

19.3 Some changes are also proposed to the landscaping along the front boundary of the site. With the proposed widening of the driveway in front of the entrance it is considered important that landscaping and preferably some structural trees and low planting be retained to soften/ break up the frontage and to avoid a large exposed paved area. It is recommended that a condition be imposed which requires details of the proposed hard and soft landscaping prior to works commencing on site.

19.4 Subject to this condition, no objection is raised with respect to landscaping in relation to Policy EN3 of the Adopted Local Plan.

20.0 **S106 issues**

20.1 The applicant would be required to enter into a section 106 Agreement the Heads of terms for which are as follows:

- Payment of a general transportation financial contribution
- Preparation of a Travel Plan prior to occupation
- Restriction on the use of parking to hotel guests, staff and contractors only
- Requirement that any long stay parking i.e. more than 2 nights be provided off site
- Restriction on use of conference/ function/ meeting rooms and restaurants/ bar to hotel guests only
- Requirement that developer enter into a S278 agreement prior to commencement of development on site
- Requirement that developer consult regarding S278 proposals with surrounding neighbours and businesses prior to undertaking any works

21.0 **Summary**

21.1 The principle of hotel development and loss of two houses on this site is considered to be acceptable and has been established previously. The scale of the extensions is considered to be compatible with the scale of the existing hotel and the surrounding area. Subject to conditions on materials and landscaping, it is not considered that the proposal would detract from the appearance of the area. It is not considered that the proposal would be harmful to the living conditions of adjoining residential properties in terms of

overlooking/ loss of privacy, overshadowing/ shading/ loss of light or visual impact. Subject to restrictions on the use of the parking to hotel guests, staff and contractors only and the use of the conference/ function/ meeting rooms and restaurants/ bar to hotel guests only (to be secured via S106 Agreement), conditions on external plant and kitchen extract/ ducting, and informatives for demolition and construction phases, noise and disturbance to the surrounding houses or local residents should be minimised. In addition, subject to the applicant entering into a S278 Highway Works Agreement and consulting on the S278 works prior to their commencement and a Travel Plan (to be secured by S106 Agreement) and conditions on secure cycle parking, sight lines and a refuse management plan, no objection is raised on traffic or highway safety grounds. In light of the extant consent, no objection is raised with respect to air quality impacts. Subject to an archaeological and contamination investigation and remediation where found necessary and conditions/ informatives on drainage, no objection is raised with respect to archaeology, drainage or contamination impacts. Adequate provision is considered to be made in terms of disabled access and crime prevention. Subject to the above, the proposal is considered to comply with PPS1, PPG13, PPG16, PPS23 and PPG24, Core Policies 1, 7, 8, 10, 11 and 12 of the Council's Local Development Framework, Core Strategy 2006 – 2026 Submission Document, November 2007 and Policies EN1, EN2, EN3, EN5 and T2 of the Adopted Local Plan. The proposal is therefore recommended for approval, subject to conditions and a S106 Agreement.

PART C: RECOMMENDATION

22.0 **Recommendation**

- 22.1 Delegate to Head of Planning Strategic Policy for S106 Agreement and for the application to be refused if a satisfactory Section 106 agreement is not signed or outstanding issues are not resolved within a reasonable timescale after the date of the Committee.

23.0 **PART D: LIST OF CONDITION(S)**

Condition(s)

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved

unless otherwise agreed in writing by the Local Planning Authority.

- a) Drawing No. 00384/01, Dated: May 2002, Recd On: 06/06/2007
- b) Drawing No. 00354/02, Dated: June 2000, Recd On: 06/06/2007
- c) Drawing No. 00354/03, Dated: May 2000, Recd On: 06/06/2007
- d) Drawing No. 00354/04, Dated: May 2000, Recd On: 06/06/2007
- e) Drawing No. 00354/05, Dated: June 2000, Recd On: 06/06/2007
- f) Drawing No. 00354/06, Dated: Feb 2002, Recd On: 06/06/2007
- g) Drawing No. 07-727/ 01/F, Dated: Dec 2006, Recd On: 14/12/2007
- h) Drawing No. 07-727/ 02/H, Dated: Dec 2006, Recd On: 17/12/2007
- i) Drawing No. 07-727/ 03/F, Dated: Dec 2007, Recd On: 06/06/2007
- j) Drawing No. 07-727/ 04, Dated: Dec 2006, Recd On: 06/06/2007
- k) Drawing No. 07-727/ 05, Dated: Dec 2006, Recd On: 06/06/2007
- l) Drawing No. 07-727/ 06, Dated: Dec 2006, Recd On: 06/06/2007
- m) Drawing No. 07-727/ 07/K, Dated: Dec 2007, Recd On: 13/12/2007
- n) Drawing No. 07-727/ 08/A, Dated: June 2007, Recd On: 13/12/2007
- o) Drawing No. 07-727/ 09/A, Dated: June 2007, Recd On: 13/12/2007
- p) Drawing No. 07-727/ 10/A, Dated: June 2007, Recd On: 13/12/2007

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area.

3. Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality.

4. The external walls of Bedroom Block A at the rear of the development site must be clad to match the remainder of the development in accordance with approved Drawing No. 07-727/ 09/A (dated: June 2007, received: 13 Dec 2007).

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. The replacement windows in the rear wall of Bedroom Block A must be fitted with restrictive opening safety catches.

REASON To protect the amenities of adjoining residential properties in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

6. The conference/ function rooms and the restaurants/ bar shall only be available for the use of hotel guests only and shall not be open to the general public.

REASON In order protect the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

7. The on-site parking shall only be for the use of hotel guests, staff and contractors.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

8. The scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway, in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

9. No part of the development shall commence until details showing the provision of a secure cycle store (including location, housing and cycle stand details) and an unobstructed footway link to accord with the Local Planning Authority's 'Cycle Parking Standards' have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall then be occupied until the cycle store and footway link have been laid out and constructed in accordance with the approved details and shall be retained at all times in the future for this purpose.

REASON To ensure that adequate and convenient cycle storage is provided in accordance with Policy T8 of The Adopted Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

10. No other part of the development shall begin until the new means of access has been altered in accordance with the approved drawing and constructed in accordance with Slough Borough Council's Design Guide.

REASON In order to minimise danger, obstruction and inconvenience

to users of the highway and of the development, in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

11. No development shall be commenced until sight lines of 2.4m x 120m measured from the edge of the footway (back of footway) have been provided either side of the new access points with the priority road (London Road), the details of which must first be submitted to and approved in writing by the Local Planning Authority. The sight lines shall thereafter be kept free of all obstructions higher than 600mm above the adjoining carriageway level.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

12. No development shall commence until details of the proposed bin store (to include siting, design and external materials) and a management plan (outlining the procedure for transferring the refuse & recycling to the main collection point within the car park) have been submitted to and approved in writing by the Local Planning Authority. The approved store(s) shall be completed prior to first occupation of the development and retained at all times in the future for this purpose. The approved details with respect to the transfer of the refuse shall be implemented once the centre comes into operation and shall be retained thereafter.

REASON In the interests of visual amenity of the site in accordance with Policy EN 1 of The Adopted Local Plan for Slough 2004.

13. The development will not be permitted to start until a thorough and complete written site contamination investigation and assessment has been carried out to the satisfaction of the Planning Authority and that the development itself will need to incorporate all the measures shown in the agreed assessment to be necessary to prevent significant risk of harm to human health, the environment or property.

The assessment shall be submitted to, and approved in writing by the Local Planning Authority. This should include:

- i. A desk study containing a site history and an initial risk assessment. The initial risk assessment must identify:
 - ' all previous uses
 - ' potential contaminants associated with those uses
 - ' a conceptual model of the site indicating sources, pathways and receptors
 - ' potentially unacceptable risks arising from contamination at the site.

ii. If this confirms there is the potential for contamination then further site investigations shall be carried out which:

' fully characterise the nature, extent and severity of any contamination

' provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken. This should provide a contingency to deal with any previously unidentified contamination which, may be encountered during works.

iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The remediation scheme shall be implemented as approved and before the development is first occupied.

On completion of the remediation works the developer shall provide written confirmation that all works were completed in accordance with the agreed strategy.

REASON In the interests of the safety of the future occupiers of the development and to protect groundwater quality from the effects of prior use of the site in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

14. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

REASON To ensure remedial measures have been carried out satisfactorily, in the interests of the safety of the future occupiers of the development and to protect groundwater quality from the effects of

prior use of the site in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

15. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

REASON To show that no soil borne contamination has been mobilised by redevelopment activities on site, in the interests of the safety of the future occupiers of the development and to protect groundwater quality from the effects of prior use of the site in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON To protect controlled waters from the effects of soil borne contamination outside investigated areas.

17. No development may take place until the applicant has secured and implemented a phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has been submitted by the applicant and approved by the Planning Authority.

REASON The site is within an area of archaeological potential, specifically relating to Bronze Age, some Roman and medieval remains. Archaeological monitoring is required to mitigate the impact of development and ensure preservation 'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation, in accordance with Planning Policy Guidance Note 16 (Archaeology and Planning).

18. Prior to the commencement of works on site a strategy for the management of construction traffic to and from the site together with details of parking/ waiting for demolition/ construction site staff and for delivery vehicles shall be submitted to and approved writing by the Local Planning Authority.

REASON In the interests of amenity of nearby residents and so as not to prejudice the free flow of traffic along the neighbouring highway or in surrounding residential streets, in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

19. All air conditioning, ventilation or other plant shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the site boundary when the equipment is not in operation. This shall be implemented prior to first occupation of the development and retained at all times in the future.

REASON To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

20. The use hereby permitted shall not commence until details of the ventilation and fume extraction equipment to be installed at the site have been submitted to and approved in writing by The Local Planning Authority. This equipment shall be installed prior to commencement of the use and retained in a working condition at all times in the future.

REASON To prevent air pollution of the protect the amenities of the local residents in accordance with Core Policy 8 of the Slough Core Strategy 2006-2026, Submission Document, November 2007.

21. No development shall commence on site until a detailed hard and soft landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include details of the trees and shrubs to be retained or removed and details of the replacement trees and the type, density, position and planting heights of new trees and shrubs. The replacement trees shall be of a native species.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

22. No development shall commence on site until details of the proposed

boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Local Plan for Slough 2004.

Informative(s)

1. The basement/under croft parking area must be designed in accordance with The Institution of Structural Engineers publication 'Design Recommendations for Multi-storey and Underground Car Parks 2002-3rd Edition' to ensure it will operate safety and provide unimpeded ingress and egress for the specified number of parking bays. Please note the following:
 - Column locations are not in accordance with the guidance. The column positions should be amended.
 - Columns obstruct the 6m parking aisle within the lower ground car park. These columns must be relocated/ removed.
 - The flanked walls provide zero visibility for egress from adjacent parking bays. The walls/bays must be revised to provide adequate visibility.
 - The aisle for the end parking bays must be extended 1m beyond the end bays. This is to facilitate the ingress and egress of cars using those end bays.
2. With respect to condition 9 of this decision notice, the applicant is advised that visitor/ staff cycle parking should be provided in the form of Sheffield stands in well overlooked locations (refer Manual for Streets 8.2.10 & 8.2.20).
3. The development proposes a basement car park in an area of shallow groundwater. The geo-environmental report indicates that water levels are between 2 and 3m below ground level. Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building-up of groundwater levels may occur on the up-gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater-fed streams, ditches or springs.
4. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are

attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

5. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Thames Water further recommends, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
6. Thames Water recommends 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.
7. No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.
8. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
9. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
10. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 Agreement with Slough Borough Council for the implementation of the works in the highway works summary. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
11. The applicant will need to apply to Highways Engineering, The Green and Built Environment for street naming and/or numbering of the unit/s.
12. The applicant is reminded of the following:

(a) Section 60 of the Control of Pollution Act 1974 enables this Authority to serve a Notice, detailing its requirements relating to the control of noise at a construction or demolition site, on the person carrying out the works and on such other persons responsible for, or having control over, the carrying out of the works.

(b) Section 61 of the Control of Pollution Act 1974 enables a contractor (or developer) to apply, if he so chooses, to this Authority for a prior consent which would define noise requirements relating to his proposals before construction commences.

As there is a need to protect persons living and working in the vicinity of the construction/demolition site from the effects of noise, the following conditions should be strictly adhered to:

i. All works and ancillary operations which are audible at the site boundary, which affect persons working and living in the locality shall only be carried out between the hours of 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Bank Holidays.

Works outside these hours only by written agreement with the Borough Environmental Health Officer.

Should complaints arise, this Authority will exercise its powers under Section 60 of the Control of Pollution Act 1974 to impose these times, or other times as considered appropriate.

ii. Have regard to the basic information and procedures for noise control as it relates to the proposed construction and/or demolition as laid out in BS:5228: Part 1: 1984 Noise Control on Construction Sites - Code of Practice for Basic Information and Procedures for Noise Control. Vibration is not covered by this Standard, but it should be borne in mind vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it.

iii. If the proposal involves piling operations, have regard to BS 5228: Part 4 1986 - 'Noise Control on Construction and Demolition Sites - Code of Practice for Noise Control applicable to piling operations' and ensure details of the piling operations are forwarded to the Borough Environmental Health Officer no later than 28 days before piling is scheduled to commence. Information supplied of piling and the predicted soil conditions and the activity equivalent continuous sound pressure level at 10 metres for one piling cycle.

iv. The best practical means available in accordance with British Standard Code of Practice BS 5228:1984 shall be employed at all times to minimise the emission of noise from the site.

v. All plant and machinery in use shall be properly silenced and maintained in accordance with manufacturer's instructions.

vi. No waste or other material shall be burnt on the application site.

vii. At all times vehicular access to properties adjoining and opposite the application site shall not be impeded.

- viii. All vehicles, plant and machinery associated with the works shall at all times be stood and operated within the curtilage of the application site only and no parking of vehicles, plant or machinery shall take place on the adjoining highway.
- ix. A suitable and sufficient means of suppressing dust and fumes must be provided and maintained on the site and used so as to limit the detrimental effect of construction works on adjoining residential properties.
- x. No mud or other dirt shall be allowed to get onto the public highway where it could cause a danger to pedestrians and other road users.
- xi. The demolition/building works hereby approved shall not commence until vehicle wheel washing facilities have been provided on-site to the satisfaction of the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of the development.

13. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:-

National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Guidance 13 (Transport)
- Planning Policy Guidance 16 (Archaeology and Planning)
- Planning Policy Statement 23 (Planning and Pollution Control)
- Planning Policy Guidance 24 (Planning and Noise)

Local Development Framework, Core Strategy, Submission Document

- Core Policy 1 (Spatial Strategy)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 11 (Social Cohesiveness)
- Core Policy 12 (Community Safety)

Adopted Local Plan for Slough

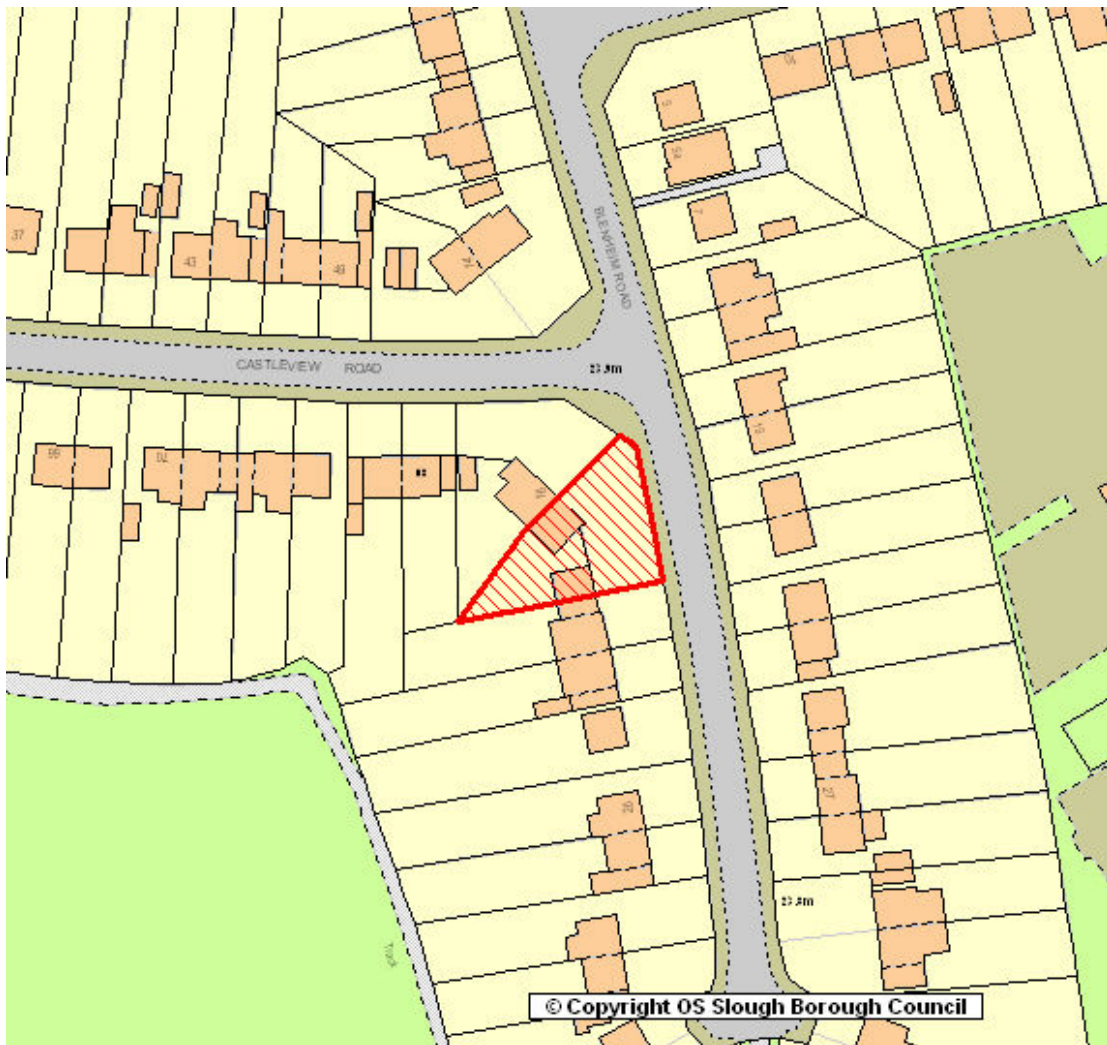
- EN1 (Standard of Design)
- EN2 (Extensions)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- OSC14 (Sequential Test for Key Complementary Town Centre Uses)
- T2 (Parking Restraint)

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please

see the application report by contacting the Development Control
Section on 01753 477340.

Registration Date	02-Oct-2007	Applic. No	P/03023/003
Ref:	Jasmine Hancock	Ward	Upton
Applicant	Mr. N Mehmood		
Agent	R.S Design Consultants 17, Fox Road, Slough, SL3 7SG		
Location	Land Adj, 18, Blenheim Road, Slough, Berkshire, SL3 7SG		
Proposal	CONVERSION OF GARAGE TO HABITABLE DWELLING INCLUDING ADDITION OF UPPER LEVEL BEDROOMS TO FORM A DETACHED DWELLING WITH PITCHED ROOF.		

Recommendation: Refuse



P/03023/003

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application would normally be determined by officers under the approved scheme of delegation however it is being referred to Committee for decision following a call in request from local ward Councillor Balvinder Bains.
- 1.2 This application raises issues relating to design, local amenity and level of rear garden amenity space. The application is being recommended for refusal.

PART A: BACKGROUND

2.0 Proposal

- 2.1 Planning permission is being sought for the demolition of an existing garage and the erection of a new two bedroom two storey detached dwelling with pitched roof.

3.0 Application Site

- 3.1 The application site is located on the western side of Blenheim Road and is occupied by a two storey detached dwelling.
- 3.2 The area comprising of Blenheim Road, Castleview Road and Upton Court Road is characterised by predominately two storey detached and semi-detached dwellings on large plots.

4.0 Site History

- 4.1 An application for a first floor rear extension at Number 18 Blenheim Road was approved by Council on the 24 October 1985. A first floor rear extension although not evident on the ordnance survey map has been constructed.

5.0 Neighbour Notification

- 5.1 Letters were sent to Numbers 9, 11, 13, 15, 16, 17, 19, 20, 21 and 23 Blenheim Road.
- 5.2 Four letters of objection were received with the following comments:
- the position of the new dwelling would not relate to the surrounding properties;
 - the existing garage is attached to the garage at Number 20 Blenheim Road by a joint party wall and contiguous concrete base which was designed to support only a single-storey garage and would be unsuitable for a new dwelling without provision for new foundations;

- there is an issue with sewerage in the area, the sewers are too shallow and on several occasions have become blocked at Number 18;
- the main sewer serving the adjoining houses would pass under the proposed dining room with the inspection manhole in the middle of the room;
- house Number 18 has already been extended to what was considered the maximum habitation for the plot and its facilities;
- the new dwelling would affect the privacy of the properties at Numbers 16 and 20 Blenheim Road;
- due to its appearance, size and position new dwelling would be out of character with the existing street scene on Blenheim Road.

PART B: PLANNING APPRAISAL

6.0 Proposal

- 6.1 Planning permission is being sought for the erection of a detached two storey dwelling with two bedrooms located on the land adjacent to 18 Blenheim Road.

7.0 Policy Background

- 7.1 The proposal is considered alongside Planning Policy Statements 1, Planning Policy Statement 3, Core Policies 7 and 8 of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007, Policies EN1, H13, H14 and T2 of the Adopted Local Plan for Slough, 2004, the approved Guidelines for Residential Extensions, 1994 and the Guidelines for the Provision of Amenity Space around Residential Properties, 1990. The main planning considerations are the impact of the design on the character and appearance of the street scene, the impact on the living conditions of the adjoining occupiers, impact of level of rear garden amenity space and any parking implications.

8.0 Design and Appearance and Impact on Street Scene

- 8.1 The design of the proposed new dwelling has a very narrow frontage and would be out of keeping with the character and appearance of the existing street scene.
- 8.2 The proposed development would leave insufficient space between the new development and Numbers 18 and 20 Blenheim Road. This would lead to visual terracing and “town cramming”, detrimentally impacting on the character and appearance of the area.
- 8.3 The siting and design of the proposed development would result in a poor relationship with the existing dwelling at Number 18 Blenheim Road and Number 20 Blenheim Road.

9.0 **Impact on the Living Conditions of the Adjoining Properties**

9.1 There are no windows proposed on the north or south elevations of the proposed development and therefore there would be no loss in privacy to the neighbouring properties at Numbers 18 or 20 Blenheim Road.

9.2 The proposed new dwelling would be located on the boundary with Number 20 Blenheim Road and in close proximity to the existing dwelling at Number 18 Blenheim Road. Due to its height and location the proposed new development would be visually intrusive and overbearing to the properties at Numbers 18 and 20 Blenheim Road. The proposed new dwelling would breach the 45 degree sight line with Number 18 Blenheim Road, resulting on a loss of outlook and sense of enclosure for this property.

10.0 **Impact on Level of Amenity Space**

10.1 The Guidelines for the Provision of Amenity Space, 1990 require a minimum rear garden depth of 9 metres to be provided for houses with one to three bedrooms and 15 metres for houses with four or more bedrooms.

10.2 The new two bedroom dwelling would be located on an irregular shaped lot with an average rear garden depth of 10.8 metres. This is above the 9 metre minimum requirement specified in the Guidelines.

10.3 The existing dwelling at Number 18 Blenheim Road would also be located on an irregular shaped lot. It is not possible to determine the rear garden depth required as the applicant has not indicated the number of bedrooms on the scheme. The applicant has also not shown the existing single storey rear extension at Number 18.

10.4 Policy H14 of the adopted Local Plan for Slough, 2004 requires an appropriate level of rear garden space to be provided for all residential dwellings. This assessment is based on the type and size of the dwelling, the quality of the space provided in terms of its area, depth, orientation, privacy, attractiveness and usefulness and the accessibility and the character of the surrounding area in terms of the size and type of amenity space for existing dwellings in the area amongst others.

10.5 The application site is located on an irregular shaped corner lot. The existing dwelling at Number 18 has a very large frontage and forecourt area and a relatively small rear garden in comparison to other properties on the block including those located on Blenheim Road, Castleview Road and Upton Court Road. The introduction of a new dwelling would further reduce the amount of available rear garden space to a level which would be out of character with the surrounding area and below Council's standards.

11.0 **Parking Implications**

- 11.1 The Council's parking standards in the adopted Local Plan for Slough, 2004 require houses with two to three bedrooms to have a minimum of two car parking bays and houses with four or more bedrooms a minimum of three car parking bays. The proposed scheme shows that there would be sufficient space to accommodate four car parking bays in the forecourt of the existing dwelling at Number 18 Blenheim Road and three car parking bays in the forecourt of the proposed new two bedroom dwelling, therefore no additional parking would be required.
- 11.2 The proposed new access at Number 18 Blenheim Road would however be located within 10 metres of the corner of Castlevie and Blenheim Road. It is considered that the location of the proposed new access on the intersection would be detrimental to highway safety in that vehicles entering and existing the access may interfere with the free flow of traffic and would have poor visibility at the junction, contrary to Core Policy 7 of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007.

12.0 **Summary**

- 12.1 For the reasons outlined in this report it is considered that the proposed development would be detrimental to the character and appearance of the existing street scene, would result in "town cramming", would have a poor relationship with the existing dwelling at Number 18 Blenheim Road and would adversely affect the amenity of the adjoining occupiers. The proposal is therefore recommended for refusal.

PART C: RECOMMENDATION

12.0 **Recommendation**

- 12.1 Refuse.

13.0 **PART D: LIST OF REASON(S)**

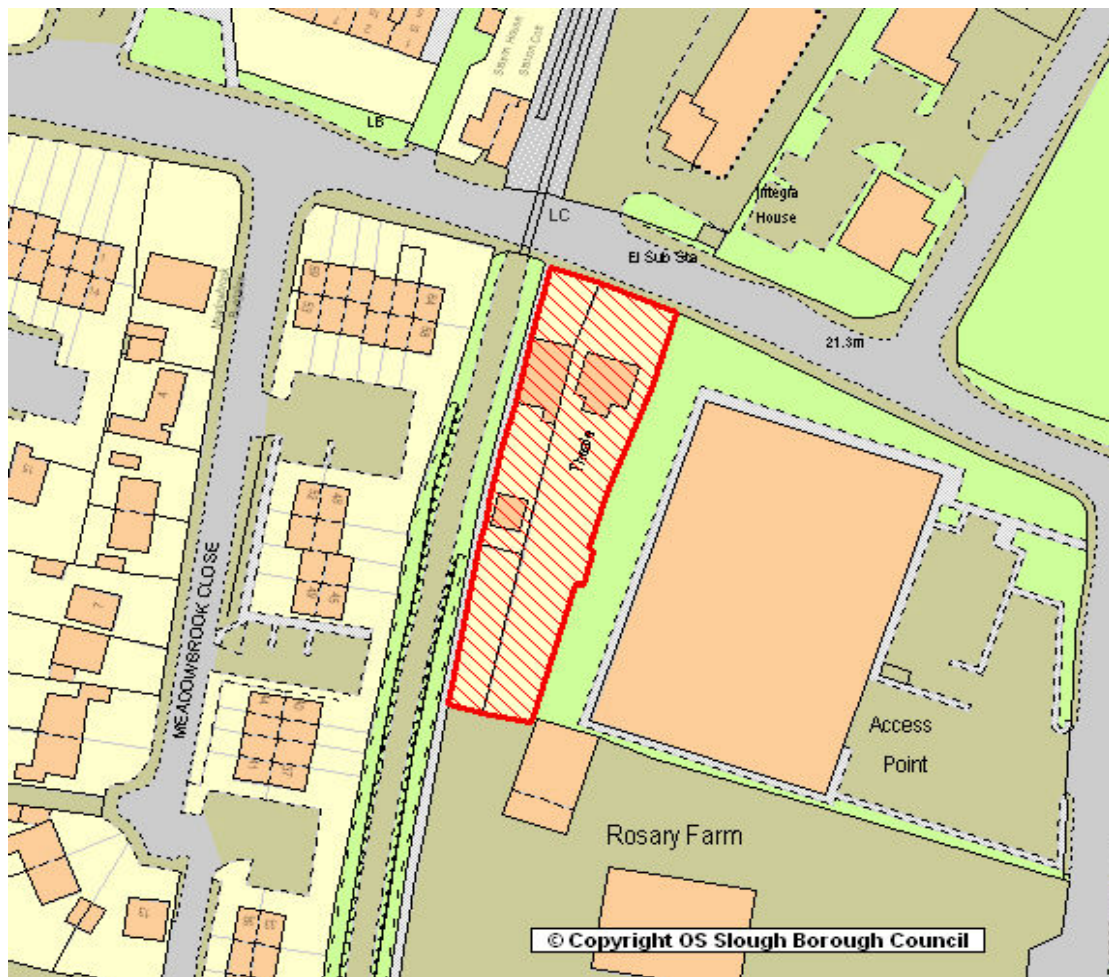
Reason(s)

1. The design of the proposed new dwelling has a very narrow frontage and would be out of keeping with the character and appearance of the existing street scene, contrary to Planning Policy Statement 1, Core Policy 8 of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007, Planning Policies EN1 and H13 of The Adopted Local Plan for Slough, 2004.
2. The proposed new dwelling would erode the visual gap between Numbers 18 and 20 Blenheim Road and the general space around the property detracting from the visual amenity of the area, contrary to Planning Policy Statement 3 and Policies EN1 and H13 of The Adopted Local Plan for Slough, 2004.

3. The siting, design and scale of the proposed development would result in a poor relationship with the existing dwelling at Number 18 Blenheim Road and would be visually intrusive and overbearing and would result in a loss of outlook and a sense of enclosure for Number 18, contrary to Planning Policy Statement 3 and Policies EN1 and H13 of The Adopted Local Plan for Slough, 2004.
4. The proposed development would reduce the amount of available private rear garden space to a level which would be out of character with the surrounding area in terms of its size, contrary to Policies H13 and H14 of The Adopted Local Plan for Slough, 2004.
5. The additional access at Number 18 Blenheim Road would be located at the intersection of Castleview Road and Blenheim Road and would have a detrimental impact on highway safety, contrary to Core Policy 7 of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007.

Registration Date	21-Nov-2007	Applic. No	P/12934/003
Ref:	Mr Smyth	Ward	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	20th February 2008
Applicant	Cape Corporation Ltd		
Agent	Corrigan & Sundry & Kilaiditt 93a, High Street, Eton, Windsor, Berkshire, SL4 6AF		
Location	Theale & Neighbouring Land, To The East Of Theale, Old Bath Road, Slough, Berkshire, SL3 0NS		
Proposal	DEMOLITION OF EXISTING BUNGALOW AND OTHER BUILDINGS AND REDEVELOPMENT TO PROVIDE 24 NO. FLATS IN TWO BLOCKS THREE AND FOUR STOREYS HIGH TO ACCOMMODATE 8 NO. X ONE BEDROOM FLATS AND 16 NO. X TWO BEDROOM FLATS TOGETHER WITH ACCESS AND PARKING FOR 36 CARS.		

Recommendation: Delegate to HPSP for S106



P/12934/003

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Delegate to the Head of Planning and Strategic Policy for completion of a Section 106 Agreement, approval of foul and surface water drainage and final determination.

Sustainability

- 1.2 This is a submission of a revised scheme to that previously approved by this Committee on 7th June 2006. The changes relate both to the total number of units and the mix. The current proposals show 24 no. units (16 no. X two bed & 8 no. X one bed), rather than the 22 no. units (16 no. X one bed & 6 no. X two bed) as previously approved. This has been achieved by making more efficient use of the site, without the need for any significant changes to the footprint, siting, scale height or design of either block.
- 1.3 The proposals involve redevelopment of a brownfield site and make the most efficient use of the land for residential development. The applicant has submitted an updated sustainability appraisal for the site which concludes that the proposed development has good accessibility by sustainable forms of transport and is in accordance with national policy. Given the sites location within a mixed commercial and residential setting, the proposals would not result in there being any adverse local environmental impacts.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 The proposal is for the erection of 24 no flats in two blocks 3 storeys and 4 storeys high to accommodate 16 x two bedroom flats and 8 no. x one bedroom flats together with access and basement parking for 36 cars.
- 2.2 Block A which is 3 storeys high and is sited between 5.5 – 10 metres from the back edge of footway, which is forward of the front building line to the neighbouring industrial building. The block is 20.5 metres deep X 17.5 metres and 19. metres wide. The height of Block A from normal ground level is 9.5 metres. At slightly above ground floor level there are 2 no flats (1 no. X one bed & 1 no. X 2 bed) accessed from a central entrance core. On each of the first and second floors there are 4 no. X two bedroom flats. Balconies are provided to each of the flats on the first and second floors. Vehicular access is provided under the building to service a basement car park and there is turning provision on site at ground floor for service vehicles.

- 2.3 Block B which is 4 storeys high is sited between 14 – 14.5 metres from the rear boundary with Rosemary Farm. The depth of the block is 20.6 metres and varies in width between 14.5 metres and 16.5 metres. Block B contains 1 no. X one bed flat and 1 no. X two bed flat on the ground floor, 2 no. X two bedroom flats and 2 no. X one bed flats on each of the first second and third floors. The height of Block B from normal ground level is 12.5 metres. Three out of the four flats on each of the first, second and third floors have access to balconies.
- 2.4 Principle windows generally face north/south. Flank wall windows are provided within the east and west flank walls but are for secondary light only.
- 2.5 Usable amenity space equates to approximately 350 square metres and a minimum separation distance of 18 metres is retained between the two blocks.
- 2.6 Basement parking is provided for 36 no. cars
- 2.7 The application is submitted by full plans including an existing site survey, block plan, floor plans, elevations, street scene elevations and sections. Engineering plans showing constructional detail for the basement, including thickness of retaining walls, have been submitted to demonstrate that the basement car parking layout is fully capable of implementation in the manner shown. The following supporting documents:
- 1. Flood Risk Assessment (including previous correspondence with the Environment Agency, pertaining to the previous planning application)
 - 2. Transport Statement which considers trip generation, car and bicycle parking, on site servicing and off site highways to achieve the desired site visibility onto The Old Bath Road.
 - 3. Sustainability Statement which considers the site in relation to its location and proximity to public transport, local facilities schools and employment

3.0 **Application Site**

- 3.1 The site comprises “Theale”, formerly occupied by a vacant bungalow, now demolished. The site is now enclosed by hoardings because of earlier problems of fly tipping on the land. The existing building was set some 13 metres back from the back edge of footpath. The neighbouring site was also formerly a bungalow at one time and although the building is also now demolished, until more recently, it has been in a variety of commercial uses over a number of years. The most recent of which, was an unauthorised car wash facility. A burger van although unauthorised continues to

operate from the site

- 3.2 The site is located within a predominantly industrial part of Colnbrook. Immediately to the east of the site is a large imposing industrial building occupied by a B8 warehousing and distribution user. The access and parking to this building is provided to the east side of the building and away from the application site. To the north of the site on the opposite side of the Old Bath Road there is the small industrial estate in Galleymead Road. To the west of the site is the disused West Drayton to Staines railway line. On the west side of the disused railway line are the two storey flats in Meadowbrook Close. To the north west of the disused railway line are a mix three storey and two storey residential units. The nearest three storey block has retail units on the ground floor. Immediately to the south of the site is Rosemary Farm, which is located within the Green Belt. Workshops are positioned close to the application site boundary.
- 3.3 The site formerly contained two principle trees, one of which is a hawthorn. There was also a smaller elder tree, all of which were located within what would have been the former rear gardens of both properties. The grounds to the rear were heavily overgrown and included a number of shrubs and bushes. The site is now cleared. Immediately adjoining and overhanging the western boundary of the site are a large Willow tree and less substantial Elder tree. Access to both sites is currently from the Old Bath Road. Along this section of the Old Bath Road there is an obvious curvature. The priority road is heavily trafficked by heavy goods vehicles.

4.0 **Site History**

P/129034/000

- 4.1 A previous planning application was for demolition of Theale (part of the current planning application site) and redevelopment by erection of 8 no. one bedroom flats in a two storey and a three storey block with associated parking for 9 no. cars. That planning application was being recommended for refusal on grounds of poor design, inadequate visibility, insufficient amenity space, increased flood risk, lack of comprehensive development and inadequate parking as being contrary to Policies H9, H14, EN1, T2 and T3 of the Adopted Local Plan for Slough. The application was subsequently withdrawn.

P/12934/001

- 4.2 A further previous planning application, was submitted for demolition of the two former bungalows and redevelopment to provide 24 no flats in two blocks 3.5 storeys and 4.5 storeys high to accommodate 17 x one bedroom flats and 7 x two bedroom flats together with access and basement parking for 33 cars. That

application was reported to Planning Committee in August 2005 with an officer recommendation of refusal on grounds of substandard visibility, height, scale massing and bulk with particular reference to the roof, and excessive density. Holding objections were also raised on grounds of flood risk and noise impact.

- 4.3 Planning Committee deferred decision on that application to allow further negotiations to take place on the application. The application was subsequently withdrawn by the applicant on 17th March 2006.

P/12934/002

- 4.4 This is an extant planning permission approved on 7th June 2006 for demolition of existing bungalow and other buildings and redevelopment to provide 22 no. flats in two blocks three and four storeys high to accommodate 17 no. X one bedroom and 5 no. X two bedroom flats together with access and parking for 33 no. cars.

5.0 **Neighbour Notification**

- 5.1 Lanz farm Ltd, Galleymead House, Galleymead Road
Ramset Fastners Ltd, Ramset House, Galleymead Road
Integra House, Galleymead road
Station House, Station Cott, Old Bath Road
Kuehne & Nagel Ltd, Cargopoint, Old Bath Road
41 – 64 Meadowbrook Close

Notice placed in local press and on site.

NO OBJECTIONS RECEIVED

6.0 **Consultation**

- 6.1 **Land Contamination Officer:** Not consulted on current planning application, but commented on previous planning application as follows:

The concern for the site arises from three different issues:

- 1) *Although the site is not listed in any of the trade directories, there is some uncertainty on the former use of the site. Several outbuildings are marked on the 1972 Ordnance Survey map the use of which is unknown.*
- 2) *The site immediately to the east had a site investigation and subsequent remediation undertaken on it in the early 2000's. The former use of the site including a waste transfer station resulted in land and groundwater contamination particularly hydrocarbons. Due to the mobile nature of these contaminants it is possible that they may have migrated to the site concerned.*
- 3) *The site is located 20m to the north west of Rosary farm Landfill, the licence was granted in 1989 for backfillings of workings. Also*

1500m to the south east of the site lies Horton Road Landfill and Longford Road Landfill. Therefore there is the possibility of landfill gas migration.

Given the above factors and the proposed sensitive end use of the site, I would recommend that a standard planning condition be placed on any granted planning application

Prior to the commencement of any works a detailed investigation of the site shall be undertaken to assess and manage any land contamination. The assessment shall be submitted to, and approved in writing by the Local Planning Authority. This should include:

- i) A desk study containing a site history and an initial risk assessment. If this confirms there is the potential for contamination then a further site investigation shall be carried out which shall fully characterise the nature, extent and severity of any contamination.*
- ii) If the site poses an unacceptable risk a remedial strategy is required detailing the specific remediation and mitigation measures necessary to ensure the protection for future occupants of the development. This should provide a contingency to deal with any previously unidentified contamination which, may be encountered during works.*
- iii) The remediation scheme shall be implemented before the development is first occupied.*

On completion of the remediation works the developer shall provide written confirmation that all works were completed in accordance with the agreed strategy.

- 6.2 **Environmental Protection:** Late consultation sent any comments received will be reported on the Amendment Sheet. Consulted on previous planning application but no comments were received other than in respect of land contamination.
- 6.3 **Network Rail:** Late consultation sent any comments received will be reported on the Amendment Sheet. Consulted on previous planning application but no comments were received.
- 6.4 **British Airports Authority:** BAA consulted on previous planning application and raised no objections subject to conditions being imposed regarding construction, and methodology, height Limitation, Lighting, bird strike and use of cranes.
- 6.5 **Environment Agency:** Late consultation sent. Any comments received will be reported on the Amendment Sheet In previous correspondence with the applicants, the EA has confirmed in writing that the consulting engineers acting for the applicant had satisfactorily addressed the flood risk concerns and the EA was

now in a position to withdraw its objection, subject to a condition specifying minimum finished floor levels. This position needs to be confirmed with the EA in respect of the current application.

- 6.6 **Principle Drainage Engineer:** The Council's Principle Drainage Engineer has identified a major flaw in the submitted Flood Risk Assessment for the site as set out in his comments to the applicant: *"I have just received your recent application for comment. I am very concerned that the application appears to be based on surface water discharge to either a public surface water sewer or other off site outfall. There is no public SWS system in the Colnbrook area and as far as I am aware no other means of disposal off site. The current site must be assumed to drain by soakage unless you can prove different. I regret that I am unable to see how the surface water can be disposed of from your current proposal and would suggest that you investigate this as a matter of urgency"*.
- 6.7 **Highways:** The proposed sight layout currently provides sight lines of 2.4m x 13 metres westerly and 2.4m x 38 metres eastbound. This is severely below required standard.

Sight lines of 2.4m x 90m must be provided from the access road onto Old Bath Road. Sight lines must be measured to the southern channel of Old Bath Road. These should be shown on the drawing and take into account the curvature on the priority road. No obstructions over 600mm in height will be permitted in the sight line areas. The sight lines must fall on land in control of the applicant.

The previous approved application proposed substantial highway works to Old Bath Road to achieve this visibility requirement. This was achieved by carriageway narrowing/footway widening. The scheme also included the relocation of traffic islands and the installation of bollards to secure the visibility splays. These works, shown on an approved drawing must be secured once again, to be completed under a s278 agreement. If the applicant is unable to locate these approved drawings the scheme must be redesigned to my satisfaction by an accredited highways consultant.

The application will alter the traffic flows on the highway. The street lighting will therefore require to be modified (designed to BS 4987) to incorporate those flows. Such alterations must be designed and implemented at the expense of the applicant.

Pedestrian and Cyclist Access

The footway fronting the site is currently 1.7 metres in width. This should be widened to 2 metres min and the widened part should offer for adoption along with any visibility spays falling within the application site.

Servicing

The turning area is adequate for a standard refuse vehicle to turn on site. The minimum headroom for service vehicles is 4.1 metres.

Parking

The basement car parks must be designed in accordance with The Institution of Structural Engineers publication "Design Recommendations for Multi-storey and Underground Car Parks 2002- 3rd Edition" to ensure it will operate safely and provide unimpeded ingress and egress for the specified number of parking bays. In order to demonstrate this it is necessary to submit a dimensioned car park layout for approval. This requirement should not be made as a planning condition for approval, as the parking provision is a critical factor for the approval of this scheme.

From the layout submitted please revise the following (or confirm otherwise).

1. Minimum headroom not allowing for intrusive traffic calming 2.10m (4.3.5).
2. Curved ramps gradient 1:12 max (4.3.8) plus super elevation of 1:20 max (4.3.9).
3. For curved ramps recommended 12m radius absolute minimum radius 7.5m (plus buffer 600mm outside 300mm inside) (table 4.6).
4. Remove blind spot for vehicles exiting car parking spaces 1 and 2 with vehicles descending down ramp.

General

The application should be revised in accordance with my comments and submitted for further consideration.

Should the application be revised in accordance with my comments the following informative(s) will apply.

The applicant will need to apply to the Council's Land Charges Department for street naming and/or numbering of the unit/s.

No water metres will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.

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

The applicant will need to enter into an agreement under Section 278 of the Highways Act 1980 with Slough Borough Council for the works within the existing highway (installation of 2 metre footway, construction of access, modifications to traffic islands, dedication of sight line areas, installation of bollards and modifications to street lighting). The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.

6.8 I note that this site comprises of two elements. The first is bungalow known as Theale which occupies the eastern side of the site and is likely to be a two or three bedroom dwelling. The second is a commercial activity which was last used as a hand car wash.

This application proposes a total of 24 flats of which 16 are two bedroom flats and 8 are one bedroom flats with 36 car parking spaces.

Although a Transport Statement has not been submitted on this occasion, you will be aware that this application is for the same number of flats as the previously approved application. The traffic generation was discussed, investigated and agreed on the previous application and on this basis I do not propose to object to this application on traffic generation and impact grounds. However, this is subject to the highway improvement works at the site access junction with Old Bath Road, referred to by highways, which were secured as part of the previous permission.

In accordance with the Local Plan parking standards the proposed level of development requires.

	Development	Parking requirement
8 No.	1-bed flats	1.00
16 No.	2-bed flats	1.75
	Total	36

The submitted plans indicate the provision of 36 parking spaces. As such the application complies with the Local Plan parking standards. Secure cycle parking provision is required at a ratio of 1 secure space per flat. 24 cycle spaces are proposed in the basement car park which also complies with the Local Plan standards.

Mindful of the above I can confirm that I have no objections to this application from a traffic and road safety perspective. Please include the following conditions as part of any consent that you may issue.

1. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved plans and constructed in accordance with Slough Borough Council's Design Guide.

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

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

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

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

- 6.9 **Colnbrook with Poyle Parish Council:** Late consultation sent any comments received will be reported on the Amendment Sheet However, the Parish Council objected to the previous proposal on the grounds that the design and appearance would be out of keeping, poor access, loss and lopping of trees. Increasing flatted developments require grounds maintenance lacking in most new developments. Scheme represents over-development of site.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

- 7.1 The application is considered alongside the following Planning Guidance and local Planning Policies:

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 25 (Development & Flood Risk)
Planning Policy Guidance 2 (Green Belts)
Planning Policy Guidance 24 (Planning & Noise)

Local Development Framework, Core Strategy 2006 – 2026,
Submission Document November 2007, Core Policies 4 (Type of
Housing),
7 (Transport), 8 (Sustainability & the Environment)

Adopted Local Plan for Slough 2004
H13 (Backland/Infill Development)
H14 (Amenity Space)
EN1 (Standard of Design)
T2 (Parking Restraint)
T11 (Protection of the West Drayton to Staines Line)

The development is assessed under the headings set out below.

8.0 **Flood Risk**

- 8.1 The site is located within Zone 2 as shown on the Environment Agency's latest flood risk map dated September 2007, for which a Flood Risk Assessment is required. The applicant submitted an FRA with the two most recent previously submitted planning applications and following several amendments to the FRA in respect of the first planning application the Environment Agency withdrew its objection on grounds of increased flood risk. In respect of the extant planning permission, the Environment Agency raised no objections subject to conditions requiring that, finished floor levels being no lower than 22m AOD and the construction of the surface and foul drainage system being carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences on site.
- 8.2 As stated in paragraph 6.6 above the Council's Principle Drainage Engineer has identified a major flaw in the submitted Flood Risk Assessment which assumes that surface water run off will discharge to the public surface water system or other off site outfall. The Principal Drainage Engineer has confirmed that there is no public surface water sewer within the vicinity of the site and that unless discharge to an off site outfall is found surface water has to drain within the site itself, which would not be possible on the basis of the scheme proposal which includes construction of a basement car park.
- 8.3 Notwithstanding the fact that there is an extant planning permission for the redevelopment of the site to provide 22 no. flats and for which there were no previous objections raised on grounds of flooding, the Council's Principle Drainage Engineer has raised objections to the development on the grounds that the site cannot be adequately drained, unless agreement can be reached with a private landowner off site to provide a suitable drainage outfall. A holding objection is therefore raised on grounds of increased flood risk, contrary to advice given in Planning Policy Statement 25

(Development and Flood Risk).

9.0 **Type of Housing & Residential Density**

- 9.1 Core Policy 4 of the Local Development Framework, Core Strategy 2006 – 2026, Submission Document November 2007, requires that outside of the town centre residential development should 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 local services infrastructure and facilities.
- 9.2 A strict application of this policy to the current submission would warrant the proposals contrary to emerging planning policy. However, there is an extant planning permission on the site, which was approved prior to the emerging policy coming into effect, being approved by the Council for development purposes in February 2007. The only differences between the extant permission and the current planning application is that the current proposals involve a change in the mix of units, an increase in the number of residential units from 22 no. to 24 no and small increase in overall residential density. There is no significant change in the footprint, siting, height, design and external appearance of the scheme.
- 9.3 It is further considered that the site given its location within a predominantly industrial area that the site is not an appropriate location for family housing. Also, given the constrained configuration of the site, it is considered that the site could not be developed for family housing to a density which would generate a sufficient financial return which is comparable to that which would be generated by the extant planning permission. By reference to the guidance given in PPS1 and PPS3 local planning authorities should ensure efficient and effective use of brownfield sites. In valuation terms, given the part commercial nature of the site, it is considered that the current proposals would comply with this guidance.
- 9.4 On the basis of the site area given on the application form as being 0.16 hectare, the density of development equates to 400 habitable rooms per hectare (150 dwellings per hectare). By reference to dwellings per hectare, this represents approximately an 8% increase in residential density above that which was approved in respect of the extant planning permission and a 21% increase in residential density by reference to habitable rooms.
- 9.5 Whilst the density of development remains high compared to the guidance given in the Local Plan, the issues relating to density were assessed previously in respect of the extant planning permission and although the current density is at a higher level than that previously approved, it is considered that the arguments previously

put forward to justify a high density scheme in this location remain applicable to the current proposals. The previous justification was as follows: *“Whilst the density of development remains high compared to the guidance given in the Local Plan, it is not considered, that in relation to the revised scheme, having regard to such factors as, building footprint, scale, bulk, height, massing and site coverage that a refusal of planning permission could be sustained on this issue alone. The development is small scale with a reduced three storey frontage to the Old Bath Road which would not be out of keeping with the general street scene. Parking fully complies with the Council’s parking standards and includes an additional element of visitors car parking. As parking is contained within a basement, there is adequate land available above slab level for some amenity space, to provide a reasonable setting for the buildings. It is concluded that the scheme, as revised, does not represent an over-development of the site and this is considered to be a reasonable test of residential density in this instance”.*

- 9.6 It is clear that the density of development is substantially above the density ranges set out in the supporting text to Core Policy 4 of the Local Development Framework Core Strategy. However, as stated in paragraph 9.2 above, *there is an extant planning permission on the site, which was approved prior to the emerging policy coming into effect, being approved by the Council for development purposes in February 2007. The only differences between the extant permission and the current planning application is that the current proposals involve a change in the mix of units, an increase in the number of residential units from 22 no. to 24 no and small increase in overall residential density. There is no significant change in the footprint, siting, height, design and external appearance of the scheme.*
- 9.7 Given the background to this application and in particular the extant planning permission, which was granted prior to the Core Strategy being approved by the Council for development control purposes, no objections are raised in relation to the principle of housing, type of housing or density of housing, in relation to Planning Policy Statements 1 and 3, Core Policy 4 of the LDF Core Strategy Submission Document or Policy H10 of the Adopted Local Plan for Slough 2004.
- 10.0 **Affordable Housing**
- 10.1 The extant planning permission for 22 no. dwellings was assessed against Policy H5 of the Adopted Local Plan for Slough and was deemed to be below the threshold for which social housing would have been required.

10.2 With approval of the Local Development Framework Core Strategy for development control purposes, under the terms of Core Policy 4, which reflects guidance given in Planning Policy Statement 3, the threshold above which affordable housing is now sought has been reduced to 15 no. dwellings. Whilst the current proposals would fall within a category of development for which social housing for rent is required, given the existence of an extant planning permission on the site for 22 no. dwellings, it is considered appropriate to seek a pro rata financial contribution for affordable housing, but only in respect of the 2 no. additional dwellings. This money could be pooled to help fund affordable housing schemes on other sites within the Borough.

10.3 There are no objections in relation to Core Policy 4 of the LDF, Core Strategy subject to payment of a pro rata financial contribution in respect of the 2 no. additional dwellings. This to be achieved through a Section 106 Planning Agreement.

11.0 **Noise & Disused Railway line (West Drayton to Staines)**

11.1 Planning Policy Guidance 24 Planning & Noise states that *the impact of noise can be a material consideration for planning applications, and the planning system should ensure, wherever practical, that noise sensitive developments should be separated from major sources of noise such as road, rail, air transport and certain types of industrial development.*

11.2 Policy T11 of the Adopted Local plan seeks to protect the currently disused West Drayton to Staines line and would not support any development which may prejudice its future operation. Whilst the proposals do not directly impact on this line, account should be taken of potential noise nuisance in the event that the line is bought back into use. The noise issues should be considered as part of a wider noise report including road, aircraft noise and noise from nearby industrial uses.

11.3 Subject to conditions being imposed requiring a detailed noise impact study to be carried out prior to development commencing on site there are no objections in relation to PPG24 or Policy T11 of the Adopted Local Plan.

12.0 **Design, Scale, Height, Bulk and Massing**

12.1 In respect of an earlier planning application concerns were expressed about the overall height and appearance of the development in street scene impact terms.

12.2 Planning Committee was advised at its Meeting in August 2005 that subject to the removal of the roofspace accommodation and removal of the pitched roof, that officers would be in a position to

support the proposals in design and street impact terms.

12.3 This application, as with the previous planning application, the architect has adopted a contemporary approach to the design of the blocks, incorporating flat roofs. There is little significant change in the design and external appearance of the blocks, which relate well to the industrial nature of this part of Colnbrook.

12.4 No objections are raised to the Design, Scale, Height, Bulk, Massing and external appearance of the proposed development, in relation to Planning Policy Guidance Statements 1 and 3, Core Policy 8 of the LDF. Core Strategy or Policies H13 and EN1 of the Adopted Local Plan.

13.0 **Method of Construction**

13.1 The basement plan shows the parking layout. It also shows an outline of the two blocks. Clearly, support for the upper floors would have to be by means of supporting beams spanning the entire width of the site. In response to concerns raised by officers, regarding the impact of structural supports on the headroom and workability of the parking area in respect of an earlier planning application, the applicant has submitted detailed engineering drawings showing constructional detail pertaining to the construction of the basement car park, including the thickness of retaining walls. The drawings demonstrate that a workable basement parking layout would be feasible on this site.

13.2 No objections are raised on grounds of parking in relation to Policy T2 of the Adopted Local Plan for Slough.

14.0 **Impact of Development on Trees**

14.1 The proposed development necessitates the removal of three trees from the rear garden area. The submitted site survey identifies one of the trees as a Hawthorn and another as an Elder, the third tree is not identified by species. The general area to the rear of the buildings was heavily overgrown, but now cleared. Replacement tree planting of native species will be required by planning condition.

14.2 Concerns have been expressed in relation to previous planning applications on this site, about the impact of construction on the long term future of two trees which are situated on rail track land which abuts the site immediately to the west, but overhang the site, namely the Willow and Elder trees.

14.3 The applicant confirmed in respect of the previous planning application that the proposals would comply with BS 5837 Construction in relation to trees. This would be covered by

condition.

- 14.4 There is no objection to the development subject to planning conditions requiring compliance with BS 5837 with respect to construction in relation to the existing trees and subject to replacement tree planting on site which are to be of native species.

15.0 **Relationship Between Blocks**

- 15.1 The distance between the two blocks scales at 18 metres. Normally a distance of 21 metres is required between primary elevations at two storey level. In response to concerns raised by officers in respect of an earlier planning application, the applicant submitted a sun path study for the site. Whilst this clearly demonstrated that much of the amenity area would be in shade when taken at midday on 21st December, March June and September, a view was taken on the basis of the information provided, that, the impact on light to the ground floor flat in Block A would be within acceptable tolerances.

- 15.2 There are no objections on grounds of the physical relationship between blocks in relation to Policies H13 and EN1 of the Local Plan

16.0 **Impact on Green Belt**

- 16.1 The development is assessed in terms of its visual impact on the Green Belt land to the south. This part of the Green Belt is not considered to be sensitive in planning terms. There is an extant permission for a materials recycling plant. There is already an element of built form/workshops within this part of the Green Belt and an associated high level of general activity. It is concluded therefore that the general openness of the Green belt in this location has already been compromised.

- 15.2 Having regard to the guidance given in PPG 2, there are no objections on grounds of impact on the openness of the neighbouring Green Belt land to the south.

17.0 **Highways**

- 17.1 Comments were made on a previous planning application which are equally applicable to the current proposal. As agreed in respect of the extant planning permission, a localised narrowing of the adjacent carriageway will need to be undertaken, in order to achieve the desired visibility splays of 2.4m X 90m in both directions. This is shown on deposited plan JNY277/11/B dated February 2006 which has been previously agreed in principle by the highway engineers.

17.2 The applicant will be required to enter into a Section 278 highways Agreement for the carrying out of the off site works. These works will be made a requirement by Grampian condition, requiring such works to be carried out prior to the first occupation of the development.

18.0 **Traffic**

18.1 As with the previous planning application the traffic engineers calculated the previous trip generation and concluded that the proposals would result in an increase in trip generation and such intensification required that the full visibility splays of 2.4m X 90m be achieved in both directions. On the basis that the required sight lines could not be met the traffic engineers recommended that planning permission be refused.

18.2 Given that the proposals now include proposals for a narrowing of the adjacent carriageway to achieve the required sight lines no objections are being raised on highway or traffic grounds in relation to Core Policy 7 of the LDF Core Strategy Submission Document.

19.0 **Parking**

19.1 Parking provision meets in full the Council's car parking standards of 1.75 spaces per two bedroom unit. Parking for the one bedroom flats is reduced to 1 space per unit. This is very much in line with the Councils approach in other parts of the Borough.

19.2 No objections are raised on grounds of parking in relation to Policy T2 of the Local Plan.

20.0 **S106 Agreement**

20.1 The Heads of Terms for a Section 106 Agreement are as follows:

- 1. Prior to the commencement of development the developer to enter into a Section 278 Agreement for the carrying out of essential off site highway works. This to including footway widening across the frontage of the site and offering up of the land as adopted highway The developer to enter into agreement prior to commencement of development.
- 2. Prior to the first occupation the developer to make a financial contribution in lieu of providing social housing on site.
- 3. Prior to the first occupation the developer to make an education financial contribution towards Nursery Education

21.0 **Summary**

21.1 The proposals involve redevelopment of a brownfield site and make the most efficient use of the land for residential development. The applicant has submitted an updated sustainability appraisal for the site which concludes that the proposed development has good accessibility by sustainable forms of transport and is in accordance with national policy. Given the sites location within a mixed commercial and residential setting, the proposals would not result in there being any adverse local environmental impacts. Whilst there are still some concerns about the density of development, given that this is a small scale infilling development and given that there are no issues regarding “over –development” of the site, it is not considered that this issue would warrant a refusal of planning permission.

21.2 The applicant has been advised that there are likely to be significant difficulties in draining the site, given the lack of adopted local surface water sewers in the locality. A holding objection is raised at this stage, subject to the matter being satisfactorily resolved. Any comments received from the Environment Agency will be reported on the Amendment Sheet.

21.3 The applicant will be required to enter into a S106 Agreement, the Heads of terms for which are set out above.

PART C: RECOMMENDATION

22.0 **Recommendation**

22.1 Delegate to the Head of Planning and Strategic Policy for completion of a Section 106 Agreement, approval of foul and surface water drainage and final determination and for the application to be refused if a satisfactory Section 106 agreement is not signed or outstanding issues are not resolved within a reasonable timescale after the date of the Committee.

23.0 **PART D: LIST OF CONDITION(S)**

Condition(s)

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by

the Local Planning Authority:

- (a) Drawing No 1084/P/01A, Dated 04/2005, Recd On 06/04/2006
- (b) Drawing No JNY5277/016, Dated Mar 2006, Recd On 22/03/2006
- (c) Drawing No JNY5277/015, Dated Feb 2006, Recd On 22/03/2006
- (d) Drawing No JNY5277/014, Dated Feb 2006, Recd On 22/03/2006
- (e) Drawing No JNY5277/013, Dated Feb 2006, Recd On 22/03/2006
- (f) Drawing No JNY5277/011/B, Dated Feb 2006, Recd On 22/03/2006
- (g) Drawing No 1084/P/18A, Dated 04/2005, Recd On 22/03/2006
- (h) Drawing No 1084/P/17A, Dated 04/2005, Recd On 22/03/2006
- (i) Drawing No 1084/P/16A, Dated 04/2005, Recd On 22/03/2006
- (i) Drawing No 1084/P/15A, Dated 04/2005, Recd On 22/03/2006
- (j) Drawing No 1084/P/14, Dated 04/2005, Recd On 22/03/2006
- (k) Drawing No 1084/P/13, Dated 04/2005, Recd On 22/03/2006
- (l) Drawing No 1084/P/12, Dated 04/2005, Recd On 22/03/2006
- (m) Drawing No 1084/P/11, Dated 04/2005, Recd On 22/03/2006
- (n) Drawing No 1084/P/10, Dated 04/2005, Recd On 22/03/2006
- (o) Drawing No 1084/P/9A, Dated 04/2005, Recd On 22/03/2006
- (p) Drawing No 1084/P/08, Dated 04/2005, Recd On 22/03/2006
- (q) Drawing No 1084/P/08, Dated 04/2005, Recd On 22/03/2006
- (r) Drawing No 1084/P/07, Dated 04/2005, Recd On 22/03/2006
- (s) Drawing No 1084/P/06, Dated 04/2005, Recd On 22/03/2006
- (t) Drawing No 1084/P/05, Dated 04/2005, Recd On 22/03/2006
- (u) Drawing No 1084/P/04, Dated 04/2005, Recd On 22/03/2006
- (v) Drawing No 1084/P/03, Dated 04/2005, Recd On 22/03/2006
- (w) Drawing No 1084/P/02, Dated 04/2005, Recd On 22/03/2006

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004.

3. No development shall take place within the application area until the applicant has secured and implemented a phased programme of archaeological work (in this instance commencement with an evaluation by trial trenching is considered most appropriate), in accordance with a written scheme of investigation (WSI), which has been submitted by the applicant and approved by the Planning Authority. Trenching is to be carried out post-demolition of the extant buildings on site.

REASON The site is within an area of archaeological potential, relating to mainly prehistoric and medieval remains. An archaeological evaluation, to be followed by further work as appropriate, based on the evaluation results, is required to mitigate the impact of development and ensure preservation 'by record' of any surviving remains.

4. Details as to the design and external appearance of proposed bin stores and secure bicycle parking shall be submitted to and approved in

writing by the local planning authority prior to the commencement of development.

REASON To ensure the satisfactory siting of such structures and in the in the interest of visual amenity.

5. The design and spacing of the columns within the basement car park shall be spaced and located so that they provide unimpeded access to cars in accordance with the advice given in The Institution of Structural Engineers publication 'Design Recommendations for Multi-storey and Underground Car Parks (2002) (3rd Edition) information.

REASON To ensure safety and convenience in respect of these matters.

6. Within one month of the new access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON To limit the number of access points along the site boundary for the safety and convenience of the highway user.

7. No building structure or crane exceeding 49m AOD shall be constructed within the application boundary

REASON So that its does breach the Obstacle Limitation Surfaces detailed in CAA Publication CAP168 Licensing of Aerodromes.

8. Development shall not commence until a construction management strategy has been submitted and approved in writing by the Local Planning Authority. Such a strategy shall address those matters set out in Advice Note 4 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome). The strategy shall be implemented as approved

REASON To avoid endangering the safe operation of aircraft.

9. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

REASON To prevent pollution of the water environment.

10. Development shall not begin until details of the schemes of lighting required during construction and for the completed project have been submitted to and approved in writing by the Local Planning Authority and such schemes shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at www.caa.co.uk/srg/aerodrome) and shall

specify that lighting is of flat glass, full cut off design with horizontal mountings, and ensure that there is no light spill above the horizontal. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall be implemented as approved.

REASON To avoid endangering the safe operation of aircraft.

11. Samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Plan for Slough 2004.

12. No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to and approved by the Local Planning Authority. Finished floor levels shall be no lower than 22m AOD. The scheme shall be completed in accordance with the approved plans.

REASON To ensure that the development is subject to minimum risk of flooding.

13. For the next 15 years from the date of this planning permission and before the first occupation of the dwellings as hereby approved the insulation scheme of the proposed dwellings shall ensure that the external noise (from road and aircraft noise) shall not cause an internal noise level greater than 30dB LAeq(T) in bedrooms (with the windows closed) nor 45dB LAeq(T) in living rooms (with the windows closed) between the hours of 23:00 and 07:00. Any individual noise event from road and aircraft noise shall not result in internal noise levels exceeding 45dB(A) Lmax. Any works which form part of the scheme shall be carried out in accordance with the noise report 11934/ENS1/REV7 dated January 2006 and completed in accordance with the approved scheme and to the full satisfaction of the Local Planning Authority.

REASON To ensure satisfactory living conditions for the future occupiers of the development.

14. No development shall commence on site until a detailed landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type,

density, position and planting heights of new trees and shrubs.

The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

15. Prior to the commencement of any works a detailed investigation of the site shall be undertaken to assess and manage any land contamination. The assessment shall be submitted to, and approved in writing by the Local Planning Authority. This should include:

i) A desk study containing a site history and an initial risk assessment. If this confirms there is the potential for contamination then a further site investigation shall be carried out which shall fully characterise the nature, extent and severity of any contamination.

ii) If the site poses an unacceptable risk a remedial strategy is required detailing the specific remediation and mitigation measures necessary to ensure the protection for future occupants of the development. This should provide a contingency to deal with any previously unidentified contamination which, may be encountered during works.

iii) The remediation scheme shall be implemented before the development is first occupied.

On completion of the remediation works the developer shall provide written confirmation that all works were completed in accordance with the agreed strategy.

REASON To ensure that the land is not contaminated in accordance with Policy EN28 of the Adopted Local Plan for Slough 2004.

16. For the duration of construction works measures shall be taken to minimise noise emissions from vehicles and equipment used for the purposes of carrying out the said works in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON To safeguard the amenities of neighbouring occupiers.

17. A minimum of 36 no car parking spaces shall be provided of which at least 1 no. such parking spaces shall be made available for use by disabled drivers and the scheme for parking and manoeuvring and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the development hereby

permitted and that area shall not thereafter be used for any other purpose.

REASON To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. The means of access, including any alterations to existing points of access between the application site and the highway shall be formed, laid out and constructed in accordance with specifications and with such sight lines as shall be submitted in further details to be approved by the Local Planning Authority prior to the commencement of the development.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

19. Development shall not begin until a method statement has been submitted to and approved in writing by the Local Planning Authority, detailing how the applicant would prevent the nesting, roosting or loafing of hazardous birds, in particular gulls on flat/shallow pitched roofs.

The method statement shall be implemented as approved (Any method statement must ensure that flat/shallow pitched roofs be constructed to allow access to all areas using an appropriate means of access to be first agreed in writing by the Local Planning Authority. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly during the breeding season, Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield operations staff. The owner/occupier must hold appropriate Defra licences before the removal of nests and eggs).

REASON To avoid endangering the safe operation of aircraft through the attraction of birds.

20. For the period of demolition and construction, works which are audible at the site boundary shall only be carried out between the hours of 8.00 and 18.00 Monday to Friday, on Saturdays between the hours of 8.00 and 13.00 and at no time on Sundays or Bank Holidays.

REASON To safeguard the amenities of neighbouring occupiers.

21. Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details

approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Plan for Slough 2004.

22. No windows other than hereby approved shall be provided within the eastern flank wall elevation of the development without first obtaining in writing the approval of the Local Planning Authority.

REASON To prevent overlooking or loss of privacy in the event of the neighbouring land coming forward for redevelopment.

23. Windows within the eastern elevation of the development shall be obscurely glazed in accordance with a sample which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and such windows shall be high level opening at a minimum height of 1.8 metres above the finished internal floor level.

REASON To maintain the privacy of amenity of future residential occupiers.

24. For the duration of demolition and construction works measures shall be taken to prevent the formation and spread of dust in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

REASON To safeguard the amenities of neighbouring occupiers.

25. Prior to the commencement of development on site measures to protect existing trees which are located on the western boundary of the site on neighbouring land but which overhang the site shall be submitted to and approved in writing by the Local Planning Authority and such measures shall accord with guidance given in BS 5837: 1991 Construction in relation to trees and such measures as approved shall remain in place throughout the duration of construction on site.

REASON To prevent damage occurring to the rootball of adjacent trees.

26. Prior to the commencement of works on site a strategy for the management of construction traffic to and from the site together with details of parking/waiting for demolition/construction site staff and for delivery vehicles shall be submitted to and approved writing by the Local Planning Authority.

REASON In the interests of amenity of nearby residents and so as not

to prejudice the free flow of traffic along the neighbouring highway or in surrounding residential streets.

27. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

REASON To prevent pollution of the water environment.

28. No development shall commence on site until details of tree surgery works required to the Willow and Elder trees which overhang the western boundary of the application site as shown on deposited plan 1084/P/02 necessary to permit the development to be carried out shall be submitted to and approved in writing by the Local Planning Authority and such works shall be carried out fully in accordance with the details as approved.

REASON To ensure the long term health and vitality of the adjoining trees.

29. Vehicular access gates to serve the development shall not be erected without first having obtained the written approval of the local planning authority

REASON In the interests of amenity and general highway safety.

30. Vehicle wheel cleaning facilities shall be provided and used at the site exit for the duration of the demolition and construction period in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.

REASON In the interests of amenity of nearby residents and highway safety.

Informative(s)

1. During demolition and construction on site:-

(a) The best practical means available in accordance with British Standard Code of Practice B.S. 5228:1984 shall be employed at all times to minimise the emission of noise from the site.

(b) The operation of site equipment generating noise and other nuisance causing activities audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 to 1700 on Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

(c) At all times vehicular access to properties adjoining and opposite the application site shall not be impeded.

(d) All vehicles, plant and machinery associated with the works shall at all times be stood and operated within the curtilage of the application site only and no parking of vehicles, plant or machinery shall take place on the adjoining highway.

(e) No waste or other material shall be burnt on the application site.

(f) A suitable and sufficient means of suppressing dust and fumes must be provided and maintained on the site and used so as to limit the detrimental effect of construction works on adjoining residential properties.

(g) No mud or other dirt shall be allowed to get onto the public highway where it could cause a danger to pedestrian and other road users.

2. The applicant will need to apply to Highways Engineering, The Green and Built Environment for street naming and/or numbering of the unit/s.
3. No water metres will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.
4. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
5. The applicant will need to enter into an agreement under Section 278 of the Highways Act 1980 with Slough Borough Council for the works within the existing highway (narrowing of carriageway, installation of 2 metre footway, construction of access and modifications to street lighting). The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
6. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome).
7. The decision to grant planning permission has been taken having

regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:-

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 25 (Development & Flood Risk)
Planning Policy Guidance 2 (Green Belts)
Planning Policy Guidance 24 (Planning & Noise)

Local Development Framework, Core Strategy 2006 - 2026,
Submission Document November 2007, Core Policies 4 (Type of
Housing), 7 (Transport), 8 (Sustainability & the Environment)

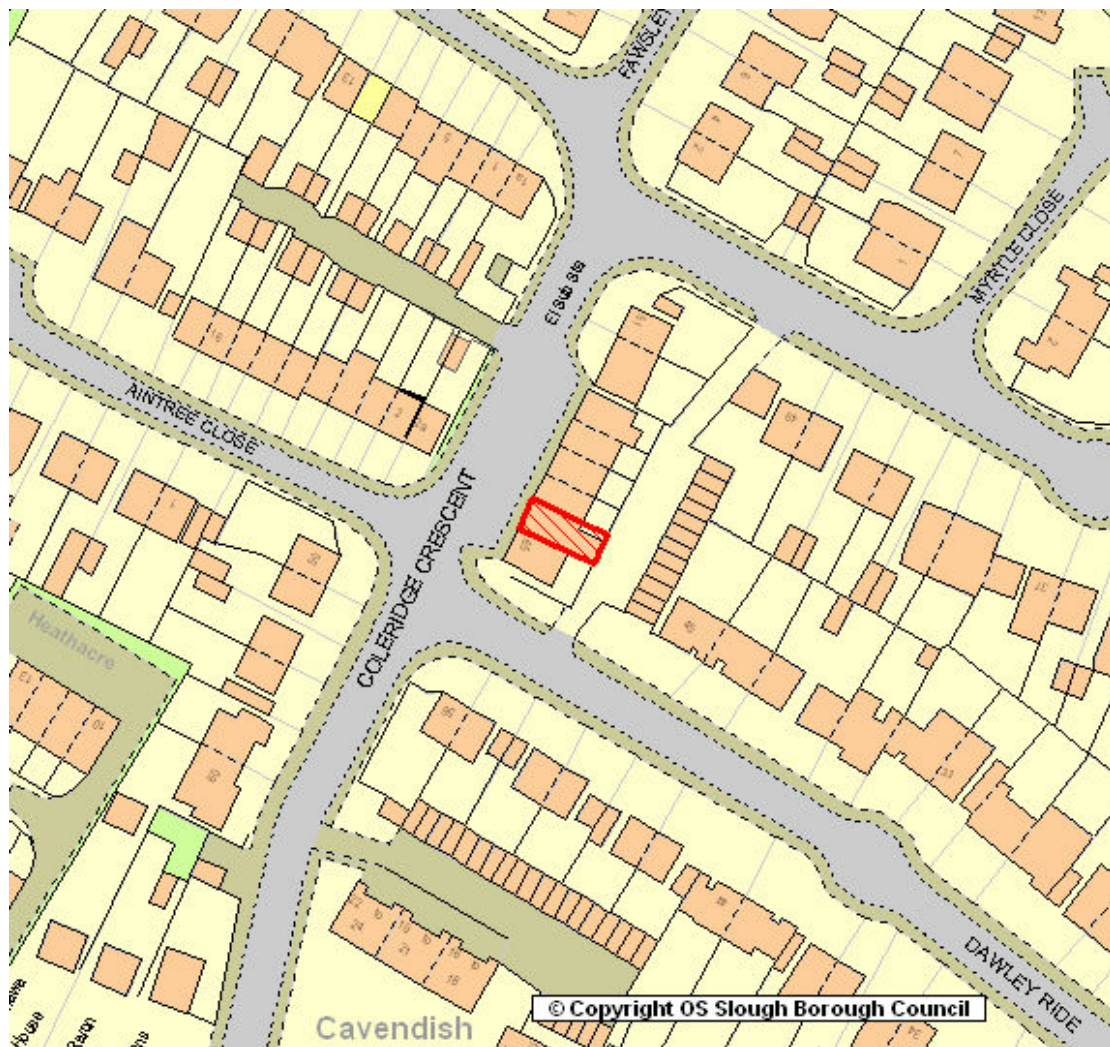
Adopted Local Plan for Slough 2004
H13 (Backland/Infill Development)
H14 (Amenity Space)
EN1 (Standard of Design)
T2 (Parking Restraint)
T11 (Protection of the West Drayton to Staines Line)

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 477340.

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Registration Date	30-Oct-2007	Applic. No	P/14108/000
Ref:	Jasmine Hancock	Ward	Colnbrook-and-Poyle
Applicant	Councillor Rakesh Pabbi		
Agent			
Location	63, Coleridge Crescent, Colnbrook, Slough, Berkshire, SL3 0QD		
Proposal	CHANGE OF USE FROM A1 RETAIL TO CLASS A5 HOT FOOD TAKE AWAY AND INSTALLATION OF 2 NO GROUND FLOOR WINDOWS WITHIN THE REAR ELEVATION.		

Recommendation: Refuse



P/14108/000

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application would normally be determined by officers under the approved scheme of delegation however in accordance with the Council's constitution as the applicant is a local ward Councillor the application is for decision by this Committee.
- 1.2 This application raises issues relating to the vitality and viability of the local shopping parade on Coleridge Crescent and the amenity of the local community. The application is being recommended for refusal.

PART A: BACKGROUND

2.0 Proposal

- 2.1 Planning permission is being sought for a change of use (ground floor) from Class A1 (hardware store) to Class A5 (hot/cold food takeaway).

3.0 Application Site

- 3.1 The application site is located within an existing local shopping parade on the eastern side of Coleridge Crescent.
- 3.2 Coleridge Crescent is a small parade of shops located within a residential area with independent residential units located above. The parade is currently served by a service road with garages located at the rear of the parade.

4.0 Site History

- 4.1 An application for a change of use from retail (Class A1) to hot food takeaway (Class A5) was refused on the 27th June 2007 at 61 Coleridge Crescent (P/13963/000). The application was refused on following grounds:

- a) The proposal is contrary to Policies S1 and S2 of the Adopted Local Plan for Slough, 2004 in that the proposal would detrimentally affect the vitality and viability of the local shopping parade.
- b) The development is contrary to Policies T2 and T3 of the Adopted Local Plan for Slough, 2004 as the applicant has failed to demonstrate that car parking to accord with Local Plan standards can be achieved within the site. The development if permitted would therefore be likely to lead to additional on-street parking on Coleridge Crescent and to the detriment of highway safety and convenience.

- c) The development is contrary to Policies EN1 and S12 of the Adopted Local Plan for Slough, 2004 as it would result in increased noise and disturbance at unsociable hours and increased potential for littering to the detriment of the residential amenity of the surrounding occupiers.

5.0 **Neighbour Notification**

5.1 **2a Aintree Close**

50, 61, 61a, 63a, 65, 65a Coleridge Crescent
45 Dawley Ride

5.2 Four letters of objection to the proposed take away were received with the following comments:

- it will result increase anti social behaviour from young people including noise and loitering;
- it will increase traffic and associated noise and fumes;
- it will increase in the amount of litter in the local area; and
- there is already a restaurant and sandwich shop, a third food outlet would generate an unbalance of retail outlets.

5.3 38 people signed a petition supporting the proposal and stating the following:

- local residents have no objection as this kind of food outlet will fulfil the choice needed for a multi cultural population in this area.

6.0 **Consultation**

6.1 Colnbrook Parish Council Objects to the proposal on the following grounds:

- there are five shops in the parade, one Indian restaurant and one café snack bar;
- the type of business will attract young people hanging around;
- the type of business will attract more litter; and
- the area is residential and is already affected by anti-social behaviour.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The proposal is considered alongside Policies EN1, S1, S12 and T2 of the Adopted Local Plan for Slough, 2004 and Core Policies 7 and 8 of the of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007. The main planning considerations are the impact of the proposal on the vitality and viability of the local shopping parade, the impact on the local amenity of the surrounding area and any servicing and parking implications.

8.0 **Impact on Vitality and Viability**

8.1 Coleridge Crescent is listed as a local shopping parade under Policy S1 of the Adopted Local Plan for Slough: 2004. This policy states that any development proposal which adversely affects the local shopping parades from providing essential day to day services to the local community in which they are located will not be permitted. The Coleridge Crescent parade is currently occupied by the following businesses:

Property No.	Current Use	Use Class
55	Catering/Sandwich Shop (ancillary)	B2
57	Indian Restaurant	A3
59	Dry Cleaners	A1
61	Green Grocer	A1
63	Hardware Store/ Key Cutting	A1
65	Grocer/ Off License	A1

8.2 The local shopping parade on Coleridge Crescent consists of six units one of which is currently being occupied by an A3 use, one a B2 use and the remaining four A1 uses. The current mix of shops on the parade is considered to satisfactorily meet the essential day to day needs of the residents in the local community.

8.3 The proposed hot/cold food takeaway would not maintain or enhance the provision of essential day to day services but reduce the availability of these services for the local community. The proposed change of use of the hardware store to a hot/cold food takeaway would therefore have an adverse impact on the vitality and viability of the local shopping parade, contrary to Policy S1 of the Adopted Local Plan for Slough, 2004.

9.0 **Impact on Local Amenity**

9.1 The local shopping parade on Coleridge Crescent is situated in a primarily residential area. There are also residential properties located above the shops and therefore the impact of the proposal on the amenity of local residents is an important consideration in this instance.

9.2 Several of the local residents have raised concern with regards to the proposed hot/cold takeaway restaurant and its impact on the local amenity of the area. This includes noise, pollution and other disturbances associated with increased traffic and deliveries in the area, antisocial behaviour and littering.

9.3 It is agreed that the addition of a hot/cold takeaway would generate additional traffic during the evenings and on weekends and may adversely affect the local community through other disturbances such as increased noise at unsociable hours and littering. The proposed A5 use is therefore considered unsuitable for a local shopping parade of this size and in a primarily residential area.

10.0 **Servicing and Parking Implications**

10.1 The local shopping parade on Coleridge Crescent is located in a predominately residential area. The Council's parking standards requires a minimum of 1 car parking space to be provided for every five square metres of public area.

10.2 It is not possible to calculate the required bays as the applicant has not submitted accurate plans.

10.3 The applicant has shown three car parking bays at the front of the application site however this is highway land and not owned by the applicant. Two car parking bays are shown at the rear however this would serve the residential unit above and the shop owner. There is an area of land adjacent to No.65 Coleridge Crescent which is shown as providing five car parking spaces however there is no drop kerb to allow vehicular access and the site has not been approved by Council for parking.

11.0 **Summary**

11.1 For the reasons outlined in this report it is considered that the change of use from A1 to A5 will be detrimental to the vitality and viability of the Coleridge Crescent Local Shopping Parade and the amenity of adjoining occupiers, contrary to Policies EN1, S1, S2 and S12 of the Council's Adopted Local Plan for Slough, 2004 and Core Policies 7 and 8 of the Local Development Framework Core Strategy 2006-2026 Submission Document, November 2007. The proposal is therefore recommended for refusal.

PART C: RECOMMENDATION

12.0 **Recommendation**

12.1 Refuse.

13.0 **PART D: LIST OF REASON(S)**

Reason(s)

1. The proposed change in use class from A1 to A5 would detrimentally affect the vitality and viability of the local shopping parade, contrary to Policy S1 of The Adopted Local Plan for Slough, 2004.
2. The applicant has failed to demonstrate that car parking can be satisfactorily provided on site in accordance with Local Plan standards. The development if permitted would therefore lead to additional on street parking on Coleridge Crescent, to the detriment of highway safety and convenience and contrary to Core Policy 7 of the Local Development Framework Core Strategy Submission Document November, 2007 and Policy T2 of The Adopted Local Plan for Slough, 2004.
3. The change in use class from A1 to A5 would result in increased traffic, noise and other disturbances adversely impacting on the residential amenity of surrounding occupiers, contrary to Policies EN1 and S12 of The Adopted Local Plan for Slough, 2004 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, Submission Document, November 2007.

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 20th February 2008

CONTACT OFFICER: Gerry Wyld, Head of Planning and Strategic Policy
(For all Enquiries) (01753) 875845
Steven Quayle, Director of Law and Corporate Governance
(01753 875004)

WARD(S): All

PART I

FOR DECISION

PLANNING ENFORCMENT POLICY

1.0 **Purpose of Report**

1.1 To present a revised Planning Enforcement Policy setting out the background to Planning Enforcement, the way in which breaches of planning control will be investigated, the priorities for action and the service response times.

2.0 **Recommendation**

2.1 Members are asked to consider the revised Planning Enforcement Policy attached to this report and agree to its use as the basis for dealing with enquiries regarding potential breaches of planning control

3.0 **Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment**

The revised Planning Enforcement Policy will contribute towards the following Key Priorities:

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

Aims

- 1.2 *Adopt a green and sustainable approach to managing and developing the environment.*
- 1.3 *Protect and enhance public health and well being*

Priority 4 – Ensuring excellence in customer services

Aims

- 4.1 *Deliver excellent customer focused services in an excellent customer environment*
- 4.2 *Engage, listen and empower communities.*
- 4.3 *Deliver excellent internal and external relations.*

Priority 5 – Maintaining excellent governance within the council to ensure it is efficient, effective and economic in everything it does.

Aims

- 5.1 *Ensure compliance with the law.*

4.0 **Other Implications**

(a) Financial

There are no direct financial implications of the Planning Enforcement Policy although cases which are Appealed or reach prosecution stage in Courts may have some financial implications in terms of awards of costs or payment of legal representatives. However, this Planning Enforcement Policy does not alter the existing situation in this respect.

(b) Human Rights Act and other Legal Implications

There are no specific human rights implications regarding this policy. As with all Planning decisions, planning law has demanded a balance between private rights and public interest and therefore much of the Council's decision making on enforcement issues will take this into account

(c) Workforce

At present the Enforcement Team is being reviewed by the Head of Development Control in relation to its past and current workload, and in relation to efficiencies in undertaking planning enforcement cases. IT based monitoring systems are being developed both to improve efficiencies and to allow the service response times and targets set out in the attached Planning Enforcement Policy to be properly assessed.

Planning Enforcement has traditionally been 'reactive' to problems raised by complainants and much of the staffing resource is taken up investigating such problems.

It is intended that in the future the service may become more proactive in its identification of breaches of planning control and with regard to the checking of compliance of conditions attached to planning permissions. This will require the on going review of existing staffing resources and workload.

5.0 **Supporting Information**

- 5.1 Over the past few years Officers and Members had recognised a growing public concern over development that has taken place without the appropriate planning permission or without reference to approved plans or attached conditions.
- 5.2 The number of enforcement enquiries in slough has and the Government has also recognised that public expectations have become more demanding.
- 5.3 The Planning Enforcement team has reacted well to these increased demands in the past, within the context of Sloughs Guide to Planning Enforcement' adopted in November 2002.
- 5.4 As with every Service area it is recognised that improvements can be made and the Head of Development Control is currently reviewing detailed procedures in this respect. It is recognised that two key areas need addressing. The first involves setting robust e-based monitoring systems that will allow analysis of the response time to enforcement enquiries. Whilst the enforcement teams response in undertaking initial site visits is often well ahead of the 10 day target date, both this and other response targets have never been consistently measured.
- 5.5 The second area relates to prioritising our response to planning enforcement enquiries. The Planning Enforcement Policy now puts forward a three fold categorisation of enforcement complaints ranging from those needing emergency consideration, through to high and medium priority.
- 5.6 The attached Planning Enforcement Policy reports sets out the relevant service responses for each of these three categories and the targets for service achievement. It is intended to deal with all enforcement complaints (up to the point where Legal Services may be instructed) within a period of 40 days – approximating to the 8 week time period for the determination of planning applications. It is important to note that the timescales for responses do not 'weaken' the service responses in any way. The longest timescale (of 10 days for a site visit), for the proposed 'medium' category equates to that used for all complaints at present.
- 5.7 It is considered that with improved monitoring and prioritisation more staff resource and be devoted to 'positive' enforcement of aspects such as condition compliance.

6.0 **Comments of Other Committees**

6.1 None

7.0 **Conclusion**

7.1 The revised Planning Enforcement Policy will assist in the prioritisation of enforcement complaints and provide the framework for improved monitoring and efficiencies.

8.0 **Appendices Attached**

8.1 None

9.0 **Background Papers**

9.1 '1'- Slough's Guide to Planning Enforcement, November 2002

**SLOUGH
BOROUGH
COUNCIL**

**PLANNING
ENFORCEMENT
POLICY**

FEBRUARY 2008

FOREWORD

Slough is a vibrant and cosmopolitan town housing some 115,500 people (2005) and employing over 82,000. Demands on land and its uses increases continually' thereby creating the groundwork for friction between competing users of land, be they commercial or residential.

There is evidence of growing public concern over development that takes place without the appropriate Planning Permission or without proper reference to approved plans or attached conditions. The number of enforcement enquiries in Slough has grown steadily over the years and the Government also recognises that public expectations in this area have become more demanding.

This Planning Enforcement Policy sets a framework for how the Planning Service will handle complaints and any subsequent investigations into breaches of planning control. It will set out the aims of the Planning Enforcement Service, the background to Planning Enforcement and the scope of enforcement powers, In this respect the Policy updates 'Slough's Guide to Planning Enforcement' adopted in November 2002. However, the Planning Enforcement Policy will for the first time set out priorities for responses to complaints and clarify the timescales for response by officers from both the Planning and Legal Services.

THE AIMS OF THE PLANNING ENFORCEMENT SERVICE

CORPORATE BACKGROUND

The Councils Vision for Slough is set out in its Corporate Plan:

TAKING PRIDE IN SLOUGH AND MAKING A DIFFERENCE TO COMMUNITIES AND OUR ENVIRONMENT

This Vision is supported by five Priorities of which two are particularly relevant to Planning Enforcement, in '*creating safe, environmentally friendly and sustainable neighbourhoods*' (Priority 1) and in '*ensuring excellence in customer service*' (Priority 4). These priorities provide a framework for Service Objectives within the Green and Built Environment Directorate Plan and within the Planning Service Plan. This latter document contains a specific Service objective relating to Planning Enforcement

To re-activate the review of Planning Enforcement procedures and achieve a more proactive service.

This Planning Enforcement Policy stems from an on going process of review of the Enforcement Service.

SPECIFIC SERVICE AIMS

To contribute towards these overriding Council, Departmental and Service objectives the Planning Enforcement Service will aim specifically to:

- Explain to any interested persons the background to Planning Enforcement and the Council's approach to enforcement matters.
- Provide a framework for deciding priorities and the most appropriate course of action in the event of any complaint regarding an alleged breach of planning control
- Set clear standards for the level of service and performance the public can expect with the aim of providing an efficient, speedy and effective service.
- Be open and transparent about how enforcement work is carried out
- Treat all of our customers with respect by providing a fair, open & courteous service.
- Act fairly, in any action we take.
- Make available details of the Councils complaints procedures.

By adopting this revised Planning Enforcement Policy the Planning Service will aim to make its Enforcement work more accessible to members of the public. Members of the public are the main customers when it comes to enforcement, so it is very important for them to see how we operate and understand when we can or cannot take action.

This Enforcement Policy now sets out the background to Planning Enforcement,

PLANNING ENFORCEMENT

Most types of building works, changes of use, works to listed buildings, works to protected trees and advertisement signs require planning permission or other consents. Some of these permissions are granted by government. Most however require an application to and decision from the Local Planning Authority. Slough Borough Council is the Local Planning Authority for development activity in Slough.

Applying for permission before work is carried out allows the Council and interested parties to assess the impact of a scheme and to modify or reject a scheme on paper before money and time have been spent on carrying them out. The requirement for approval by the Council before works are carried out is enshrined within the planning regulations.

If the correct approvals have not been obtained in advance and works have been carried out or uses implemented, a 'breach' of planning control is said to have

occurred. A breach also occurs when conditions attached to a planning permission are not complied with or if the works do not conform with the approved plans.

The Council is committed to ensuring that the requirements of the planning process are followed by all. Effective and proportionate enforcement underpins the planning service in Slough and it is central to maintaining public confidence in the planning system and the quality of life for our residents and businesses.

THE SCOPE OF ENFORCEMENT POWERS

The planning laws outline a range of measures and actions which are available to the Council to resolve planning enforcement issues. More detailed guidance on some of these may be found at the end of this document as Appendix 1. Complaints may be made by anybody, including Councillors and officers of the Council or their agencies. **The Council will not investigate anonymous complaints. All complaints must have a contact name, address and telephone number.**

The planning enforcement team is not however the only public agency responsible for enforcement. Others such as the Environment Agency and Environmental Health Department also have enforcement powers. Some of the common misconceptions are that we investigate issues relating to illegal parking on the public highway, all these issues may be dealt with by other services within the council. Furthermore, issues are often raised, such as those relating to boundary positions and land ownership which do not fall within the realm of Town Planning. Where complaints are made to the planning enforcement team about matters that are not within its powers, the team will endeavour to re-direct the complaint or to advise accordingly.

Each case is dealt with on its own merits and in approaching any alleged breach, the Council will favour in most cases, resolution through negotiation. Where there is a genuine commitment from the alleged offending party that the breach will be remedied speedily and where timetables for action can be set and met, it should not normally be necessary for formal notices/action to be taken. Persistent offenders and those who seek to exploit the planning process at the expense of others will however be dealt with by all and any of the appropriate enforcement processes.

The approach to enforcement in each case will vary. The Council will, following a site visit, usually follow one or more of the following courses of action dependent upon its impact and severity;

- **Allow time to Remedy:** Time may be given to remedy the breach. Such cases may include situations where the harm is easily repairable, and does not warrant immediate action. In such cases the level of harm to local residents would not be significant.
- **Information gathering:** This may take place formally (via a Planning Contravention Notice) or informally with other parties or agencies and allows the Council to clarify whether a breach has taken place and what its impact on the public interest is in order to identify the most appropriate outcome. It may take

some time **(and in some cases at least 28 days)** to collect appropriate evidence. In addition a site visit will be conducted to ascertain exactly what is happening

- **Decision making:** following the information gathering and site visit, officers will need to make a decision on the next course of action. Appendix 1 provides more detail on this point. It may be considered that there is no breach of planning control. Dialogue may be entered into with the owner/occupier of the land to seek to resolve the matter. The owner/occupier may be asked to submit a formal application for planning permission or a Certificate of Lawfulness to regularise the situation. **However where applications are submitted without being requested by the Council the enforcement process will not be held up.** Given the particular circumstances of the breach it may be considered that it would not be expedient to pursue formal enforcement action. Or a decision may be taken that it would be expedient to pursue one or more forms of formal enforcement action as now described. **It should be noted that once a decision has been made to take enforcement action, there will be not be any further negotiations between the Council and the relevant parties to the Enforcement Notice.**

Section 215 Notices

Where the condition of land or a building is adversely affecting the amenity of a neighbourhood the Council may issue a Notice under section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to remedy the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

Breach of Condition Notice: These can be used as an alternative to an Enforcement Notice. There is no right of appeal against this notice.

Enforcement Notice: This is the normal method of remedying unauthorised development although there is a right of appeal against the notice. This is an effective tool and will be served fairly early, on the cases that cause significant harm. (Appendix 1 gives more detail on Enforcement Notices)

Stop Notice: This can be used in conjunction with an enforcement notice where the breach of planning control is causing serious harm this can only be used in extreme cases. In such cases where Stop Notices are issued the Council may be liable to compensation claimed by those if it is served on if it is later decided that the Stop Notice was not appropriate.

Temporary Stop Notice: These are similar to Stop Notices (above) but take effect immediately they are displayed on a site, and last for up to 28 days. A Temporary Stop Notice would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment, public safety etc. It may be issued even where planning permission has been granted for development, in a case where the developer is not complying with conditions attached to the permission.

Injunction; This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

Default Powers; The Council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in extreme cases.

Appeals: There is a right of appeal against most statutory Notices issued by the Council (exceptions are Breach of Condition Notices, Stop Notices). Appeals are in most cases to the Secretary of State (the Planning Inspectorate) or in some cases to the magistrates' court. When a Notice is issued the recipient will also be given the necessary information on how to exercise the right of appeal.

PRIORITIES FOR ENFORCEMENT ACTION

All enforcement action should be proportionate to the risks relating to the breach of planning control; resources should therefore be focussed on areas, which present the most serious risks.

In terms of planning enforcement the service has grouped breaches of planning control into three categories which reflect the significance of the breach, and the priority it is likely to be given.

Complaints regarding alleged breaches will be initially categorised on the basis of the information given by the complainant. However through the course of the investigation the 'priority categorisation' may change, dependant on the information gathered or changing site circumstances.

Officers have considered how best to prioritise workload, having regard to the volume of cases and staff resources.

The Enforcement Team will aim to complete all investigation within 40 days from the date of the original complaint is received by the Enforcement Team, either direct from the complainant or via another Council department. Completion represents the point at which a decision is made as to whether to proceed with formal enforcement action, though instruction to the Councils Legal Services team.

To ensure that the highest priority cases are dealt with first, Enforcement Officers will prioritise enquiries in the following manner.

Category A – Emergency

- The unauthorised demolition or significant alteration of a Listed Building or the demolition of a building in a Conservation Area.
- Unauthorised works to trees protected by a Tree Preservation Order or to trees in a Conservation Area

- Unauthorised development that may represent a danger to members of the public.
- Major unauthorised building or engineering operations likely to cause serious damage to the environment / amenity.

Category B – High Priority

- Works being undertaken in contravention of the requirements of an enforcement notice or similar.
- Any continuing breach of planning control where enforcement action has been authorised.
- Breaches in either Listed Building or Conservation Area control not included in Category A.
- Changes of use of land or buildings, or breaches of planning conditions, resulting in significant disturbance, visual harm or other harm to amenity.
- Breaches of planning control that are seriously detrimental to residential amenity.
- Breaches, which may acquire immunity from enforcement action due to the passage of time.

Category C – Medium Priority

- Unauthorised advertisements.
- Untidy land
- Breaches of occupancy restrictions.
- Breaches in planning conditions not included in Category B.
- Any other potential breach in planning control not included within Categories A or B.

REQUESTS FOR SERVICE

Members of the public make the majority of planning enforcement enquiries. Other sources of enquiries are from Ward Councillors, MPs, Residents' Groups and other council departments.

The person who reports a breach in planning control will be asked to identify a number of key points before the enquiry is registered.

- Location of the site
- The alleged breach of planning control
- An indication of the harm caused

Information such as

- The identity of the person/organisation responsible for the breach
- Date or time the alleged breach took place can also be helpful, when assessing harm to the amenity and assessing priority.

The Council will consider all planning enforcement enquiries it receives. Some enquiries can be dealt with by the Enforcement team offering advice over the phone based on the nature of the complaint and by a quick check of available planning records. In such cases an Enforcement Case file is not 'opened'

All planning enforcement enquiries are treated as confidential. However, complainants will be expected to provide evidence to the Council and, if necessary, may be asked to attend a Public Inquiry and/or Court at a later date.

Service Standards

Set out in Appendix 2 are the service standards for the Planning Enforcement team. These are set to help members of the public, councillors, and the enforcement team to understand the clear objectives that we work to, and what you can expect from the service.

Complaints about the service

In the first instance you can contact the Senior Enforcement Officer or the Head of Development Control (01753 477340) if you have a concern over the enforcement process being followed.

Slough Borough Council has a complaints procedure that is followed when a complaint is received. Complaint about the Planning Enforcement Service can be made by:

1. Telephone - 01753 875244
2. Letter to - Corporate Complaints Officer
Chief Executives Office
Town Hall
Bath Road
Slough
Berkshire SL1 3UQ

3. In person at the Town Hall, Bath Road

Slough Borough Council Planning Enforcement Policy
Dated: February 2008

APPENDIX 1

THE PROCESSES OF PLANNING ENFORCEMENT

INVESTIGATION

On receipt of a planning enforcement enquiry, the planning history of the site is investigated. This is a fundamental part of planning enforcement for establishing the current lawful use of the land.

Some types of enquiry may be resolved without reference to the owner/occupier of the land in question. In these circumstances the council will not normally notify owners/occupiers of the land of matters in hand unless a more detailed investigation is required.

Where access to land is required the co-operation of the owner of the land would be sought. Where access to land is denied, officers may need to use powers under Section 196 of the Town and Country Planning Act 1990, for example, by applying for a warrant at the magistrates' court. However, this is not normally required.

Further information is often required from the owner/occupier to assist in an investigation. If no response is received to a letter, or if the response is unsatisfactory, the Council may serve a Planning Contravention Notice (PCN). A PCN is a formal notice, which requires the recipient to provide information requested about a breach of planning control. Alternatively a Requisition for Information under the Town and Country Planning Act may be served. This ensures that, if further enforcement action is necessary, such as service of an Enforcement Notice, the Council is made aware of all persons who have an interest in the land (owners, tenants, occupiers, licensees, mortgagees and so on).

Where a PCN or Requisition for Information has been served, it is a criminal offence to fail to comply with the requirements of either or to provide false information.

At any stage of the investigation the Enforcement Officer may pass the matter on to another Department of the Council if it is believed that action may more appropriately be taken by that Department e.g. Environmental Health, Highways etc. The Council may also pass the matter on to, or liaise with, other bodies e.g. neighbouring local authorities, the police etc.

CONFIRMED BREACHES IN PLANNING CONTROL

Where it is established that a breach in planning control has occurred the Council may invite the owner/occupier of the land to remedy the situation e.g. by ceasing the unauthorised use or removing the structure or other development, or by inviting the owner/occupier to submit a retrospective application to regularise the situation (if it is thought this will provide a satisfactory planning outcome).

The Council may be willing to enter into negotiations with the owner/occupier to resolve matters. However, these must be weighed against harm to amenity and the Council's relevant Planning Policies contained within the Local Plan and Core Strategy. The Council will not let protracted negotiation prevent effective enforcement.

The Council will normally write to the owner before issuing a formal Notice giving him or her the opportunity to remedy the situation. This will not be possible however in certain circumstances, for example where there is a serious risk of harm to amenity or the environment, or where a development is likely to become immune from enforcement action if action is not taken immediately (see Time Limits for Enforcement, below).

Advice from an Enforcement Officer will be put clearly and simply and will be confirmed in writing, explaining what breach in planning control has occurred and what 'enforcement tool' is to be applied to remedy the breach and over what time scale. The complainant will also be provided with this information.

DECIDING WHETHER TO TAKE FORMAL ENFORCEMENT ACTION

Compliance should normally be achieved through informal action such as letters, or giving advice. Where this does not result in compliance, or in the more serious instances, formal enforcement action will be considered, e.g. issuing a statutory notice, a formal caution or instituting a prosecution.

In taking enforcement action the Council will have regard to:

- Its own Planning Policy contained within the Slough Borough Council's Core Strategy
- Government advice in the form of Planning Policy Guidance Notes (PPGs) or Departmental Circulars (In particular, PPG 18 and Circular 10/97).

The Council will keep a record of the investigation of each case and of the reasons for any actions taken.

Enforcement action is discretionary and the Council may decide that no enforcement action should be taken because the matter is, for example:

- a non-planning matter e.g. a boundary dispute, or an issue involving private interests
- permitted development (i.e. something for which planning permission is not normally required)
- de minimis (e.g. something which is only slightly over a limit, and if below that limit would have been classed as permitted development)

- not expedient. This is a difficult concept to explain, but generally means that the Council is not required to take enforcement action as it is discretionary, and has to take a number of different factors into account when deciding whether to do so or not - such as the amount of harm caused to local amenity by the development, and whether enforcement action has been taken in respect of similar cases.

Section 171B of the Town and Country Planning Act 1990 sets out certain periods for different types of breaches of planning control. If it can be shown that the breach has continued for that period, and no enforcement action has been taken within the period, the development will become immune from enforcement. The periods are as follows:

- Erection of buildings and other works - 4 Years
- Changes of use of buildings or land - 10 Years
- Change of use to single dwelling house - 4 Years
- Non-compliance with planning conditions - 10 Years

There are exceptions to these periods and questions of interpretation should be discussed directly with the Planning Enforcement Section.

Two forms of application may be relevant during the course of an enforcement investigation:

Certificates of Lawfulness

Section 191 of the Town and Country Planning Act 1990 allows for the issuing of a Certificate of Lawful Use or Development. This means that where unauthorised development has taken place, but may be outside the time scales within which enforcement actions can be taken, the owner of the land is given the possibility of obtaining a statutory document confirming that the use, activity or other development named in it is lawful for planning control purposes. The burden of proof that the use etc. is lawful is on the applicant. Once granted, the Certificate will remain valid for the use or development described in it, on the land identified in the Certificate. It is in the interests of an owner to obtain such a Certificate as otherwise problems may be encountered at a later date if he/she wishes to sell the land.

The test of the applicant's evidence is on the balance of probability, and the Council may make its own enquiries into the circumstances of the application e.g. by checking its own records such as Council Tax and Electoral Registration, as well as external sources of information.

Retrospective applications

Some forms of unauthorised development may not significantly breach planning policy or might be made acceptable by imposing planning conditions. In such cases the Local Planning Authority may invite the owner to submit a retrospective planning application. The planning process for retrospective applications is exactly the same as normal planning applications and is consulted upon in the same way. An invitation to submit a retrospective application must not be seen as an automatic precursor to permission.

ENFORCEMENT NOTICES

An Enforcement Notice may be issued when it appears to the Council:

- (a) That there has been a breach in planning control and
- (b) That it is expedient to issue the notice having regard to the development plan (core strategy) and other material considerations.

A copy of the notice is served on:

- (i) the owner and the occupier of the land to which it relates; and
- (ii) any other person with an interest in the land, being an interest, which in the opinion of the LPA, is materially affected by the notice (e.g. a tenant, a Bank, Building Society etc).

The notice must specify the steps necessary to secure compliance and the period for compliance must be at least 28 days.

There is a right of appeal (within 28 days of the date of service) to the Secretary of State with the possibility of subsequently taking points of law to the High Court. Because of the appeals procedure available it is a 'slower' route than other enforcement tools, however it carries severe penalties. The maximum fine on summary conviction (magistrates' court) is £20,000 per offence and on indictment (Crown Court) the fine is unlimited. In addition the Council has powers to carry out the requirements of the Notice itself (Direct Action) and recover the costs it has incurred, and will consider taking such action in appropriate cases.

The Notice is also registered as a local land charge and will therefore be made known to anyone interested in purchasing the land. The Notice also remains in force once it has been complied with, unless it is withdrawn by the Council.

There are also Enforcement Notices specific to Listed Buildings and Conservation Areas.

STOP NOTICES

These are issued only in conjunction with Enforcement Notices (see above) where the Council believes it is necessary that an activity should cease before the time for compliance given in the Enforcement Notice. There is no appeal and penalties are as for the breach of an enforcement notice. A Stop Notice may be served where an appeal has been made against an Enforcement Notice (which prevents that Notice from coming into effect).

TEMPORARY STOP NOTICE

These are similar to Stop Notices (above) but take effect immediately they are displayed on a site, and last for up to 28 days. A Temporary Stop Notice would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment, public safety etc. It may be issued even where planning permission has been granted for development, in a case where the developer is not complying with conditions attached to the permission.

INJUNCTIONS

This is the only action available if a breach is anticipated but has not yet occurred. It can also be used as an alternative to an Enforcement or Breach of Condition notice. However, it is generally used as a final resort if the other methods fail to deter. An injunction may be granted against a person or persons whose identity is unknown. Breach of an injunction may lead to imprisonment for contempt of court.

An injunction may be appropriate where there is a breach of listed building control, where there is no power to serve a Stop Notice, and it is necessary to bring about the immediate cessation of the breach.

An injunction may also be used to enforce an agreement made under section 106 of the Town and Country Planning Act 1990, where for instance a developer or householder has undertaken to carry out some action in connection with the grant of planning permission but has failed to do so.

PROSECUTIONS AND CAUTIONS

In general, breaches of planning control are not criminal offences (with some exceptions). However failure to comply with a Statutory Notice such as an Enforcement Notice is a criminal offence and the Council will always consider prosecuting for non-compliance with such Notices.

It is also an offence to give false or misleading information in response to a Notice and the Council will also consider a prosecution or caution in these cases.

As well as offences, which follow failure to comply with a statutory Notice, there are offences, which stand alone, such as:

- unauthorised display of an advertisement
- unauthorised works to a Listed Building
- damage to a tree protected by a Tree Preservation Order or in a conservation area
- damage to certain hedgerows.

The Council attaches particular importance to the protection of trees and listed buildings. Works to a protected tree or listed building require prior consent from the Local Planning Authority and failure to obtain the necessary consents is a criminal offence. The Council will seriously consider prosecuting anyone carrying out such works or causing or permitting the works.

The Council regularly removes unauthorised advertisements on the highway. The Borough Council will pursue action against advertisements, which are unauthorised and are contrary to the policies in the Slough Borough Council Core Strategy and Local Plan.

In some cases the Council may find that it is appropriate to offer a formal caution. Decisions on whether to prosecute or offer a caution will be taken in accordance with the Corporate Enforcement Policy and the Code for Crown Prosecutors. The Code requires two tests to be passed before initiating a prosecution: the evidence test and the public interest test. There must be sufficient evidence for a realistic prospect of conviction and certain factors for and against prosecution must be weighed.

Slough Borough Council Planning Enforcement Policy

Dated: February 2008

ENFORCEMENT SERVICE RESPONSES

PLANNING ENFORCEMENT STAGES	CATEGORY A	CATEGORY B	CATEGORY C
	Within:	Within:	Within:
OPEN CASE FILE	1 day from first enquiry	1 day from first enquiry	1 day from first enquiry
Complainants acknowledge letter			
Office investigation	1 working day	5 working days	10 working days
Site investigation	1 working day	5 working days	10 working days
Letter to offender	3 working days	10 working days	15 working days
Verbal reply to complainant	3 working days	10 working days	15 working days
Letter to complainant	10 working days	15 working days	20 working days
Review of enforcement case By enforcement team	10 working days	15 working days and at 30 working days	20 working days
Expediency decision by Planning	10 working days	30 working days	40 working days
Instructions to Legal	11 working days	35 working days	40 working days
Enforcement notice issued *	21 working days	45 working days	50 working days

* based on 10 working days from the receipt, by the Legal Team, of full instructions from the Planning Enforcement Team

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 20th February 2008

CONTACT OFFICER: Gerry Wyld, Head of Planning & Strategic Policy
(For all Enquiries) (01753) 875845

WARD(S): Central, Chalvey, Upton

PART I

FOR COMMENT & CONSIDERATION

HEART OF SLOUGH – MASTERPLAN AND PUBLIC CONSULTATION MATERIAL

1. **Purpose of Report**

To further update Members on progress with the Heart of Slough project and to seek the Committee's views on the material produced for the recent public consultation exercise.

2. **Recommendation**

The Committee is requested to note the proposals as produced for the Public Consultation exercise, including the Masterplan and to indicate any issues it would wish to see considered as work on the proposed development proceeds.

3. **Key Priorities – Taking Pride in Slough and Making a Difference to Communities and our Environment (Compulsory section)**

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

Aims

- 1.1 *Deliver cleaner and safer neighbourhoods.*
- 1.2 *Adopt a green and sustainable approach to managing and developing the environment.*
- 1.3 *Protect and enhance public health and well being*
- 1.4 *Improve transport*

4. **Other Implications**

(a) **Financial**

There are no financial implications arising directly from the report. The Heart of Slough Project will require significant ongoing inputs from Planning and Transport/Highway staff. Additional resources as required will be met from agreed budget provisions and external funding arrangements.

(b) Human Rights Act and other Legal Implications

There are no specific Human Rights Act implications. Any parties likely to be affected by the proposals will be consulted via the normal Statutory Planning Consultation procedures and in addition the Developers have carried out their own separate pre-application public consultation. A S.106 legal agreement will be pursued in the normal manner.

(c) Workforce

As set out in (a) above there will be significant staff inputs required at all stages of the planning process of the scheme.

5. Supporting Information

5.1. At its meeting on 17th December 2007 the Committee considered a report on the Development Brief on the Heart of Slough project and resolved:-

That the report be noted and that the Officer forward details of the Committee's concerns to English Partnerships as follows:-

(a) The Committee requests that adequate provision of public open spaces be made within the scheme.

(b) The Committee requests that the library facilities within the Heart of Slough project are of sufficient size and that the capacity of this important community building is not smaller than the existing library facility.

5.2. These comments are being fed into ongoing pre-application negotiations with the Developers.

5.3. Since this meeting the Development team has further progressed the development of the proposals for the project and carried out a public consultation exhibition on the Masterplan and associated illustrative material.

5.4. It is considered appropriate for the Committee to be able to consider and comment on the proposals before a formal planning application is submitted, so that any key issues can be fed back into the process.

5.5. Arrangements are thus being made to display the material from the recent public consultation exhibition at your meeting and in the meantime the latest Masterplan is attached as Appendix A.

5.6. It is important to stress again that this report deals purely with issues that are within the remit of the Council as Local Planning Authority; the Council's separate role as landowner is being progressed through Cabinet.

5.7. Pre-application negotiations are continuing between Planning and Transport/Highways Officers and the proposed Developers; the latter co-ordinated through English Partnerships. It is understood that the developers currently envisage that an outline planning application for the

whole of the Masterplan and a detailed application for the road works will be submitted in February/March 2008; this will be brought before the Committee in due course for determination. A series of detailed planning applications would follow for the various elements of the scheme.

6. **Conclusion**

- 6.1 The Masterplan and associated public consultation material is put forward at this stage so that the Committee is kept up to date on the development of proposals for this key site, so that any key issues raised can be fed back into the further development of the scheme.

7. **Appendices attached**

- 'A' - Current Masterplan for Heart of Slough Scheme.

8. **Background Papers**

- '1' - Report to Planning Committee, 17th December 2007 on Heart of Slough Development Brief.
- '2' - Local Plan for Slough – Adopted March 2004.
- '3' - Local Development Framework for Slough – “Core Strategy” - Submission Document – November 2007.
- '4' - Heart of Slough Planning Brief – June 2002.

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Illustrative Masterplan of proposals
by the Principal Development Partners
on behalf of English Partnerships.



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Heart of Slough
015_DI_53.1_Masterplan
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


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Illustrative Masterplan of proposals
by the Principal Development Partners
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KEY

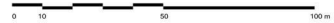
-  planning application boundary
-  area excluded from planning application boundary
-  proposed buildings
-  existing buildings

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Heart of Slough
015_DI_54.1_Planning Application Masterplan
English Partnerships

2008-02-07



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SLOUGH BOROUGH COUNCIL**REPORT TO: PLANNING COMMITTEE****DATE: 20th February 2008****PART 1****FOR INFORMATION****Planning Appeal Decisions**

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S) ALL

Application Ref	Appeal	<u>Decision</u>
P/06585/006	Land adj 5 Drake Avenue Erection of a new 3 bedroom residential dwelling and 2 storey front extension	Appeal Allowed 29/11/07
P/07853/002	137 High Street Chalvey Proposed part single storey front extension	Appeal dismissed 04/12/07
P/14020/000	Site at Grass verge opposite Marriot Hotel, London Road Proposed poster panel	Appeal dismissed 07/12/07
Enforcement	35 Montem Lane Unauthorized erection of a wooden framed structure and extension / covered walkway.	Appeal dismissed, notice upheld. 07/12/07
Enforcement	27 Stoke Road (1) Erection of single storey rear extension (2) Installation of compressor attached to the outside of the rear wall	Both Appeals dismissed, notices upheld. 07/12/07

Enforcement	45 Elmshott Lane Change of use from residential to dual use of residential and storage and sale of motor vehicles	Enforcement Notice quashed & conditional planning permission granted for a limited period. 07/12/07
P/13951/000	8 Ingleside Erection of a single storey side extension with pitch roof	Appeal allowed 11/12/07
P/13000/001	308 London Road Construction of rear dormer and raising of roof height	Appeal allowed 13/12/07
Enforcement	11 Maple Crescent Erection of front porch and canopy on the dwelling house	Enforcement Notice quashed & conditional planning permission granted. 07/12/07
Enforcement	72 & r/o 68 Ragstone Road Change of use of the land and buildings from residential use to use as a cultural and education centre with ancillary multi-residential occupation	Enforcement Notice Quashed 18/12/07
Enforcement	84 Severn Crescent Erection of a single storey rear extension	Enforcement Notice upheld with variation
Enforcement(2) P/13045/002	41 & 43 Carrington Road Unauthorised erection of a canopy and supporting columns at front of property. Front canopies	Appeal allowed, Enforcement Notice quashed & planning permission granted Appeal allowed 11/01/08
P/13568/001	191 Humber Way Garden brick built shed	Appeal dismissed 22/01/08
P/13885/000	110 Knolton Way Single storey front and rear extensions	Appeal allowed 25/01/08

+ENFORCEMENT NOTICES, BREACH OF CONDITION NOTICES, SECTION 215 NOTICES

ONGOING TO DATE (20.02.08)

PART 1

Planning Reference and Officer	Legal Ref/ Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2005/00067 BL		72-74 Northampton Avenue Change of use.	(P) Memo sent to legal and land charges. JB Acknowledged and requested more maps 23 August 2007.
2006/00509 DM		9 Castleview Road, Slough. Breach of Condition Notice re front porch	(P) Legal Instructed and land charges informed 5/10/07
2007/00106 BL	SH	Flat2 23 Upton Park Slough Unauthorised Sat Dish. Cons. Area	(P) Legal Instructed and land charges informed 31 July 2007 (P) Legal have sent some queries 28/8/07. Answered and returned 30/8/07
2007/00105 BL	SH	39 Upton Park Slough Unauthorised Sat Dish. Cons. Area	(P) Legal Instructed and land charges Informed 31 July 2007 (P) Legal have sent some queries 28/8/07. Answered and returned 30/8/07
2007/00179 BL	SH	116 Greenside Slough Unauthorised development	(P) Legal Instructed and Land Charges informed 31 July 2007 (P) Legal have sent some queries 28/8/07. Answered and returned 30/8/07 (L) Served 16/11/07 – Time for Compliance 17/02/2008 (P) Appeal Lodged
2007/00041 BL	SH	56 Mirador Crescent Slough Unauthorised Material Change of Use Residential/Car storage	(P) Legal instructed and land charges informed 31 July 2007
2007/00125 DM	SH	514 Broad Oak Court, Slough. Change of use for storage of white goods.	(P) Legal instructed and land charges on 16/7/07. (P) Legal acknowledged instructions 20/8/07 (P) Legal have sent some queries 28/8/07. Answered and returned 4/9//07 (L) EN served on 11/12/2007. Time for Compliance 11/03/2008
2007/00012 DM	SH	62, Wellesley Road, Slough Unauthorised Development outbuilding on a HMO	(P) Legal instructed and land charges on 13/7/07. (P) Legal acknowledged instructions 20/8/07 (P) Draft notice sent by legal 28/8/07 returned 4/9/07 (L) Served on 21/11/07 – Time for compliance 23/03/2008

AGENDA ITEM 13

2006/00181 DM	SH T3/622	J M P, 94, High Street, Langley Unauthorised outbuilding and balcony.	(P) Legal instructed and Land Charges informed 1/6/07 (P) Legal acknowledged instructions 20/6/07 (P) Enforcement Notice to be served 20/7/07 (P) Notice served 20/7/07, effective 22/8/07 for compliance by 22/11/07. (P) Appeal lodged. (P) Appeal withdrawn. New compliance date 30/01/08.
2006/00363 DM	SH T3/621	The Flags, 43 Church Street, Chalvey Unauthorised use of car park for car wash	(P) Legal instructed 2/5/07 (P) Land Charges informed 18/5/07 (P) Legal have sent draft notice and requested additional plans. Sent 26/7/07. (L) Served on 16/11/07 – Time for compliance 17/01/2008. (P) Appeal lodged.
2006/00274 MT	SH T3/616	43, Carrington Road, Slough Unauthorised development – canopy and porch	(P) Legal instructed and Land Charges informed 22/3/07 (P) Owner details sent to legal 18/4/07 (P) Draft EN agreed with legal but on hold pending the outcome of a current planning application (P) Further maps and photos provided – 27/4/7 (P) Enforcement Notice served 6/6/07, effective 9/7/07 compliance by 9/9/07. (P) Appeal lodged.
2006/00273 MT	SH T3/6615	41, Carrington Road, Slough Unauthorised development – canopy and porch	(P) Legal instructed and Land Charges informed 22/3/07 (P) Owner details sent to legal 18/4/07 (P) Draft EN agreed with legal but on hold pending the outcome of a current planning application (P) Further maps and photos provided – 27/4/7 (P) Enforcement Notice served 6/6/07, effective 9/7/07 compliance by 9/9/07 (P) Appeal lodged.
2006/00455 DM	SH T3/618	171, Stoke Road, Slough Change of use- car wash at rear of property	(P) Legal instructed and Land Charges informed 10/4/07. (P) Legal acknowledged instructions 8/5/07. (P) Memo to planning asking a series of questions. (P) Questions answered and plans sent to legal 4/9/07. (L) EN served on 11/12/2007. Time for compliance 11/02/2008
2006/00097 DM	SH T3/617	21a Park Street, Slough change of use residential to beauty saloon	(P) Legal instructed and Land Charges Informed 28/3/07. (P) Legal acknowledged instructions 8/5/07 (P) Enforcement Notice served 21/9/07, effective 21/10/07 compliance by 21/11/08
2006/00098 DM	SH T3/617	21a Park Street, Slough Installation of roller shutters	(P) Legal instructed and Land Charges Informed 28/3/07. (P) Legal acknowledged instructions 8/5/07 (P) Enforcement Notice served 21/9/07, effective 21/10/07 compliance by 21/11/08

2006/00382 BL	SH T3/619	Land Adj. 100 Waterbeach Road Unauthorised erection of Building containing residential Flats.	(P) Legal instructed and Land Charges Informed 27/3/07. (P) JB has forwarded a memo seeking further information dated 3/5/07. (P) Reply to forgoing sent 9/5/07 (P) Legal requested 12 copies of plan in memo dated 15/5/07 (P) Plans sent to legal as requested. (P) Enforcement Notice served 13/6/07, effective 16/7/07 compliance by 16/10/07. (P) Appeal lodged. (P) App/J0350/c/07/2050463. The Planning Inspectorate refuse the appeal. Not valid by Time. Prosecution to be commenced. (P) No compliance. Prosecution papers being prepared.
2007/00048 DM	SH T3/610	397, Bath Road Unauthorised use for the sale of cars	(P) Legal instructed and Land Charges informed 27/02/07 (P) Legal acknowledged instructions 14/3/07 (P) Draft enforcement notice received by planning 4/4/07 (P) Enforcement Notice served 10/7/07, effective 17/8/07 compliance by 17/11/07 (P) Appeal lodged. (P) Appeal withdrawn awaits outcome of planning refusal appeal.
2007/00049 DM	SH T3/608	359-365, Bath Road Unauthorised use for the sale of cars	(P) Legal instructed and Land Charges informed 27/02/07 (P) Legal acknowledged instructions 14/3/07 (P) Draft enforcement notice received by planning 4/4/07 (P) Enforcement Notice served 10/7/07, effective 17/8/07 compliance by 17/11/07 (P) Appeal lodged. (P) Appeal withdrawn awaits outcome of planning refusal appeal.
2007/00050 DM	SH T3/609	336-344, Bath Road Unauthorised use for the sale of cars	(P) Legal instructed and Land Charges informed 27/02/07 (P) Legal acknowledged instructions 14/3/07 (P) Draft enforcement notice received by planning 4/4/07 (P) Enforcement Notice served 10/7/07, effective 17/8/07 compliance by 17/11/07 (P) Appeal lodged. (P) Appeal withdrawn awaits outcome of planning refusal appeal.
2007/00051 DM	SH T3/611	353-357, Bath Road Unauthorised use for the sale of cars	(P) Legal instructed and Land Charges informed 27/02/07 (P) Legal acknowledged instructions 14/3/07 (P) Draft enforcement notice received by planning 4/4/07 (P) Enforcement Notice served 10/7/07, effective 17/8/07 compliance by 17/11/07 (P) Appeal lodged. (P) Appeal withdrawn awaits outcome of planning refusal appeal.
2005/00126 DM	SH T3/600	27 Stoke Road, Slough. Unauthorised rear extension	(P) Legal instructed and land charges informed 15/12/06. (L) Instructions not received by legal (P) Further set of instructions sent 21/3/07 (P) Legal acknowledged receipt of instructions 26/3/07 (P) Further set of instructions sent 24/4/07 (P) Enforcement notice served 1/5/07, effective 4/6/07 compliance by 4/8/07. (P) Appeal lodged (P) Appeal dismissed, compliance by 07/03/08

2006/00244 DM	SQ	27 Stoke Road, Slough. Unauthorised compressor at rear	(P) Legal instructed and land charges informed 15/12/06. (L) Notice drafted and sent for approval on 15/02/07 (P) Notice corrected and returned to legal 19/2/07 (P) Enforcement notice served 12/3/07, effective 16/4/07 compliance by 16/6/07. (P) Appeal lodged (P) Appeal dismissed, compliance by 07/03/08.
2006/00064 DM	SQ	307/311 Colnbrook-by-Pass, Slough Change of Use storage of portable modular units	(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged
2006/00064a DM	SQ	307/311 Colnbrook-by-Pass, Slough Development portable modular units	(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged
2006/00082 DM	SQ	307/311 Colnbrook-by-Pass, Slough Development hardstanding	(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged
2006/00419 DM	SQ	307/311 Colnbrook-by-Pass, Slough Change of Use storage of a travelling caravan	(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged

2006/00417 DM	SQ	307/311 Colnbrook-by-Pass, Slough Development creation of a compound using double stacked shipping containers	<p>(P) Legal instructed and land charges informed 9/11/06.</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Memo from Steven Quayle with a series of related questions.</p> <p>(P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ.</p> <p>(P) Plans of site supplied to SQ on 27/3/07.</p> <p>(P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07</p> <p>(P) Appeal lodged</p>
2006/00416 DM	SQ	307/311 Colnbrook-by-Pass, Slough Development creation of a storage facility using double stacked shipping containers	<p>(P) Legal instructed and land charges informed 9/11/06.</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Memo from Steven Quayle with a series of related questions.</p> <p>(P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ.</p> <p>(P) Plans of site supplied to SQ on 27/3/07.</p> <p>(P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07</p> <p>(P) Appeal lodged</p>
2006/00066 DM	SQ	307/311 Colnbrook-by-Pass, Slough Development fencing over 2 metres	<p>(P) Legal instructed and land charges informed 9/11/06.</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Memo from Steven Quayle with a series of related questions.</p> <p>(P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ.</p> <p>(P) Plans of site supplied to SQ on 27/3/07.</p> <p>(P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07</p> <p>(P) Appeal lodged</p>
2006/00082a DM	SH T3/595	307/311 Colnbrook-by-Pass, Slough Development weighbridge	<p>(P) Legal instructed and land charges informed 9/11/06.</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Memo from Steven Quayle with a series of related questions.</p> <p>(P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ.</p> <p>(P) Plans of site supplied to SQ on 27/3/07.</p> <p>(P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07</p> <p>(P) Appeal lodged</p>
2006/00178 MT	SH T3/595	84 Severn Crescent, Slough Unauthorised erection of a structure in rear garden	<p>(P) Legal instructed and land charges informed 2/11/06</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Legal requested ownership details 5/12/06 which were provided the following day.</p> <p>(L) Service imminent – 21/02/07</p> <p>(P) Memo re draft Notice – maps/photos enclosed – 15/3/7</p> <p>(P) Enforcement notice served 16/4/07, effective 21/5/07 compliance by 21/8/07</p> <p>(P) Appeal lodged.</p> <p>(P) Appeal dismissed, compliance 2nd July 2008.</p>

2006/00178-1 MT	SH T3/595	84 Severn Crescent, Slough Unauthorised erection of a wall in front garden	<p>(P) Legal instructed and land charges informed 2/11/06</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Legal requested ownership details 5/12/06 which were provided the following day.</p> <p>(L) Service imminent – 21/02/07</p> <p>(P) Memo re draft Notice – maps/photos enclosed – 15/3/7</p> <p>(P) Enforcement notice served 16/4/07, effective 21/5/07 compliance by 21/8/07</p>
2006/00178-2 MT	SH T3/589	84 Severn Crescent, Slough Unauthorised erection of a wall in rear garden	<p>(P) Legal instructed and land charges informed 2/11/06</p> <p>(P) Legal acknowledged instructions 16/11/06.</p> <p>(P) Legal requested ownership details 5/12/06 which were provided the following day.</p> <p>(L) Service imminent – 21/02/07</p> <p>(P) Memo re draft Notice – maps/photos enclosed – 15/3/7</p> <p>(P) Enforcement notice served 16/4/07, effective 21/5/07 compliance by 21/8/07</p>
2006/00012 BL	SH T3/588	28 Park Street Slough Change of use. Dwelling garden amenity area to part Public House beer garden	<p>(P) Legal instructed and land charges informed 1/11/06</p> <p>(P) Draft notice checked and returned to JB in Legal 23 November 2006</p> <p>(L) Awaiting plans – chased up in Jan & Feb 07</p> <p>(P) Plans forwarded to legal 21/3/07.</p> <p>(P) Appeal against refusal of planning permission submitted all further enforcement work on hold</p> <p>(P) Appeal dismissed. Licensee given 3 months to cease the unauthorised use until 30/11/07</p> <p>(P) Planning Enforcement Notice served 29 January 2008</p>
2006/00011 BL	SH T3/598	26 Park Street Slough Change of use. Dwelling garden amenity area to part Public House beer garden	<p>(P) Legal instructed and land charges informed 1/11/06</p> <p>(P) Draft notice checked and returned to JB in Legal 23 November 2006</p> <p>(L) Awaiting plans – chased up in Jan & Feb 07</p> <p>(P) Plans forwarded to legal 21/3/07.</p> <p>(P) Appeal against refusal of planning permission submitted all further enforcement work on hold</p> <p>(P) Appeal dismissed. Licensee given 3 months to cease the unauthorised use until 30/11/07</p> <p>(P) Planning Enforcement Notice served 29 January 2008</p>
2006/00009 BL	SH	24 Park Street Slough Change of use. Dwelling to Public House and Garden amenity area to beer garden	<p>(P) Legal instructed and land charges informed 1/11/06</p> <p>(L) Awaiting plans – chased up in Jan & Feb 07</p> <p>(P) Plans forwarded to legal 21/3/07.</p> <p>(P) Appeal against refusal of planning permission submitted all further enforcement work on hold</p> <p>(P) Appeal dismissed. Licensee given 3 months to cease the unauthorised use until 30/11/07</p> <p>(P) Planning Enforcement Notice served 29 January 2008</p>
2006/00269 BL	SH T3/581	Land North West and South East of Mill Street Colnbrook Slough Section 215 Amenity Notice.	<p>(P) Legal Instructed and Land Charges informed 4/10/06.</p> <p>(L) Awaiting site history from planning</p> <p>(P) Meeting has taken place at the TH with DA, SQ, JRB, DS and DM present. Process agreed on a way forward starting with a LR search and 330 notices.</p> <p>(P) Above searches done together with 330 notices. SQ wishes to visit site prior to agreeing a way forward and all further work on hold pending that visit, arranged for 30/8/07.</p> <p>(P) Site visit undertaken 30/8/07. Instructions from legal awaited.</p> <p>(P) Memo from Steven Quayle seeking land ownership details. When to hand he will draft a new notice(s)</p> <p>(P) Memo to Legal asking for OCE.</p> <p>(P) Enforcement Notice and Section 215 Notice served 20th December 2007.</p> <p>(P) Appeals lodged.</p>

2006/00428 BL	SH T3/593	6 Middlegreen Road Slough Unauthorised Development Front Wall	<p>(P) Legal instructed and land Charges informed 17/10/06</p> <p>(P) Copy instructions emailed to DW 18/01/07</p> <p>(P) Denise Alder given briefing on current position</p> <p>(L) Waiting to hear from planning 21/02/07</p> <p>(P) Plans forwarded to legal 19/3/07.</p> <p>(P) Enforcement notice served 10/4/07, effective 15/5/07 compliance by 15/6/07</p> <p>(P) Owner has questioned validity of service of notice. Memo to David Scourfield 1/6/07.</p>
2006/00392 MT	SH T3/591	39 Farm Crescent, Slough Breach of Condition – garage used as a habitable room	<p>(P) Legal instructed and land charges informed – 9/10/06</p> <p>(P) Legal requested further plans 5/12/06 which were provided the following day.</p> <p>(L) Notice drafted – nearly ready to go out 21/02/07</p> <p>(P) Breach of Condition Notice served 30/7/07 effective immediately for compliance by 28/8/07.</p> <p>(P) Planning application submitted for this breach. Papers with Head of Development Control for a decision on the way forward.</p> <p>(P) Head of Development Control has said the planning application P/13193/002 will have to run its course. All further work on hold.</p> <p>(P) Application refused. Letter to owner seeking compliance with the notice on or before 30/11/07.</p>
2005/00364 MT	SH T3/615	11 Maple Crescent, Slough Unauthorised development – porch and canopy	<p>(P) Legal instructed and land charges informed – 6/10/06</p> <p>(P) Legal requested further copies of plans and photographs 14/12/06. Supplied 15/12/06.</p> <p>(L) Notice drafted – nearly ready to go out 21/02/07</p> <p>(P) Enforcement notice served 10/4/07, effective 15/5/07 compliance by 15/8/07.</p> <p>(P) Appeal lodged.</p>
2005/00366 MT	SH T3/603	18 Maple Crescent, Slough Unauthorised development – porch and canopy	<p>(P) Legal instructed and land charges informed – 6/10/06</p> <p>(P) Legal requested further instructions – resent – 22/11/06</p> <p>(P) Legal requested further set of instructions sent 24/01/07</p> <p>(P) Legal requested further set of instructions sent 30/07/07</p> <p>(P) Draft notice received and returned same day 8/8/07</p> <p>(P) Enforcement notice served 4/9/07, effective 8/10/07 compliance by 8/1/08.</p>
2006/00418 MT	SH T3/604	20 Wexham Road, Slough Unauthorised erection of a rear garden wall	<p>(P) Legal instructed and land charges informed – 11/10/06</p> <p>(P) Legal requested further instructions – resent – 22/11/06</p> <p>(P) Legal requested further set of instructions sent 24/01/07</p> <p>(L) Drafts sent to planning 15/02/07</p> <p>(P) Draft corrected and returned 19/2/07.</p> <p>(P) Notice served 26/3/7, effective 30/4/7 for compliance by 30/7/7</p> <p>(P) No action taken pending outcome of appeal in relation to the following entry.</p>
2006/00256 MT		20 Wexham Road, Slough Unauthorised erection of a rear detached structure	<p>(P) Legal instructed and land charges informed – 11/10/06</p> <p>(P) Legal requested further instructions – resent – 22/11/06</p> <p>(P) Legal requested further set of instructions sent 24/01/07</p> <p>(L) Drafts sent to planning 15/02/07</p> <p>(P) Draft corrected and returned 19/2/07.</p> <p>(P) Notice served 26/3/7, effective 30/4/7 for compliance by 30/7/7</p> <p>(P) Appeal lodged</p>

2002/00240 DM	SH T3/584	Land adjacent to 12 Elbow Meadows, Colnbrook. Change of use of land to commercial	(P) Legal instructed and land charges informed 19/9/06 (P) Legal acknowledged instructions 22/9/06. (L) Draft approved – service imminent 21/02/07 (P) Enforcement notice served 2/4/07, effective 7/5/07 compliance by 8/8/07 (P) Appeal lodged.
2006/00377 MT	SH T3/585	46 Cockett Road, Slough Unauthorised erection of a single storey side and rear extension	(P) Legal instructed and land charges informed 19/9/06 (P) Legal acknowledged instructions 22/9/06. (P) Meeting with legal to discuss issues – 30/11/06 (P) Legal requested further copies of plans and photographs 14/12/06. Supplied 15/12/06. (P) Notice served 16/1/07, effective 20/2/07 for compliance 20/6/07. (P) Appeal lodged. (P) Appeal dismissed 16/8/07. New compliance date 16/12/07. (P) Papers being prepared for Legal for non compliance.
2006/00312 BL	SH T3/586	36 Hetherington Close Unauthorised Erection of Front Canopy Extension	(P) Legal instructed and land charges informed 15/9/06 (P) Legal acknowledged instructions 22/9/06. (P) Draft notice received 6/10/06. Memo concerning same returned the same day (P) Notice served 16/1/07, effective 20/2/07 for compliance 20/5/07. (P) Appeal lodged. (P) Appeal dismissed 16/8/07. New compliance date 16/11/07. (P) Site visit carried out, Notice has not been complied with, Legal to be instructed.
2006/0096 BL		38 Hetherington Close Unauthorised Erection of Front Canopy Extension	(P) Legal instructed and land charges informed 15/9/06 (P) Legal acknowledged instructions 22/9/06. (P) Draft notice received 6/10/06. Memo concerning same returned the same day (P) Notice served 16/1/07, effective 20/2/07 for compliance 20/5/07. (P) Appeal lodged. (P) Appeal dismissed 16/8/07. New compliance date 16/11/07. (P) Site visit carried out, Notice has not been complied with, Legal to be instructed.
2006/00373 MT	SH T3/597	68 Ragstone Road Unauthorised change of use – subdivision of residential property to flats and HMO	(P) Legal instructed and land charges informed 12/9/06. (P) Memo from Steven Quayle requesting further information received 19/12/06. (P) Email sent to Steven Quayle 4/1/07 outlining the current position.
2006/00352-1 MT	SQ	203 Tamar Way Unauthorised change of use – creation of a separate planning unit	(P) Legal instructed and land charges informed – 30/8/06 (P) Legal acknowledged instructions 5/9/06. (P) BOC Notice Served – Compliance by 1 April 2007 (P) Attempts to ensure compliance thwarted by owner. New hand-delivered appointment for 15/6/07. (P) Appointment kept. Further visit by NC in due course re additional evidence.
2006/00352 MT	SQ	203 Tamar Way Unauthorised change of use – creation of a separate planning unit	(P) Legal instructed and land charges informed – 30/8/06 (P) Legal acknowledged instructions 5/9/06. (P) Enforcement Notice served 1 December 2006 – Compliance by 5 March 2007 (P) Attempts to ensure compliance thwarted by owner. New hand-delivered appointment for 15/6/07. (P) Appointment kept. Further visit by NC in due course re additional evidence.

2006/00109 MT	SQ /JAS T3/580	203 Tamar Way Unauthorised development – extension to existing garage	(P) Legal instructed and land charges informed – 30/8/06 (P) Legal acknowledged instructions 5/9/06. (P) Enforcement Notice served 1 December 2006 – Compliance by 5 March 2007 (P) Attempts to ensure compliance thwarted by owner. New hand-delivered appointment for 15/6/07. (P) Appointment kept. Further visit by NC in due course re additional evidence.
2006/00283 MT	AB T3/574	45 Elmshott Lane Unauthorised change of use – car sales	(P) Legal instructed and land charges informed – 23/8/06 (P) Legal acknowledged instructions 5/9/06. (P) Draft notice received 6/10/06. Memo concerning same returned the same day (P) Further maps sent to legal – 25/10/06 (P) Enforcement notice served 18/12/06 effective 24/1/07 for compliance by 24/2/07 (P) Incorrect site plan was issued – Notice to be withdrawn and served again – new plans sent to JB (P) Email to Steven Quayle 1/3/07 asking for matter to be expedited. (P) Notice served 26/3/7, effective 30/4/07 for compliance by 30/5/07 (P) Appeal lodged. (P) Appeal allowed, 3 year temporary Planning Permission granted until 07/12/10
2006/00218 MT		72 Ragstone Road, Slough Unauthorised change of use of dwelling house to cultural and education centre	(P) Legal Instructed and land charges Informed 22/5/06. (L) Requisitions sent. Passed to John Bell (P) At the request of Steven Quayle meeting arranged on site to establish position re use at 10:30 15/8/06. (P) Site Visit carried out as described above – further information sent to Steven Quayle. (P) Enforcement Notice served 4/1/07 effective 6/2/07 for compliance by 6/6/07 (P) Appeal lodged. (P) Appeal upheld, Enforcement Notice dismissed.
2005/00246 MT		20 Oldway Lane, Slough Unauthorised front extension	(P) Legal Instructed and land charges Informed 10/5/06. (P) Legal acknowledged instructions 15/5/06. (L) Requisitions sent. Passed to John Bell (P) Papers ready for service, but because of a change in planning stance require amendment. (P) Enforcement Notice served 30/8/6 Compliance by 30/12/06 (P) Appeal against Enforcement Notice lodged. (P) Appeal dismissed. New compliance date 1/6/07. Owner reminded of compliance obligations 5/3/07. (P) Date for compliance passed. Site to be visited. (P) Site visit 10/10/07. No compliance. Interview under caution hand delivered 12/10/07. (P) Reply received 29/10/07. Prosecution papers being prepared.
2006/0133 DM		54/56 Canterbury Avenue, Slough. Change of use of domestic garage to commercial use, tyre fitting/storage.	(P) Legal instructed and land charges Informed 27/03/06. (P) Legal acknowledged instructions 18/4/06. (P) Draft Notice corrected and returned to Legal 23/6/06. (P) Notice served 17/8/06, effective 21/9/06 for compliance by 21/12/06. (P) Appeal lodged (P) Hearing date 12/4/07. (P) Hearing adjourned to 30/5/07 (P) Hearing took place result awaited. (P) Appeal dismissed. New compliance date of 5/4/08.

2005/00423 MT	Beta Shoes Ltd, Unit 15, Slough Interchange Industrial Estate, Whittenham Close, Slough Unauthorised Material Change of Use. Warehouse to Retail		<p>(P) Legal Instructed and Land Charges informed 16/02/06</p> <p>(P) Legal acknowledged instructions 28/2/06.</p> <p>(L) Requisitions sent 10.3.06 File passed to JRB</p> <p>(P) Application for a certificate of lawful use submitted. Enforcement action will continue following any refusal.</p> <p>(P) Certificate refused enforcement notice to be served, legal informed</p> <p>(P) Enforcement Notice served 9/1/07. Land charges informed. Register Updated.</p> <p>(P) Appeal lodged 8/2/07.</p> <p>(P) Appeal dismissed. New compliance date of 1/1/08</p>
2005/00522 RL	56 Hillside, Slough Unauthorised development – erection of a two-storey side and single-storey rear extension	EJ EJ/T3/534	<p>(P) Legal instructed and land charges informed 5/1/06</p> <p>(L) Requisitions sent 31.1.06 File passed to JRB</p> <p>(P) Legal acknowledged instructions 7/3/06.</p> <p>(P) Notice served 19/6/06, effective 20/7/06 for compliance by 20/9/06.</p> <p>(P) Appeal submitted.</p> <p>(P) Appeal dismissed 29/1/07 – new date for compliance now 29/3/07</p> <p>(P) Appeal to Appeal Court for a Judicial Review submitted.</p> <p>(P) Appeal withdrawn. Planning Officers comments awaited on a revised scheme.</p> <p>(P) Case revitalised. New compliance 30 March 2008.</p>
2005/00197 BL	Land to the North of Beckwell Court Unauthorised Change of Use	BT	<p>(P) Legal Instructed and land Charges informed 28/11/05</p> <p>(P) Memo to Legal fresh instructions. 27/01/06</p> <p>(L) Requisitions sent 12.1.06 File passed to JRB Draft to P 9.3.06</p> <p>(P) Legal instructed to re draft memo in accordance with new instructions 1/5/06</p> <p>(P) Draft notice amended and returned to legal 1/6/06</p> <p>(P) Further draft notice received 22/9/06</p> <p>(P) Draft notice amended and returned to legal 21/11/06</p> <p>(P) Enforcement Notice Served 23/1/07, effective 9/2/07 for compliance 9/5/07</p> <p>(P) Appeal lodged</p> <p>(P) Appeal dismissed, but notice varied. New compliance date 29/2/08</p>
2005/00519B BL	Land to the North of Beckwell Court Unauthorised Development. Garages	BT T3/528	<p>(P) Legal Instructed and land Charges informed 28/11/05</p> <p>(L) Requisitions sent 12.1.06 File passed to JRB Draft to P 9.3.06</p> <p>(P) Legal instructed to re draft memo in accordance with new instructions 1/5/06</p> <p>(P) Draft notice returned to legal 1/6/06</p> <p>(P) Copy of original instructions sent to Legal 4/7/06</p> <p>(P) Further draft notice received 22/9/06</p> <p>(P) Draft notice amended and returned to legal 21/11/06</p> <p>(P) Enforcement Notice Served 23/1/07, effective 27/2/07 for compliance 27/5/07</p> <p>(P) Appeal lodged</p> <p>(P) Appeal dismissed, but notice varied. New compliance date 29/2/08</p>

2005/00409 BL	EJ	13 Grasmere Avenue Change of use. Tyre fitting and sales from alternators batteries etc.	<p>(P) Legal instructed and land Charges informed 28/11/05. Draft to P 22.3.06</p> <p>(P) Notice approved and back to legal 30/03/06</p> <p>(L) Requisitions sent 12.1.06.</p> <p>(L) Service imminent 21/02/07</p> <p>(P) Enforcement notice served 5/3/07, effective 10/4/07 compliance by 10/7/07</p> <p>(P) Appeal submitted on 10/4/07. Planning Inspectorate have written and said that appeal is out of time. Original compliance date stands.</p> <p>(P) Owner sent letter 11/7/07</p> <p>(P) Planning application submitted for this breach. Papers with Head of Development Control for a decision on the way forward.</p> <p>(P) Application refused. Letter to owner seeking compliance with the notice on or before 9/1/08.</p>
2004/00562 BL		9 Petersfield Avenue Enforcement Notice for Unauthorised Material Change of use. Mixed beauty parlour/residential.	<p>(P) Legal instructed and land charges informed 21/11/05</p> <p>(L) Instructions received and file ordered 16/12/05</p> <p>(P) Appeal lodged re refusal of planning permission.</p> <p>(L) Requisitions sent 13.1.06 File passed to JRB</p> <p>(P) Notice served 16/6/06, effective 16/7/06 for compliance by 16/9/06.</p> <p>(P) Appeal lodged against enforcement notice.</p> <p>(P) Appeal hearing has taken place. Decision awaited</p> <p>(P) Appeal dismissed new compliance date 21/9/07.</p> <p>(P) Use continues. Further site visit need to gather evidence.</p>
2005/00315 DM	MB/T3/527	Poyle Place Lodge, Horton Road, Colnbrook, Slough Enforcement notice for operational development – fence over 2 metres.	<p>(P) Legal instructed and land charges informed 17/11/05</p> <p>(L) Office copy entries obtained. Requisitions served w/e 12/3/06.</p> <p>(P) File with SQ.</p>
2005/00459 DM	EJ/T3/576	Poyle Place Lodge, Horton Road, Colnbrook, Slough Enforcement notice for change of use – modular accommodation	<p>(P) Legal instructed and land charges informed 17/11/05</p> <p>(L) Problems proving ownership of the land – possibly owned by SBC but unregistered land and may deeds need to be looked at – informed DM 16/12/05</p> <p>(P) Legal advised to enquire with JB who has intimate knowledge of the site.</p> <p>(L) Requisitions served 4 January 2006</p> <p>(L) On hold pending further investigation of title. JB thinks SBC own. Legal also to write to Mr. P asking for proof of his stated ownership of the land. 20.2.06</p> <p>(L) Memo to Planning 23.6.06.</p> <p>(P) Whilst a memo has been received by planning this is from assets and suggests that SBC proceed to issue the notice and flush the owner out by so doing. As this is a legal process I consider this an abuse and land ownership should be established. If this land is owned by SBC then the modular accommodation should be removed without further delay.</p> <p>(P) Site visit 29/10/07 reveals that the portable modular unit has been set alight and is now a ruin.</p>

2005/00331 MT	T3/381a DP	35 Montem Lane, Slough Enforcement Notice for operational development	<p>(P) Legal instructed and land charges informed 9/11/05 (L) Requisition sent 14th June 2006. (L) Draft notice to planning for approval 14th June 2006. (P) Legal acknowledged instructions 16/6/06. (L) 10.07.06 - EJ instructed by SQ not to issue notice for time being – in light of petition received. SQ will advise EJ when notice can be issued. (P) Notice served 17/1/07, effective 21/2/07 for compliance by 21/4/07 (P) Appeal lodged (P) Appeal dismissed, compliance by 07/02/08.</p>
DM		Poyle Place, Horton Rd., Poyle Unauthorised use of land as a lorry park.	<p>(P) Legal instructed 30/10/98. (P) Enforcement Notice issued and served 5/2/99 for compliance on 8/7/99. (P) Enforcement Notice appealed submitted. (P) Judicial Review dismissed 23/6/01. (P) Evidence gathered over a long period of time and forwarded to legal with a view to taking injunctive proceedings. (L) High Court hearing 1&2/12/03. Injunction issued for compliance by 30/12/03 (Use of land) and 31/3/04 (Removal of buildings/plant and break out hard standing) (P) Site visit on 15/1/04 and evidence gathered for injunctive and criminal court proceedings. (L) Meeting with Counsel 29/1/04 to establish way forward. (P) Further meeting being arranged for site visit with legal and counsel in late March. (P) Meeting took place on 25/3/04 further instructions awaited. (P) Legal provided with evidence of non-compliance with Injunction 27/4/04. (P) Legal sought authority to employ specialist solicitors 18/6/04. (P) Further site visit undertaken at the request of legal on 23/12/04. Statement prepared and forwarded with photographs (P) Conference with Counsel and Solicitors arranged for 21/4/05. (P) 21/4/05 meeting with Counsel in chambers. Agreed further site visit. Results with covering statement to be submitted by w/e 29/4/05 (P) Statement, photographs and plan submitted to legal. (P) As no progress has been made David Scourfield has instructed legal to dispense with Counsels services and to instruct another to progress this issue ASAP. (P) Site visit 27/7/05. Land cleared of all lorries and extraneous articles. Land guarded by security guards; however the land is being used to store large quantities of ATB's (Air Transport Bins – used for transporting cargo on aircraft. Enquires in hand to establish who is responsible. Additionally no hard standing has been broken out and removed from the land. (P) Surveyor has contacted enforcement confirming Mr. Prashar is now living out of the country permanently. There is a Trust in Amritsar who now has control of the site and arrangements are in the pipeline to submit a planning application to address the problems on the site. All further legal work on hold pending developments. (P) See Part I for further details re Enforcement Notice, Stop Notice and Injunction.</p>

GLOSSARY OF ABBREVIATIONS

PLANNING

DM = David Mann
MT = Mark Turner
BL = Bob Lee
MB = Mathew Brown
RK = Roger Kirkham

ZP = Zoc Pankaluic
SM = Simon Martin
RS = Reena Sharma
WM = Wesley McCarthy
NC = Nigel Craske

LEGAL

EJ = Elizabeth Jenkins
AB = Amanda Ball
JRB= John Bell
DP = Dawn Pelle

SH = Sadia Hussain

JB = Jill Bell
BT = Brian Tandy

General

HMO = House in Multiple Occupation
PA = Planning Application
BoC = Breach of Condition

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**LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING
ONGOING TO DATE (20.02.08)**

PART 2

Planning Reference and Officer	Legal Reference and Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2006/00382 BL	JRB T3/619	Land Adj. 100 Waterbeach Road Unauthorised erection of Building containing residential Flats.	<p>(P) Legal instructed and Land Charges Informed 27/3/07.</p> <p>(P) JB has forwarded a memo seeking further information dated 3/5/07.</p> <p>(P) Reply to forgoing sent 9/5/07</p> <p>(P) Legal requested 12 copies of plan in memo dated 15/5/07</p> <p>(P) Plans sent to legal as requested.</p> <p>(P) Enforcement Notice served 13/6/07, effective 16/7/07 compliance by 16/10/07.</p> <p>(P) Appeal lodged.</p> <p>(P) App/J0350/c/07/2050463. The Planning Inspectorate refuse the appeal. Not valid by Time. Prosecution to be commenced.</p> <p>(P) No compliance. Prosecution papers being prepared.</p> <p>(P) Prosecution Case File to, Tania Fletcher, Wednesday 14 November 2007</p> <p>(L) Prosecution considered and will continue. TEF to arrange filing of documents to be served.</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve</p> <p>(L) Adjourned until 15.02.08.</p>
2006/00435 BL	JRB T3/330	93 Quinbrookes, Slough Unauthorised Rear-Outbuilding	<p>(P) Legal instructed and land charges informed 19/12/06</p> <p>(L) 01/02/07 Legal requested instructions on how to remedy breach – Received on 05/02/07</p> <p>(P) Requirements in draft notice did not have the “permitted development” option. copy memo resent to legal 12/03/07</p> <p>(P) Clarification memo rec’d from JRB, Responded 20/04/07</p> <p>(P) Enforcement Notice served 4/7/07, effective 8/8/07 compliance by 8/10/07</p> <p>(P) Compliance Not achieved. Site visit 10/10/07. Prosecution File to legal 23/10/07</p> <p>(L) Prosecution considered. NC to check the land registry title for proof of ownership. Documents will be prepared for filing and service</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve</p> <p>(L) Adjourned until 15.02.08.</p>

2006/00192 BL	SQ	81, Northern Road Slough Unauthorised Erection of Single Storey Rear Outbuilding.	<p>(P) Legal Instructed and Land Charges Informed 1/6/06</p> <p>(L) Office copies applied for</p> <p>(L) With BT for engrossment.</p> <p>(P) Enforcement Notice served. Land Charges Informed 27 July 2006. Compliance by 30 October 2006.</p> <p>(P) Appeal lodged.</p> <p>(P) Appeal dismissed. New compliance date of 5/9/07.</p> <p>(P) No compliance moved to Part 11 for prosecution.</p> <p>(P) Prosecution papers signed 25/9/07 and forwarded to legal the same day.</p> <p>(L) Prosecution to be considered by legal – will discuss with NC next week</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve</p> <p>(L) Adjourned until 15.02.08.</p>
2006/00430 BL	JRB T3/602	8 Middlegreen Road Slough Unauthorised Development Front Wall	<p>(P) Legal Instructed and Charges Informed 17 October 2006</p> <p>(P) Notified that John Bell dealing. 16 November 2006</p> <p>(L) Sight line issue – waiting on planning</p> <p>(P) Plans forwarded to legal 19/3/07.</p> <p>(P) Enforcement notice served 10/4/07, effective 15/5/07 compliance by 15/8/07.</p> <p>(P) Notice not complied with. Prosecution papers prepared and moved to Part 11</p> <p>(L) TEF to locate file and discuss next week</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve (NB see below matters filed together)</p> <p>(L) Adjourned until 15.02.08.</p>
2006/00244 BL	SQ	8 Middlegreen Road Breach of Planning Condition materials matching.	<p>(P) Legal Instructed and land charges informed 6/9/06.</p> <p>(P) Legal acknowledged instructions 11/9/06.</p> <p>(P) Allocated to John Bell. 11 September 2006.</p> <p>(P) Further plans forwarded to legal 21/3/07.</p> <p>(P) Enforcement notice served 10/4/07, effective 10/4/07 compliance by 10/7/07</p> <p>(P) Notice not complied with. Prosecution papers prepared and moved to Part 11</p> <p>(L) TEF to consider file and discuss next week</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve (NB see above matters filed together)</p> <p>(L) Adjourned until 15.02.08.</p>

2005/00260 DM	L16/025 011219	Rhea's Indian Cuisine, 295-297, High Street, Slough Shutters	<p>(P) Legal Instructed and Land Charges informed. 30/8/05 (L) acknowledgement of instructions sent out on 22/09 (L) Requisitions sent out to 8 parties on 5/10/05 (L) SH to draft Enforcement Notice (L) Enforcement notice served 6/1/06, effective 6/2/06 for compliance 6/4/06, Land Charges informed (P) Site visit required to establish if compliance has been achieved. (P) Appeal lodged. (P) Appeal dismissed. New date for compliance 18/12/06. (P) No compliance moved to Part 11. (P) Prosecution papers being prepared. (P) Prosecution papers signed by David Scourfield 18/5/07 and forwarded to legal the same day. (P) Legal Acknowledged instructions 7/8/07. (L) as above (L) File located. TEF has requested NC carry out a site visit. (L) Negotiations underway with new owners.</p>
2004/00606 DM	EJ/T3/472	Land West of Poyle Road/South of Poyle Channel, Colnbrook. Change of use of land for siting of caravans.	<p>(P) Legal instructed and enforcement notice served 24/11/04. Notice takes effect 24/12/04 for compliance by 24/3/05. (L) Appeal papers received and forwarded to planning 22/12/04. (P) Appeal lodged. (P) Appeal withdrawn. New date for compliance 30/9/05. (P) Letter sent to operator 18/10/05. (P) As this matter is inter-linked with an identical issue on an adjoining site and that matter is the subject of Judicial Review all further work re enforcement is on hold. (P) Prosecution papers prepared and forwarded to legal 29/11/06 moved to Part 2 (P) Legal acknowledged instructions 19/1/07 (L) as above</p>
2006/00001 BL		2 Upton Court Road S215 Action. Storage/parking motor vehicles.	<p>(P) Legal instructed and Land Charges informed 27/02/06 (P) Legal acknowledged instructions 8/3/06. (L) Requisitions sent 10.3.06 File passed to JRB (P) Draft notice agreed and returned to legal w/e 14/7/06 (P) Sec 215 Notices served 27 July 2006. Compliance date: 3 September 2006. (P) No compliance. Prosecution papers prepared and moved to Part 11 (P) KKC has requested a meeting with BL. Yet to be arranged. (P) Attended court on 6 September 2007. Plea of guilty. Fined £720 with £1500 costs. Will monitor the property for post conviction compliance. (L) meeting TEF and NC – NC to monitor compliance</p>

DM	EJ/T3/306	Poyle Recycling Centre, Poyle Rd. Slough Unauthorised use of land for storage and recycling.	<p>(P) Legal instructed 13/8/98.</p> <p>(P) Enforcement Notice issued and served 25/8/99 for compliance on various dated ending on 23/9/00.</p> <p>(P) Appeal lodged and dismissed.</p> <p>(L) Judicial Review dismissed. New compliance dates as follows: - 8/10/02 to cease use for recycling, 17/1/03 to remove scrap/soil etc., 18/4/03 topsoil area and sow grass seed.</p> <p>(P) Notice not complied with and instructions to legal to commence a prosecution on 6/1/04.</p> <p>(P) Whilst there is no compliance prosecution is on hold pending confirmation from legal that notices that will be required to be served under PACE are acceptable.</p> <p>(P) Although the advise sought above has not been given site visit 9/8/04 and prosecution file updated.</p> <p>(P) PACE issues resolved and evidence gathered. Added to prosecution file.</p> <p>(L) March 05 - Evidence received by Legal to lay papers at court.</p> <p>(L) Counsel instructed who is reviewing papers prior to laying information at Court.</p> <p>(P) Site visit 5/8/05 with an Environment Agency surveyor and a soil scientist to gather evidence pending a prosecution for failure to comply with an enforcement notice.</p> <p>(P) Following the above visit the soil scientist has failed to supply a statement and accordingly the file is being reviewed for evidential quality.</p> <p>(L) TEF no prosecution file can be located. NC to look to see what they have.</p>
NC2004/006 06	L7/010 010831	Cecil Wiggins Prosecution breach of enforcement notice	<p>(L) Meeting with TEF and NC. This matter is quite old. Enforcement notice issued in 2004. NC to do a site visit.</p> <p>(P) 13/12/07 Site visit carried out and new Planning Application submitted.</p>
NC2005/003 96	L7/008 010689	271 Langley Rd Prosecution for breach of condition	<p>(L) Meeting with TEF and NC. This matter is also quite old. It is unclear if proceedings have been file. NC to do a site visit.</p> <p>(P) Site visit carried out, Notice has not been complied with.</p> <p>(P) Prosecution papers being prepared.</p>

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NC = Nigel Craske
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RK = Roger Kirkham
WM = Wesley McCarthy
RS = Reena Sharma

LEGAL

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DP = Dawn Pelle

JoB = John Bell
KKC = Kuldip Channa
SQ = Steven Quayle

General

HMO = House in Multiple Occupation
PA = Planning Application
JB = Jill Be