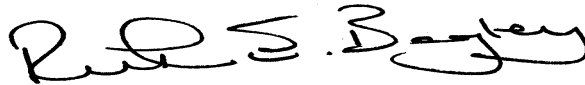


Date of issue: 5th October, 2010

MEETING	PLANNING COMMITTEE (Councillors Zarait (Chair), Dodds, Bal, P Choudhry, Dale-Gough, Maclsaac, Plimmer, Rasib and Swindlehurst)
DATE AND TIME:	WEDNESDAY, 13TH OCTOBER, 2010 AT 6.30 PM
VENUE:	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 875013

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

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	CONSTITUTIONAL MATTERS		
1.	Declaration 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).		

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Minutes of the Last Meeting held on 16th September 2010	1 - 4	
3.	Human Rights Act Statement	5 - 6	
PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH			
4.	P/14368/002 - Land adjacent to and rear of 14 Upper Lees Road, Slough	7 - 30	Britwell
PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH			
5.	P/00864/050 - Quality Hotel Heathrow, London Road, Langley, Slough	31 - 52	Colnbrook with Poyle
6.	P/09639/003 - 135 Upton Court Road, Slough	53 - 62	Upton
7.	P/10033/016 - Colnbrook Landfill Site, Sutton Lane, Colnbrook, Slough	63 - 84	Colnbrook with Poyle
8.	P/11425/009 - Land rear of 2-78 Castlevie Road & part of Upton Court Park & 36 Blenheim Road, Slough	85 - 96	Upton
9.	P/11425/010 - Land rear of 2-78 Castlevie Road & part of Upton Court Park & 36 Blenheim Road, Slough	97 - 108	Upton
10.	P/11425/011 - Land rear of 2-78 Castlevie Road & part of Upton Court Park & 36 Blenheim Road, Slough	109 - 120	Upton
MATTERS FOR INFORMATION			
11.	Appeal Decisions	121 - 122	
12.	Authorised Enforcement and Prosecutions	123 - 132	
13.	Members Attendance Record	133 - 134	

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.



Planning Committee – Meeting held on Thursday, 16th September, 2010.

Present:- Councillors Zarait (Chair), Bal, Dodds, P Choudhry (from 6.34 p.m.), Maclsaac, Plimmer, Rasib and Swindlehurst (from 6.40 p.m.)

Also present under Rule 30:- Councillors Basharat and Haines

Apologies for Absence:- Councillor Dale-Gough

PART I

34. Declaration of Interest

Councillor Maclsaac declared a personal interest on agenda item 5 – P/14808/001 – 150 The Normans, Wexham, Slough. Councillor Maclsaac declared that the neighbour to the application site had telephoned him to discuss the matter. Councillor Maclsaac had advised the individual to contact Councillor Haines. Councillor Maclsaac declared that he would consider the application with an open and clear mind.

35. Minutes of the Last Meeting held on 5th August, 2010

The minutes of the Planning Committee held on 5th August 2010 were approved as a correct record.

36. Chair's Announcement

The Chair announced that application P/14874/000 – 89 Kendal Drive, Slough had been withdrawn from the agenda .

Oral representations were made to the Committee by local Members prior to the planning applications being considered by the Committee as follows:

P/14808/001 – 150 The Normans, Wexham, Slough. A Member addressed the Committee under Rule 30.

P/12670/007 – 6 Salt Hill Drive, Slough. A Member addressed the Committee under Rule 30.

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.

Planning Committee - 16.09.10

37. P/14808/001 - 150 The Normans, Wexham, Slough

Application

P/14808/001 – 150 The Normans, Slough – Erection of a part single storey side extension with flat roof and part first floor side extension with gable and part single storey rear extension with mono pitch roof and part first floor rear extension with hipped and pitched roof. Erection of front extension with mono pitched roof.

Decision

Delegated for further negotiations with the applicant with regard to the revised plans. If no compromise was achieved officers be given delegated authority to refuse the application.

A recorded vote was requested for this item and was noted as follows:

For Deferral: Councillors Bal, Rasib and Zarait

Against Deferral: Councillors Dodds, Maclsaac and Plimmer.

Abstention: Councillors P Choudhry and Swindlehurst.

The Chair, Councillor Zarait, used his casting vote to vote for deferral of the item.

(Councillor Haines left the meeting)

38. P/12670/007 - 6, Salt Hill Drive, Slough

Application

P/12670/007 - 6, Salt Hill Drive, Slough – Retention of two storey side, part two storey rear extension, front porch and front extension, with alterations to front extensions and roof.

Decision

Delegated for further negotiations with regard to the first floor extension. A period of one month was given for the negotiations to be achieved. Officers given delegated authority to refuse the application if a compromise was not reached within one month.

(Councillor Basharat left the meeting)

39. P/09198/009 - Unit P, Heathrow Business Park, Heron Drive, Parlaunt Road, Slough

Application

P/09198/009 - Unit P, Heathrow Business Park, Heron Drive, Parlaunt Road, Slough – Change of use from classes B1 (B) and B1 (C) to classes (B1) (B), B1 (C) and B8.

Decision

Approved subject to conditions.

Planning Committee - 16.09.10

40. P/14874/000 - 89 Kendal Drive, Slough

Application

P/14874/000 – 89 Kendal Drive,
Slough

Decision

Withdrawn.

41. S/00552/002 - Lea Schools, Wexham Road, Slough

Application

S/00552/002 - Lea Schools,
Wexham Road, Slough – Erection
of a single storey WC block
adjacent to proposed playing field
(Willow Primary School) and
construction of an access / drop
off loop Road.

Decision

Delegated to the Head of Planning Policy
and Projects to amend the draft
conditions regarding the amended plan.

42. P/01949/015 - Units 2 & 3, The Pavillions, Stoke Gardens, Slough

Application

P/01949/015 - Units 2 & 3, The
Pavillions, Stoke Gardens, Slough
– Outline application (all matters
reserved) for the construction of
56 No. flats in two No. four storey
blocks (Block A: 18 No. two-
bedroom flats and Block B 12 No.
one bedroom and 26 No. 2
bedroom flats) with 52 No. parking
spaces.

Decision

Refused - Include Slough Local
Development Framework Site Allocations
Document in support of refusal.

43. P/04385/011 - 24 Ladbrooke Road, Slough

Application

P/04385/011 - 24 Ladbrooke
Road, Slough – Change of use
from offices (B1A) to residential
(C3) by converting existing offices
at first and second floor into 8 No.
one bedroom and 6 No. two
bedroom flats.

Decision

Delegated to the Head of Planning Policy
and Projects.

Planning Committee - 16.09.10

44. P/14862/000 - 157 Elliman Avenue, Slough

Application

P/14862/000 - 157 Elliman Avenue, Slough – Outline application for the demolition of existing block of flats and the construction of a part three /part four storey building with roof accommodation, attached to Goldsmith Court, comprising 24 No. flats (18 No. two bedroom and 6 No. one bedroom) with 29 No. parking spaces.

Decision

Delegated to Head of Planning Policy and Projects.

45. S/00614/002 - Western House Primary School, Richards Way, Cippenham, Slough

Application

S/00614/002 - Western House Primary School, Richards Way, Cippenham, Slough – Extension of single storey west wing of existing school building and construction of a new single storey teaching block next to Cobham Close (to provide accommodation for additional form of entry).

Decision

Delegated to the Head of Planning Policy and Projects with signing of a satisfactory council undertaking, to agree revised drawings/information requested and amend the associated draft conditions.

46. Appeal Decision

Details of a recent appeal decision were noted.

47. Authorised Enforcement and Prosecutions

Details of various ongoing enforcement and prosecution cases were noted.

48. Member's Attendance Statistics

Noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.25 pm)

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
HPPP	Head of Planning Policy & Projects
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order

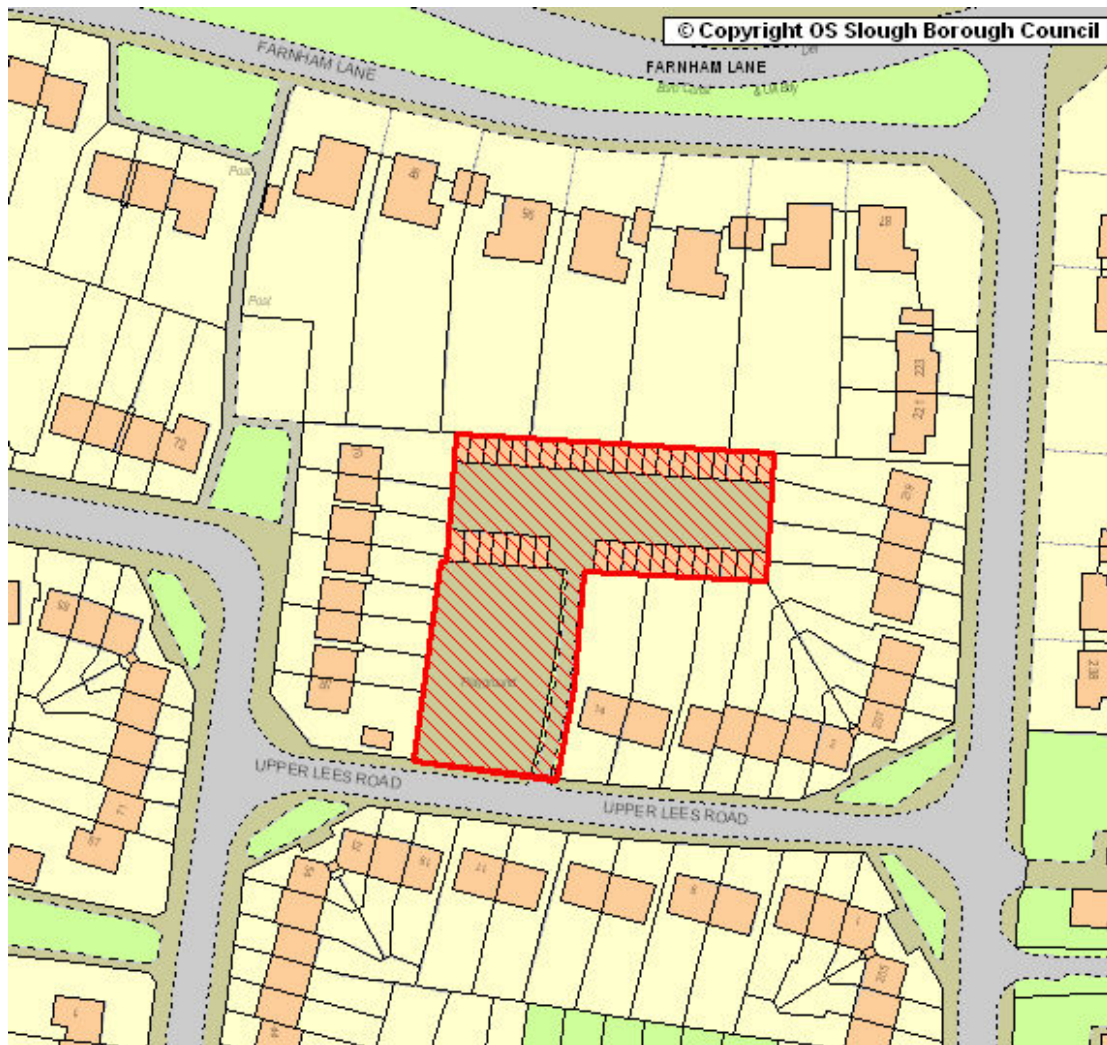
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C2(a)	Secure Residential Institutions
C3	Dwellinghouse
C4	Houses in Multiple Occupation
D1	Non Residential Institutions
D2	Assembly & Leisure

	OFFICER ABBREVIATIONS
AWM	Alan McMillen
WM	Wesley McCarthy
EW	Edward Wilson
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
AT	Anthony Traub

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Registration Date:	29-Jul-2010	Applic. No:	P/14368/002
Officer:	Mr. W. McCarthy	Ward:	Britwell
Applicant:	a2 Dominion Group		
Agent:	Miss Sascha Newton, Calford Seaden LLP ST JOHNS HOUSE, 1A, KNOLL RISE, ORPINGTON, KENT, BR6 0JX		
Location:	Land Adj and R/O, 14, Upper Lees Road, Slough, Berkshire, SL2 2AQ		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CONSTRUCTION OF 7 NO. THREE-BEDROOM DWELLINGS, WITH PARKING		

Recommendation: Approve subject to Conditions



P/14368/002

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the policy background and comments from local residents and consultees it is recommended that planning permission is **granted**, subject to conditions
- 1.2 This application was requested to be determined by the Planning Committee by Cllr Shine for the following reason;
- The development will result in the loss of the play area.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This application seeks retrospective planning permission for the demolition of an existing garage block and the erection of seven three-bedroom dwellings with parking. A full description of the development is included in the attached report (Addendum A).
- 2.2 The Planning Committee has approved exactly the same proposal at the meeting of March 2009. The applicant did however not discharge all the pre-commencement conditions prior to the implementation of the permission, which meant that the permission has now become 'null and void'. The applicant has therefore been informed to resubmit a new application in order to ensure that the completed development has a lawful planning permission.

3.0 Site History

- 3.1 P/14368/00 – Demolition of Existing Garages and the Erection of 9 no. Three Bedroom Dwellings – withdrawn 15/08/08
- 3.2 P/14368/001 - Demolition of existing garages and the erection of 7no. three-bedroom dwellings, with parking – Approved: 01 June 2009

4.0 **Neighbour Notification**

- 4.1 1, 2, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21, 23, 37 Upper Lees Road.
- 4.2 56, 58, 60, 62, 64, 66, 68, 70, 74, 76 Doddsfield Road
- 4.3 87, 89, 91, 93, 95, 97, 99, 105 Farnham Lane

- 4.4 207, 209, 211, 213, 215, 217, 219, 221, 223, Rosehill 242
- 4.5 ***4 x letters of objection received (The majority of the objections to the current application had been raised during the previous application and addressed on the attached report. Only new issues are therefore noted, with the officers response in italics):***
- 4.6 The access does not comply with the Berkshire County Highway Design Guide. *The application has been assessed by the Council's Traffic and Highway Engineers as part of the previous application and found to be acceptable. It also need to be noted that the site use to be a garage court and the court use for 7 dwellings represent a reduction in the number of trips to and from the site (49 movements for the residential scheme compared to 164 movements for the garage court).*
- 4.7 Substandard accommodation. *The internal dimensions comply with Housing Association standards, which are more stringent than would normally be acceptable for private developments and the dwellings would therefore be more spacious compared to a similar private development.*
- 4.8 Increase in noise. *It is considered that the introduction of dwellings on the garage court site would not increase the previous back ground noise at the time that the garages and the play area would have been in full use.*
- 4.9 Covenant preventing additional dwellings: *Covenants are not material planning considerations.*
- 4.10 Need for garages: *The Council has an approved garage court strategy to redevelop under-utilised garage courts to the benefit of the whole community. Traditional garage courts, such as the application site, have also become focal points for anti-social behaviour, because of the poor surveillance.*
- 4.11 Various issues have been raised about the lay-out, relating to refuse provision and disabled access: *The Council's engineers are satisfied that the proposal is acceptable in this regard.*
- 5.0 **Consultation**
- 5.1 *No change to the proposed developments, so no consultation on the current application. Please see attached report for comments.*
- 5.2 A letter of objection has been received from Cllr Shine, which also included his original letter to the previous application. The majority of the objections have been raised and addressed during the

previous application. The following issues have been raised as new concerns:

- *Access radius and width not sufficient:* The Council's Highway Engineers are satisfied with the access and the site will experience a reduction in traffic, compared to the previously used garage court.
- *Substandard accommodation and no disabled facilities:* The internal dimensions comply with Housing Association standards, which are more stringent than would normally be acceptable for private developments and the dwellings would therefore be more spacious, compared to a similar private development. The dwellings also need to comply with Building Regulations.
- *Insufficient amenity space:* Garden depths comply with the Council's adopted amenity space guidelines.
- It is a false statement that the site is a 'brownfield site', because it is using the play-area: *It is acknowledged that the part of the site is on the play area, but the majority of the site use to be a garage court.*

PART B: PLANNING APPRAISAL

6.0 Policy Background

- 6.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
Berkshire Structure Plan 2001-2016 (BSP): DP1, DP5 and EN1
Slough Local Development Framework Core Strategy 2006-2026 (SLDF): 4, 2, 7, 8
The Local Plan For Slough 2004 (SLP): H13, OSC4, EN1, T2

7.0 Principle of Development

- 7.1 The principle of the development has already been agreed and approved at the Committee Meeting in March 2009. As stated before, this application is identical to the previous application and all the concerns raised by residents have already been addressed and debated at the Committee Meeting of March 2009. It is acknowledged that every development results in some impact on the adjoining environment and residents, but on balance, the benefits of the proposed development outweighs any possible harm that could be caused by the development. It also need to be emphasised that there has been no change in policy to the Council's development plan and it would therefore be very difficult to sustain any reason for refusal, for a development, which was approved in 2009.

8.0 **Pre-commencement Conditions**

8.1 The applicant has not complied with the following pre-commencement conditions:

Condition 3: Samples of external materials

Condition 4: Boundary treatment

Condition 5: Management plan of the public amenity space

Condition 7: Details of the lay-out of the public amenity space

Condition 8: Landscape management plan

Condition 14: Surface water disposal

8.2 It has been indicated through case-law that non-compliance with any pre-commencement condition that 'goes to the heart of the planning consent', does invalidate the planning consent. In this case, it has been decided that non-compliance with conditions 3, 5 and 7 did invalidate the decision notice and the applicant has been therefore informed to re-submit a planning application. (Details have been received for Conditions 3, 4 and 14, but have not been discharged at the time of commencement).

8.3 The loss of approximately a third of the public open space did attract significant objections during the previous application and it did therefore form an integral part of the assessment of the application. The applicant did however fail to provide an acceptable scheme and management plan, prior to the commencement of works on site and it has been decided that these conditions should be complied with in order to secure the play area that was envisaged during the previous application. It is now recommended that the above pre-commencement conditions should be changed to pre-occupation conditions, in order to allow the applicant and officers sufficient time to discharge the conditions. Work is already on the way to ensure that this new deadline can be achieved and officers therefore raise no objection to the current proposal. The current proposal would also ensure that the contractor would be in a position to 'hand over' the completed dwellings to the A2 Housing, with all the conditions discharged.

9.0 **Summary**

9.1 It is considered that the proposed development would not have a detrimental impact on the amenities of any neighbouring occupiers and would provide seven family dwellings to Slough's housing stock. The purpose of this application is to ensure that the applicant complies with all the conditions that have been attached

to the previous approved scheme for seven dwellings. In light of this, it is recommended that the application is approved, subject to conditions.

PART C: RECOMMENDATION

10.0 **Recommendation**

10.1 Approve, subject to the conditions.

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

Condition(s)

1. 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. K07-0648 501 E, Dated 26/09/2008, Recd On 29/07/2010

(b) Drawing No. K07-0648 502 B, Dated 26/09/2008, Recd On 29/07/2010

(c) Drawing No. K07-0648 503 B, Dated 26/09/2008, Recd On 29/07/2010

(d) Drawing No. K07-0648 504 B, Dated 29/09/2008, Recd On 29/07/2010

(e) Drawing No. K07-0648 505, Dated 31/03/2009, Recd On 29/07/2010

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.

2. The development hereby permitted shall be implemented in accordance with the following external materials:

Bricks: LBC Sandfaced (main brick) and LBC Dapplelight (feature brick)

Roof tiles: Redland Grovebury Slate (Grey)

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.

3. Before the development hereby permitted is occupied, the boundary treatment as indicated on drawing number 8110 20 Rev. B, Dated March 2010, received 9 July 2010 shall be implemented on site and retained at all time in the future.

REASON In the interests of the visual amenity of the area and

accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

4. The development hereby permitted shall not be occupied until details of the layout of the public amenity space has be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the proposed play equipment, finished ground levels and contours, hard surfaced areas, means of enclosure, pedestrian access and circulation areas. The public amenity space shall be laid out in accordance with the approved details prior to the occupation of the development.

REASON To ensure that the existing public amenity space is enhanced in accordance with Policy OSC4 of The Adopted Local Plan 2004 and Core Policy 2 of The Slough Local Development Framework , Core Strategy 2006 - 2026, Development Plan Document, December 2008.

5. Prior to the occupation of the development hereby permitted, a management plan for the public amenity space shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the management of the public amenity space. The management plan for the amenity space shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To ensure the public amenity space is maintained to a satisfactory level in accordance with Policy OSC4 of The Adopted Local Plan for Slough 2004 and Core Policy 2 of The Slough Development Framework 2008, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

6. The approved landscaping scheme as indicated on drawing number 8110 21, Dated May 2010, Received 8 June 2010 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.

7. The development hereby permitted shall not be occupied until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and

maintenance schedule for the landscape areas other than the privately owned domestic gardens, shown on the approved landscape plan, and should include time scale for the implementation and be carried out in accordance with the approved details.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local Plan for Slough 2004.

8. During the demolition / construction phase of the development hereby permitted, no work shall be carried out on the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

9. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

10. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the occupation of the development hereby permitted and that area shall not thereafter be use for any other purpose, unless otherwise agreed in writing by the Local Planning Authority.

REASON To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience in accordance with Policy T3 of The Adopted Local Plan for Slough 2004 and Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

11. Full details of the surface water disposal from the access road and car parking area(s) shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site prior to the occupation of the development hereby approved.

REASON To prevent the risk of flooding in accordance with Policy EN32 of The Adopted Local Plan for Slough 2004.

12. Notwithstanding the terms and provisions of the Town & Country

Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classes A, B, C, D, E & F, no extension to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority

REASON The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed. It would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order in accordance with Policy H14 of The Adopted Local Plan for Slough 2004.

13. Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), no Windows /dormer windows other than expressly authorised by this permission shall be constructed.

REASON To protect the amenity and privacy of adjacent occupiers in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

Informative(s)

1. 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.
2. Prior to commencing works the applicant will need to enter into a Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway works schedule. 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.
3. 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.
4. The applicant will need to apply to the Council's Local Land Charges on 01753 477316 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
5. 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.
6. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004

and the Slough Local Development Framework, Core Strategy 2006 - 2026 as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:-PPS1: Delivering Sustainable Development, PPS3: Housing, PPG17: Planning for Open Space, Sport and Recreation and PPG13:Transport. Policies DP1, DP5 and EN1 of the Berkshire Structure Plan 2001-2016 and Policies H13, OSC4, EN1and T2 of The Adopted Local Plan for Slough 2004 and Core Policies 2, 4, 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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.

FOR INFORMATION
ONLY

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

Registration Date:	22-Dec-2008	Applic. No:	P/14368/001
Officer:	Abigail Heard	Ward:	Britwell
Applicant:	A2 Dominion Group		
Agent:	Miss Sascha Newton, Calford Seaden LLP ST JOHNS HOUSE, 1A, KNOLL RISE, ORPINGTON, KENT, BR6 0JX		
Location:	Land adj: & r/o, 14, Upper Lees Road, Slough, Berkshire, SL2 2AQ		
Proposal:	DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF 7NO. THREE-BEDROOM DWELLINGS, WITH PARKING		

Recommendation: Approve subject to Conditions



FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

P/14368/001

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the policy background and comments from local residents and consultees it is recommended that planning permission is granted, subject to conditions
- 1.2 This application was requested to be determined by the Planning Committee by Cllr Shine for the following reason;
- The development will result in the loss of the play area.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This application seeks planning permission for the demolition of an existing garage block and the erection of seven three-bedroom dwellings with parking.
- 2.2 The application site comprises of a garage court and public open space. The garage court has the potential to garage 41 vehicles; however, it is in a state of disrepair and not well utilised. The garage court is accessed via a narrow lane adjoining Upper Lees Road.
- 2.3 The public open space lies adjacent to this access lane and fronts Upper Lees Road. The development will result in a reduction in the public amenity space of 33%. It is currently under utilised and poorly maintained and subsequently if this application is approved the public open space is to be the subject of significant investment and improvements.
- 2.4 The dwellings extend to 8.4m in height and are characterised by pitched roofs with lean-to porches. The units are proposed to be constructed in brick with concrete roof tiles and UPVC windows. There are 14 parking spaces proposed to serve the new dwellings, which equates to 2 parking spaces per unit. The proposal will involve the widening of the access road to accommodate emergency vehicles and enable service vehicles to drive into the application site and turn.

3.0 Site History

- 3.1 P/14368/00 – Demolition of Existing Garages and the Erection of 9

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

no. Three Bedroom Dwellings – withdrawn 15/08/08

4.0 **Neighbour Notification**

4.1 1, 2, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21, 23, 37 Upper Lees Road.

4.2 56, 58, 60, 62, 64, 66, 68, 70, 74, 76 Doddsfield Road

4.3 87, 89, 91, 93, 95, 97, 99, 105 Farnham Lane

4.4 207, 209, 211, 213, 215, 217, 219, 221, 223, Rosehill 242

4.5 ***5 x letters of objection received (2 letters from 1 objector) raising the following issues; (Officers response in italics)***

4.6 Displacement of parking spaces: *The Highways Officer has based his comments on the assumption that any existing tenants of the existing garages are offered alternative off street car parking in an acceptable location*

4.7 Loss of play equipment and recreational space: *The size of the recreational space will be reduced, however, the quality of the space will be improved through new equipment and a new layout*

4.8 The garages are under utilised due to lack of maintenance rather than need; *The Highways Officer has not raised objections to the loss of this under utilised parking area*

4.9 The land is being sold off by SBC for a very small amount of money; *Land ownership is not a material planning consideration*

4.10 The lane does not require widening; *The lane widening will allow emergency vehicular access to the dwellings*

4.11 Lack of notification of residents; *The details of neighbours notified as part of this application are detailed in the section below*

5.0 **Consultation**

5.1 SBC Environmental protection Officer: Conditional Permission

5.2 Highways Officer: No Objections subject to a number of amendments and conditions

5.3 Archaeological Officer: Conditional Permission

5.4 Britwell Parish Council: Object: Loss of much needed play facilities and the lack of public consultation on such a major development

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

- 5.5 1 x letter of objection from Cllr Shine identifying the following issues; (Officers response in italics)
- 5.6 Loss of approximately 50% of the Children's play park leaving insufficient space for ball games, if the Council takes green space they must replace it with an equal nearby: *The development will result in a 33% reduction in the size of the open space, however, improvements will be made as part of this development with replacement equipment and long term management of the area increasing the environmental quality of the area.*
- 5.7 Overlooking: *It is not considered given the length of the rear gardens of the neighbouring properties and the proposed dwellings that the development will cause any significant overlooking.*
- 5.8 Removal of the 2.9 metre high brick garage walls and replacing with 1.8 metre fencing will compromise the security of the adjoining properties: *The wall which bounds the north of the site has been conditioned to be retained in order to ensure that the mature trees are protected*
- 5.9 Overshadowing: *It is not considered given the siting of the proposed dwellings that they will cause any significant overshadowing.*
- 5.10 Impact on mature trees which border the site and wildlife: *There is significant landscaping and a number of trees proposed to be planted as part of the development which is considered to result in an improvement of the environmental quality. Further to this the wall which bounds the north of the site is to be retained thus protecting the mature trees to the north*
- 5.11 Loss of Right of Way: *The rights of way are private not public thus this is not a material planning consideration in this case*
- 5.12 Impact on Highway Safety due to lack of parking: *The Highways Officer has raised no objections to the proposed development subject to a number of amendments*
- 5.13 The description is inaccurate: *It is considered that the description is an accurate representation of the development*
- 5.14 Noise, Disturbance and Pollution: *The surrounding area is residential and the development will result in a significant reduction in the number of vehicles manoeuvring within the site*

PART B: PLANNING APPRAISAL

6.0 **Policy Background**

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

- 6.1 PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
Berkshire Structure Plan 2001-2016 (BSP): DP1, DP5 and EN1
Slough Local Development Framework Core Strategy 2006-2026 (SLDF): 4, 2, 7, 8
The Local Plan For Slough 2004 (SLP): H13, OSC4, EN1, T2

7.0 **Principle of Development**

- 7.1 The application site forms previously developed land within the suburban context of Britwell in a residential area. The units are three bed family housing at a density of 35 units per hectare. This density is lower than identified in core policy 4, however, the size and amenity space available is considered acceptable and related to the surrounding area. It is therefore deemed that the development will comply with core policy 4 of the Slough Local Development Framework Core Strategy 2006-2026 which states that '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'. Further to this the proposal is not located within a residential area of exceptional character and is not regarded to result in the sterilisation of any future residential development. The proposed development is therefore regarded to comply with policy H13 of the Local Plan for Slough 2004.

- 7.2 This application has been submitted by A2 Dominion group who are a registered social landlord. The housing is intended to be used for local needs for families on the Local Authorities waiting list. The application site is currently under the ownership of the Local Authority and a condition of the transfer of the land to the housing group will be that the units are local needs. It is important to recognise, however, that a section 106 agreement is not proposed to be attached to this permission restricting the units to local people or affordable housing. The transfer of the land lies outside of the planning system and subsequently if granted the dwellings could be open market housing. This development is under 15 units and does not form an exception site as such on this basis the housing does not have to be restricted to affordable housing in accordance with the relevant development plan policy.

8.0 **Design and Layout**

- 8.1 This application is a resubmission of a previous application for nine houses which was withdrawn by the applicant in order for further negotiations between the applicant and Local Planning Authority to

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

be carried out. The original housing scheme incorporated locating three houses on the open space and whilst this gave an active frontage on to Upper Lees Road and followed the pattern of development within the immediate streetscene. This section of public amenity space is used by local people and its loss was considered to conflict with policy OSC4 of the Local Plan for Slough 2004. Subsequently this revised scheme retains the majority of the open space and as part of the proposed development there is proposed to be significant improvements to the open space. It is therefore recommended that a condition is attached to the permission indicating that details of the proposed layout are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. It is therefore considered that the application will comply with policy 2 of the SLDF and policy OSC4 of the Slough Local Plan.

- 8.2 The siting of the units does not follow the existing pattern of development within the streetscene and this can be attributed to the retention of the public amenity space. On balance, however, given the design of the dwellings which is considered in-keeping with the character of the surrounding area, the environmental improvements of the scheme and the fact that the proposal is an efficient use of previously developed land the impact is not considered sufficiently harmful as to warrant refusal of the application. In order to ensure that the public amenity space is offered further natural surveillance additional negotiations are been carried out between the case officer and the applicant to secure further openings in the south side elevation of the proposed unit which lies opposite the amenity space.
- 8.3 The dwellings are to be constructed to level 3 of the Code for Sustainable homes as such it is considered that the proposal will comply with the principles of sustainable design and construction principles.
- 8.4 The development is not considered to result in an increased risk of flooding.
- 8.5 In light of the above it is considered that the dwellings are of a satisfactory design and layout which will comply with Government guidance contained within PPS1, PPS3, policy DP5 of the BSP 2001-2016, policies H13 and EN1 of the SLP and policy 4 of the SLDF 2008.

9.0 **Impact on Neighbouring Occupiers**

- 9.1 Significant concerns have been raised with regard to the impact of the development on neighbouring occupiers. The proposed

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

dwellings have rear gardens in excess of 9 metres and the surrounding properties have gardens in excess of 10 metres with the dwellings fronting Farnham Lane having rear gardens in excess of 25 metres. It is therefore considered that the proposed development will not cause an unacceptable level of overlooking or significant overshadowing. In addition to this given the length of the rear gardens the proposal is not regarded to have an overbearing impact.

- 9.2 In respect of noise, disturbance and pollution by virtue of the intensification of use this is a residential area, the site forms public amenity space and parking area for 41 vehicles thus the vehicular movements within the area are likely to decrease considerably by virtue of this development. It is therefore not considered that the proposed use of the site will result in an unacceptable impact on any adjoining occupiers. The application is therefore considered to comply with Government guidance contained within PPS1, policies H13 and EN1 of the SLP and policy 8 of the SLDF 2008.

10.0 **Highway Safety and Accessibility**

- 10.1 The application site is in an accessible location in an established residential area with good public transport links within walking distance of the district centre of Britwell.

- 10.2 The Highways Officer has raised no objections to the proposed scheme subject to a number of amendments. These amendments have been requested and are as follows;

- (a) The 1m footway is too narrow for pedestrians therefore in order to maximise vehicular, cyclist and pedestrian access to the development the access would be more appropriate as a shared surface – constructed in a material that differentiates the shared surface from the bituminous road
- (b) The access road needs to be widened to 4.8m with buffer strips of approx 600 mm on each side
- (c) The delineated parking aisle which adjoins the recreation area needs to be extended 1m beyond parking space 14
- (d) The site must cater for service vehicles 11.6 m in length as such a revised tracking drawing is required

It will be reported on the amendment sheets whether the applicant has complied with these requests

- 10.3 The parking levels are deemed appropriate for the number of units and the above amendments will ensure that the turning areas are safe. The proposed access is considered safe and the development will not be to the detriment of highway safety. The application is therefore considered to comply with Government guidance

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

contained within PPG13, policy 7 of the SDF and policy T2 of the SLP.

11.0 **Summary**

11.1 The application site forms previously developed land within a residential area. The units proposed are family housing which are considered to be of an acceptable design not out of keeping with the character of the area. The highways officer has raised no objections to the loss of the parking area and does not consider that the application will be to the detriment of highway safety. The parking levels for the proposed scheme are regarded acceptable. The development will result in the loss of a section of the public amenity space, however, significant environmental improvements and maintenance of the area are proposed as part of the application. It is not considered that the development will have a detrimental impact on the amenities of any neighbouring occupiers. In light of the above it is recommended that the application is approved.

PART C: RECOMMENDATION

12.0 **Recommendation**

12.1 Approve, subject to the conditions below;

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

Condition(s)

14. 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.

15. Amended Plans to be confirmed

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. xxx, Dated xxx, Recd On dd/mm/yyyy

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

- (b) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy
- (c) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy
- (d) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy

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.

16. 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.

17. 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.

18. Prior to the occupation of the development hereby permitted a management plan for the public amenity space shall be submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the management of the public amenity space. The management plan for the amenity space shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To ensure the public amenity space is maintained to a satisfactory level in accordance with Policy OSC4 of the Local Plan for Slough 2004 and Core Policy 2 of the Slough Development Framework 2008, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

19. Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted in writing and approved by

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

the Local Planning Authority:

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. If significant contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Panning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

REASON To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with the provisions of Policy EN28 of the Local Plan for Slough 2004.

20. No development shall commence until details of the layout of the public amenity space has be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the proposed play equipment, finished ground levels and contours, hard surfaced areas, means of enclosure, pedestrian access and circulation areas. The public amenity space shall be laid out in accordance with the approved details prior to the occupation of the development.

REASON To ensure that the existing public amenity space is enhanced in accordance with Policy OSC4 of the Slough Local Plan 2004 and Core Policy 2 of the Slough Local Development Framework , Core Strategy 2006 - 2026, Development Plan Document, December 2008.

21. No development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

the landscape areas other than the privately owned domestic gardens, shown on the approved landscape plan, and should include time scale for the implementation and be carried out in accordance with the approved details.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Local Plan for Slough 2004.

22. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the occupation of the development hereby permitted and that area shall not thereafter be use for any other purpose, unless otherwise agreed in writing by the Local Planning Authority

REASON To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience in accordance with Policy T3 of The Local Plan for Slough 2004 and Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

23. No development shall take place until a programme of archaeological work (which may comprise more than one phase of work) has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

REASON To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in accordance with policy EN20 of the Local Plan for Slough 2004.

24. During the demolition / construction phase of the development hereby permitted, no work shall be carried out on the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Local Plan for Slough 2004.

25. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

site in accordance with the objectives of Policy EN26 of The Local Plan for Slough 2004.

26. 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 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.

27. Full details of the surface water disposal from the access road and car parking area(s) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

REASON To prevent the risk of flooding in accordance with Policy EN32 of The Local Plan for Slough 2004.

28. Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classes A,B,C,D,E & F, no extension to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority

REASON The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed. It would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order in accordance with Policy H14 of The Local Plan for Slough 2004.

29. Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), no Windows /dormer windows other than expressly authorised by this permission shall be constructed.

REASON To protect the amenity and privacy of adjacent occupiers in

FOR INFORMATION ONLY
P/14368/001 FROM COMMITTEE MEETING 17th March 2009

accordance with Policy H15 of The Local Plan for Slough 2004.

Informative(s)

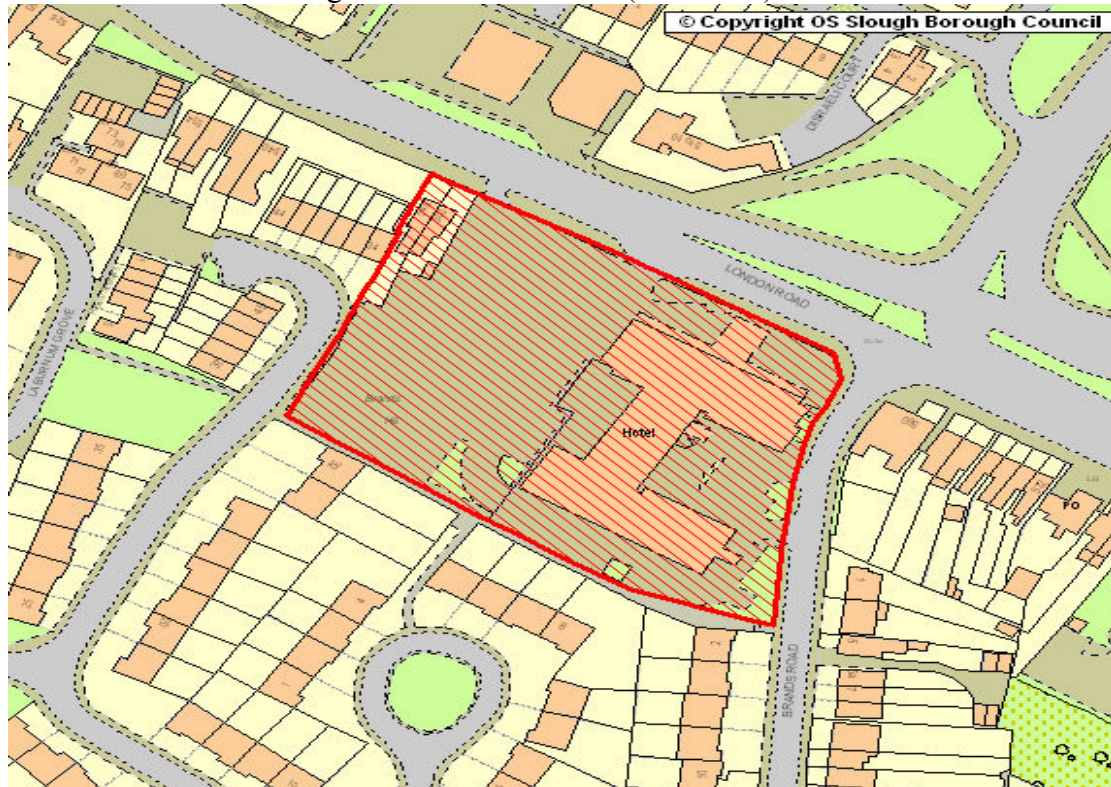
1. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.
2. Prior to commencing works the applicant will need to enter into a Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway works schedule. 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.
3. 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.
4. The applicant will need to apply to the Council's Local Land Charges on 01753 477316 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
5. 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.
6. 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:-PPS1: Delivering Sustainable Development, PPS3: Housing and PPG13:Transport. Policies DP1, DP5 and EN1 of the Berkshire Structure Plan 2001-2016 and Policies H13, OSC4, EN1and T2 of The Adopted Local Plan for Slough 2004 and Core Policies 2, 4, 7 and 8 of the Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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:	30-Jul-2010	Applic. No:	P/00864/050
Officer:	Ian Hann	Ward:	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	29th October 2010
Applicant:	Quality Hotel, Heathrow		
Agent:	Mr. Vishal Appadoo, JLA 303-306, Northumberland House, High Holborn, London, WC1V 7JZ		
Location:	Quality Hotel Heathrow, London Road, Langley, Slough, Berkshire, SL3 8QB		
Proposal:	<p>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 (AS AMENDED)</p> <p>VARIATION OF CONDITION 12 AND 13 TO PERMIT USE OF THE EXISTING ACCESS POINTS TO PROVIDE ACCESS TO AND EGRESS FROM LONDON ROAD FOR A TEMPORARY PERIOD PRIOR TO THE CONSTRUCTION OF A PERMANENT ACCESS WHICH WILL BE PROVIDED BEFORE THE COMPLETION OF PHASE 2 OF THE HOTEL EXTENSION</p>		

Recommendation: Delegate to HPPP for S106 (Unilateral)



1.0 SUMMARY OF RECOMMENDATION

1.1 Having considered the policy background and comments from consultees:

Delegate to the Head of Planning, Policy and Projects for completion of S106.

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 An application has been made for an amendment to conditions 12 and 13 to the scheme originally approved under planning permission P/00864/045 dated 30th March 2009, for the erection of a part three/ part four and part five storey extension to form a new hotel with associated parking and internal alterations, which is currently under construction.

2.2 The conditions that are sought to be amended are as follows:

12. 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, Development Plan Document, December 2008.

13. 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

2.3 The proposed amendments to the conditions will allow the hotel to use the existing entrance and cross over to the hotel, from the opening of the hotel until the completion of phase 2 of the works. The visibility splays would be put into place once the new entrance is constructed.

2.4 The rest of the scheme will be as previously approved.

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 a 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:

4.2 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.

4.3 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.

4.4 Planning application P/00864/045 for 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 was first considered by Planning Committee at its Meeting on 20th February 2008 and subsequently at its Meeting on 4th June 2008. Committee resolved on both occasions to delegate the application to the Head of Planning and Strategic Policy for completion of a Section 106 Agreement.

Following completion of the S106 Agreement a formal notice of consent was issued on 29th March 2009.

4.5 Planning application P/00864/046 discharged conditions 3 (external materials), 9 (car park management plan), 11 (cycle store), 14 (bin store and management plan), 17 (landfill gas), 18 (archaeological investigation), 19 (construction management plan), 21 (working method statement), 23 (waste management), 25 (external lighting), 29 (hard and soft landscaping) and 30 (boundary treatments) and

was approved on 12 October 2009.

- 4.6 Planning application P/00864/047 varied conditions 12 (means of access), 13 (sightlines) and 16 (site contamination) and was approved with conditions on 23 September 2009.
- 4.7 Planning application P/00864/048 sought changes to the building to add additional office space to the fifth floor and other internal changes and has been agreed subject to the signing of a Section 106 Agreement.
- 4.8 Advertisement consent was granted in June 2010 (P/00864/049).

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 letters of objection received.

6.0 **Consultation**

6.1 **Transport & Highways**

No implications

The proposed use of the existing access / egress from the Highway shall not have any material traffic, road safety or highway implications. I therefore confirm I have no objections to the proposals. I have no conditions to recommend on this occasion.

Highway works and contributions summary

The applicant will need to enter into a section 106 Agreement with Slough Borough Council, this s106 agreement will obligate the developer to enter into a section 278 agreement for the satisfactory implementation of the works identified in the highways schedule.

The highways schedule includes;

- Installation of crossover / junction
- Reconstruct the footway fronting the application site.
- Reinstatement of redundant access points to standard to footway construction
- Installation of street lighting modifications
- Drainage connections
- Reconstruction of footway
- Dedication as highway maintainable at the public expense, free of charge, of sight line areas
- Construction and dedication as highway maintainable at the public expense, free of charge, the access road associated infrastructure and turning area(s)

Summary

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

Please include the following informative(s) as part of any consent that you may issue.

Informative(s) required

1. 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.
2. 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.
3. 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.
4. 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.
5. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act with Slough Borough Council for the implementation of the works in the highway works schedule. 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.

6.2 Colnbrook with Poyle Parish Council

The Parish Council objects to the removal of the conditions imposed because they were considered necessary under the original application. The Parish Council would wish to see the Highway Engineer's report if this were to be permitted.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1

National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Guidance 13 (Transport)

Local Development Framework, Core Strategy, Development Plan Document

- Core Policy 7 (Transport)
- Core Policy 10 (Infrastructure)

The planning considerations for this proposal are:

- Traffic/ highway and servicing implications

8.0 **Traffic and Highways**

8.1

The relevant policies in terms of assessing traffic and highway impacts are Core Policies 7 and 10 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document.

8.2

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.

8.3

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.

- 8.4 This application seeks to simply delay the implementation of the construction of the new access to the hotel, which will be deferred to a later time in the development. The delay in constructing the crossover has arisen as services will need to be moved to form the new access and the developers have been unable to negotiate the moving of the services in time for the new element of the hotel to be opened.
- 8.5 Therefore permission is sought to use the existing crossovers and access off of London Road during the operation of phase 1 of the hotel (new build part) and the final means of access shall be constructed prior to the completion of phase 2 (refurbishing the existing hotel).
- 8.6 These changes will not have any additional impact upon the highway as the required works will be done before the completion of the entire project but simply deferred to a later time within the scheme.
- 8.7 The Council's Highways Engineer does not propose to raise an objection as there would be no highways or road safety implications. Previous conditions will be attached to this application also.
- 8.8 These proposals would not have any impact upon the character of the area or neighbouring properties as it would simply delay works that have already been permitted.

9.0 **S106 issues**

- 9.1 The applicant had previously entered 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

An amended Section 106 agreement will be entered into in relation to this application.

10.0 **Summary**

10.1 The variation of conditions 12 and 13 of the previously granted permission will result in the postponement of constructing a new access and allow the existing access to be used for longer than previous envisioned. This will not have any impact upon the traffic or highway safety and will not impact upon neighbouring residential properties or the character of the area. The proposal is therefore recommended for approval, subject to conditions and a S106 Agreement.

PART C: RECOMMENDATION

11.0 **Recommendation**

11.1 Delegate to the Head of Planning, Policy and Projects for completion of S106.

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

Condition(s)

1. 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/G, Dated: Dec 2006, Recd On: 15/02/2008
 - h) Drawing No. 07-727/ 02/M, Dated: Dec 2006, Recd On: 13/03/2008
 - 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.

2. External materials to be used on the development hereby approved shall be as previously agreed by the Local Planning Authority.

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

3. 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.

4. 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, Development Plan Document, December 2008.

5. The conference/ function rooms and the restaurants/ bar shall only be available for the use of hotel staying guests 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, Development Plan Document, December 2008.

6. Beyond the car park barrier, the on-site parking shall only be for the use of hotel staying 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, Development Plan Document, December 2008.

7. 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, Development Plan Document, December 2008.

8. The hotel car park must be managed in accordance with an approved car park management plan as agreed by the Local Planning Authority. From the date of first occupation of the approved hotel, the car park management plan must be reviewed on an annual basis for a minimum period of the first 8 years, or as proposed at any time by the hotel to counter problems arising. Each review must be submitted to and approved in writing by the Local Planning Authority and where necessary this shall include a revised car park management plan and mitigation measures. The revised car park management plan and mitigation measures shall thereafter be implemented in accordance with the approved details.

REASON In order protect the amenities of the area and to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway to comply with Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

9. At no time shall coaches unload or load passengers or goods on the public highway.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway to comply with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

10. Provision of 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' shall be in accordance with the details agreed with 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.

11. The final means of access shall be completed prior to completion of phase 2 of the works in accordance with the approved drawing nos. VCL390/SK002 Rev A, dated 12.05.09, received 10 July 2009 and CD08/046/203 Rev B, dated July 8, received 03 July 2009 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, Development Plan Document, December 2008.

12. Sight lines of 2.4m x 120m measured from the edge of the footway (back of footway) shall be provided in an easterly direction of the new site egress with the priority road (London Road) prior to completion of phase 2 of the works, in accordance with approved drawing no. CD08/046/203 Rev B, dated July 8, received 03 July 2009. 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, Development Plan Document, December 2008.

13. The approved details of the proposed bin store (including siting, design and external materials) and the management plan (outlining the procedure for transferring the refuse & recycling to the main collection point within the car park) 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.

14. No loading or unloading of delivery or refuse collection vehicles shall take place outside of the hours of 0700 and 2300 Monday to Saturday and 1000 to 1300 on Sundays and shall only take place from within the car park with access from London Road, Langley.

REASON To ensure that the development does not prejudice the amenities of the area and ensure adequate off street servicing arrangements to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

15. It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial use(s) or otherwise. Prior to the commencement of each phase of the development, as shown on Rodgers Leask Ltd Drawing number E08/058-002 Proposed Borehole Locations and Phase Plan dated 23/02/09, a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. If significant contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

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.

Each phase of the development, as shown on Rodgers Leask Ltd Drawing number E08/058-002 Proposed Borehole Locations and Phase Plan dated 23/02/09, shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved to the satisfaction of Local Planning Authority.

Process for Unsuspected Contamination:

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 ensure that any ground and water contamination or risk of further contamination is identified and adequately addressed to ensure the safety of the development, the environment (including the water environment) and to ensure the site is suitable for the proposed use and safe for future occupiers, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

16. Likelihood of landfill gas at a proposed site due to the proximity to a

land use that MAY give rise to a gas hazard:

The land is situated within 250m of a landfill site and buildings may therefore require gas protection measures to be incorporated into their design.

Prior to development either:-

(a) A site investigation and/or risk assessment in line with appropriate guidance such as CIRIA 665 shall be submitted for approval by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for remediation/mitigation shall be submitted and approved in writing by the Local Planning Authority. Any scheme of remediation that requires the fitting of landfill gas protection, such as a protective membrane shall be carried out by a person(s) competent to carry out that work. All work shall be validated by a competent person and report submitted for the approval of the Local Planning Authority. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Or

(b) In situations where there is a low risk from gas contamination, details of proposed gas protection measures shall be submitted to the Local Planning Authority for written approval before the development commences. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

REASON To ensure that any ground and water contamination or risk of further contamination is identified and adequately addressed to ensure the safety of the development, the environment (including the water environment) and to ensure the site is suitable for the proposed use and safe for future occupiers, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

17. All development shall be in accordance with the agreed 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. All development shall be undertaken in accordance with the approved construction management plan as approved by the Local Planning

Authority.

REASON So as not to prejudice the free flow of traffic along the neighbouring highway and in the interests of highway safety in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

19. Following practical completion of the development the temporary access off Brands Road must be permanently closed off and the footway reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

20. All development shall be undertaken in accordance with the scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to as approved by the Local Planning Authority. The scheme shall include:

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations
- (vi) construction and demolition working hours, hours during the construction and demolition phase, when delivery vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

21. No demolition or construction work shall take place outside the hours of 07:30 - 17:30 hrs Monday to Friday 08:00 - 13:00 hrs on a Saturday and no working at all on Sundays or public holidays.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

22. All development shall take place in accordance with the agreed measures to:

- (a) Minimise, re-use and re-cycle waste, including materials and waste arising from demolition;
- (b) Minimise the pollution potential of unavoidable waste;
- (c) Dispose of unavoidable waste in an environmentally acceptable manner;

The approved details shall be implemented during the course of building operations and the subsequent use of the buildings.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

23. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours 0800 to 1800 hours Mondays - Fridays, 0800 - 1300 hours on Saturdays and at no time on Sundays and Bank/ Public Holidays.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

24. No lighting shall be provided at the site other than in accordance with the approved scheme of external site lighting as agreed.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

25. All plant shall be installed in accordance with the approved details prior to first occupation of the building.

REASON To protect the amenities of the local residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

26. 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 Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

27. The use hereby permitted shall not commence until details of the ventilation and fume extraction equipment as approved 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 Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

28. The approved landscaping 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.

29. 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, as agreed with the Local Planning Authority 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 Adopted Local Plan for Slough 2004.

Informative(s)

1. 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 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. 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.
3. 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.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
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 the Council's Local Land Charges on 01753 477316 or email to 0350SN&N@slough.gov.uk 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)

Slough Local Development Framework, Core Strategy 2006 - 2026,
Development Plan Document, December 2008.

- 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 2004.

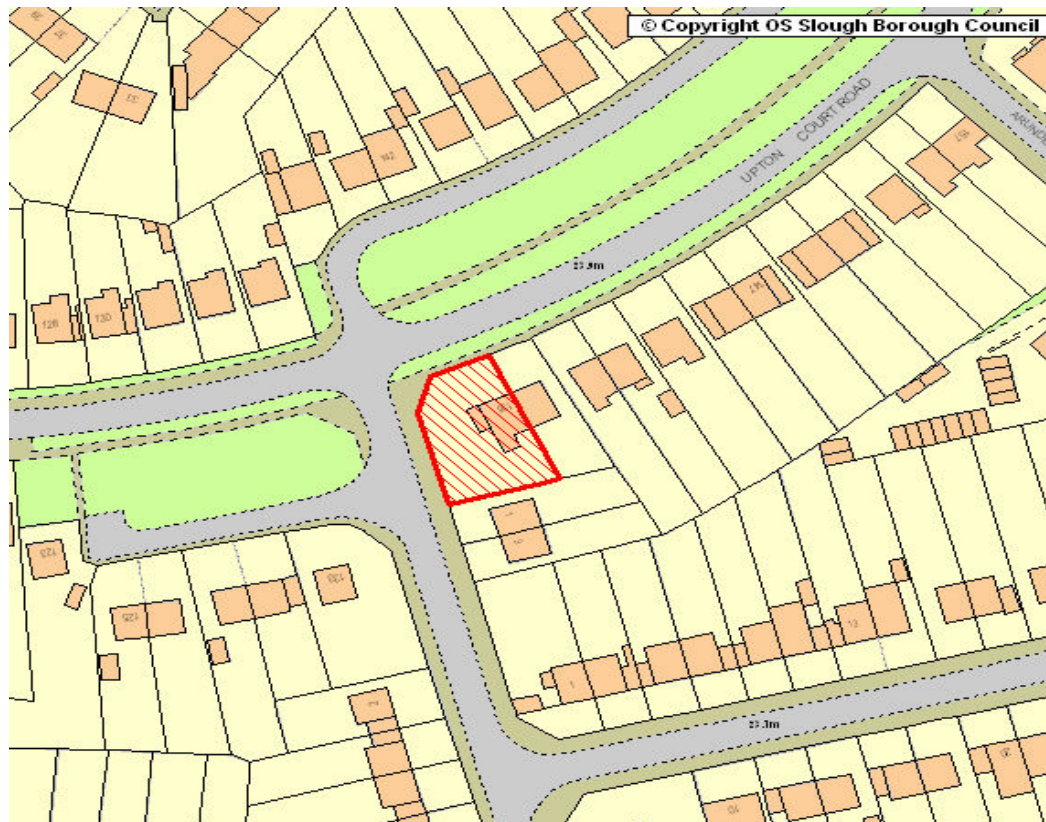
- EN1 (Standard of Design)
- EN2 (Extensions)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- OSC14 (Sequential Test for Key Complementary Town Centre Uses)
- T2 (Parking Restraint)

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.

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Registration Date:	26-Mar-2010	Applic. No:	P/09639/003
Officer:	Mr Smyth	Ward:	Upton
Applicant:	Mr. Satpal Dhaliwal		
Agent:			
Location:	135, Upton Court Road, Slough, SL3 7NF		
Proposal:	ERECTION OF A PART TWO STOREY PART SINGLE STOREY SIDE EXTENSION WITH PITCHED ROOFS AND CONNECTING SLOPING ROOF BETWEEN THE GROUND AND FIRST FLOOR EXTENSIONS ON THE BLENHEIM ROAD ELEVATION. ERECTION OF SIDE CONSERVATORY. ERECTION OF PART TWO STOREY REAR EXTENSION WITH PITCHED ROOF AND PART SINGLE STOREY REAR EXTENSION WITH FLAT ROOF. ERECTION OF FRONT PORCH WITH HIPPED AND PITCHED ROOF. ERECTION OF DETACHED GARAGE WITH HIPPED AND PITCH ROOF. ERECTION OF REPLACEMENT BOUNDARY FENCE AND INSTALLATION OF REPLACEMENT VEHICLE ENTRANCE GATES. INSTALLATION OF VELUX WINDOWS TO MAIN ROOF IN FRONT ELEVATION.		

Recommendation: Refuse



P/09639/003

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 At its Meeting on 5th August 2010, Committee considered this application which was being recommended for refusal but with no recommendation for planning enforcement action to be taken. Following due consideration Committee resolved that:

That the application be delegated to the Head of Planning Policy and Projects for further negotiations with the applicant on the following matters:

- 1) *Changes to the unauthorised roof structure to reduce the perceived bulk.*
- 2) *A reduction in the height of the fence to achieve pedestrian visibility*
- 3) *Options be explored with regard to the gate to ensure that it was less obtrusive*
- 4) *A six week time limit was stipulated for the negotiations to be carried out and a further three month compliance period. Should these negotiations fail, the application be reported back to Committee for Member consideration and enforcement action.*

- 1.2 Refuse and enforce for the reasons set out in the report.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 As the development has not been constructed in accordance with the plans as approved under planning permission reference P/09639/002 dated 26th April 2006, this application is being treated as a retrospective application for: Erection of a part two storey part single storey side extension with pitched roofs and connecting sloping roof between the ground and first floor extensions on the Blenheim Road elevation. Erection of side conservatory. Erection of part two storey rear extension with pitched roof and part single storey rear extension with flat roof. Erection of front porch with hipped and pitched roof. Erection of detached garage with hipped and pitch roof. Erection of replacement boundary fence and installation of replacement vehicle entrance gates. Installation of velux windows to main roof in front elevation.

3.0 **Application Site**

- 3.1 The host property is one half of a pair of semi detached houses, which occupies a prominent site on the corner of Upton Court Road and Blenheim Road within a designated Residential Area of

Exceptional Character. The house has undergone substantial extension following a grant of planning approval in 2006.

3.2 The immediate surrounding area is residential predominantly characterised by a pattern of pairs of substantial semi detached houses, interspersed with occasional detached houses, of traditional appearance, and generous spacing around the dwellings.

4.0 **Site History**

4.1 P/09639/000. Erection of attached garage and porch. Approved on 26th July 1994

P/09639/001. Demolition of Existing Garage and Erection of Four Bedroom Detached House with detached Garage and attached garage and a Proposed Crossover. Withdrawn 21st May 2004

P/09639/002. Erection of part single, part two storey side and rear extensions to no. 135; Erection of single storey side extension with flat roof and part single, part two storey rear extension with pitched roof to no. 137 and conversion of garages to habitable rooms. Approved 26th April 2006

4.2 The applicant in implementing planning permission P/09639/002, has not constructed the development in accordance with the approved plans. The main discrepancies relate to:

- The front porch has been constructed wider, with a different roof structure and different external appearance. It now incorporates double opening doors to the front rather than a single entrance door on the side.
- The side conservatory has been constructed deeper than approved
- A connecting sloping roof has been constructed between the ground and first floor side extensions on the Blenheim Road frontage, introducing an alien element to the front elevation.
- The roof over the part single storey extension on the front elevation is constructed higher than was approved.
- The windows within the frontage of the part ground floor side extension are differently positioned
- Velux windows are installed in the main roof of the front elevation of the property
- A detached garage has been constructed
- A replacement boundary fence erected and vehicular access gates installed.

4.2 Given the significance of the departures from the original planning permission together with additional elements which have been constructed without the benefit of planning permission, the current application is being treated as a retrospective application for the development in total.

5.0 **Negotiations and Submissions Post Committee**

5.1 As set out in paragraph 1.1 above; the application as originally submitted was considered by Members at its Meeting on 5th August 2010. The application was delegated back to Officers for further negotiation on three principle issues, which were described in the previous Officer's report:

- 1) *The introduction of an additional roof slope connecting the roof slope over the single storey side extension to the underside of the eaves on the first floor side extension introduces an incongruous design element into development. It does not operate as a full cat slide roof and it does not reflect the angle of roof slope on either the ground or first floor side extensions as constructed. Further, it adds bulk to the overall appearance of the extensions when viewed from Upton Court Road and the side extension loses much of its subordination with the original house.*
- 2) *With respect to the replacement boundary fence (at 1.8 metres high) this is constructed higher than what existed previously and for the most part follows the side boundary along Blenheim Road.*
- 3) *The vehicular entrance gate at the southern end of the site in Blenheim Road being a solid metal barrier scaling 2.7 metres in width and 1.8 metre in height.*

Generally the character of the immediate area is one of low walls/ hedges/fences with a feel of spaciousness rather than enclosure. Whilst the boundary fence creates enclosure it is felt that for the most part it can be considered acceptable insofar as it is enclosing a side garden area and is necessary to retain privacy and amenity for the occupiers. However, the proposal does not incorporate 2.4 X 2.4 pedestrian visibility spays on either side of the vehicular access which are necessary to ensure pedestrian safety. Further, the installation of a large solid metal vehicle entrance gate represents a feature which is out of keeping and appears over bearing in the street.

- 5.2 Following notification of the Council's decision an initial meeting was held with the applicant on 12th August 2010, to run through and discuss the issues. The discussions included different external treatments to the additional roof slope.
- 5.3 Following that meeting the applicant proposed removal of the metal gate and a re-instatement of the fence, to remove reasons for refusal nos. 2 and 3, as set out in the previous report. In relation to reason for refusal 1 as set out in the previous officer's report, the applicant offered to remove the tiled roof from the detached garage and replace it with a flat roof as a trade off for keeping the additional roof slope on the main house.
- 5.4 In response Officers advised the applicant that: *"there were three areas to be addressed the gates, the height of the fence and the additional element of roof on the extended house. The garage was not raised as an issue in planning terms and your proposal would not be acceptable to officers"*.
- 5.5 A further meeting was held with the applicant and agent and Councillor Bains on 3rd September 2010. At that meeting Officers explained that because the development had not been constructed in accordance with the scheme of development as approved, then the whole development was unauthorised and hence an application for the entire scheme was requested. There was some discussion around the setting back of the vehicular access gates and reduction in the height of the fencing to achieve pedestrian visibility. The applicant was advised to contact the Council's highway engineers for more detailed discussions. The applicant put forward a number options for discussion to reduce the impact of the additional roof slope, including the formation of a full cat slide roof, setting the projection back to make it appear less dominant or finishing it in different materials on the front elevation fronting onto Upton Court Road. In response Officers advised that none of these measures would satisfy the concerns previously expressed and that only its removal would restore the necessary balance to the extended house.
- 5.6 Officers advised that a statement and amendments would need to be submitted by the very latest 16th September 2010 and that Committee would make its decision based on the proposed amendments made when it meets on 13th October 2010. If ultimately planning permission is refused that there would be the right of appeal. If a subsequent appeal was to be lodged and was subsequently dismissed by an Appeal Inspector then planning enforcement action would be considered.
- 5.5 On 15th September 2010 a statement was submitted on behalf of the applicant subsequently amended by a further submission

received on 22nd September 2010.

- 5.6 The applicant states that he "has agreed to undertake alterations to both the vehicular gates and the fence adjacent to them to ensure that they comply with the Planning Office requirements and drawings are appended to this document with proposals which the applicant believes now meets with Planners requirements".
- 5.7 The applicant has submitted three alternative options for consideration. Option 1 shows the existing fence removed within the area required for pedestrian visibility and replacement with a 600mm high wall with open railings on top to an overall height of 1800mm. The existing solid metal gate to be replaced within an open metal gate to the same height and width and maintained in the same position across the back edge of footway. Option 2 is similar but proposes open metal railings on top of a brick plinth (150mm). Option 3 proposes construction a curved wall to respect pedestrian visibility with open gates set back 2.4 metres from the back of footway. The applicant favours options 1 or 2.
- 5.8 The highway engineers have been consulted on the proposals and have raised objections to all three options. With respect to options 1 and 2, the highway engineers have commented: *The pedestrian visibility splay of 2.4 x 2.4m on either side of the access are not achieved. On approach to the access the proposed splay of 2.4 x 2.4m to the right appears to fall on land outside the control of applicant; although the required splay to left can be achieved, the splay shall be obstructed by the metal railings in excess of 600mm; the gates are not set back sufficient depth. Gates if required must be set back a minimum of 6.0m for cars.* With respect to option 3 the highway engineers have commented: *"The pedestrian visibility splay of 2.4 x 2.4m on either side of the access are not achieved. On approach to the access the proposed splay of 2.4 x 2.4m to the right appears to fall on land outside the control of applicant; the gates are not set back sufficient depth. Gates if required must be set back a minimum of 6.0m for cars"*.
- 5.9 Whilst it is acknowledged that pedestrian visibility of 2.4m X 2.4m may not be achievable to the right as the land falls within the neighbouring property, it is noted that the affected land comprises a drive to that neighbouring property and therefore there would be mutual benefits to both properties in keeping the boundaries reasonably open. It is still considered that it may be possible to reach an acceptable solution with respect to pedestrian visibility and highway safety and that negotiations continue with a further update being reported on the Amendment Sheet.
- 5.10 With respect to the additional element of sloping roof the applicant has made the following submissions:

The applicant does not accept that the sloping roof in place of the flat roof over the single storey extension is contrary to planning policy statement 1, Core policies 7 & 8, Core Strategy (2006-2026) Development Plan, December 2008, Policies H14, H15, EN1 and EN2 of the Adopted Local Plan for Slough 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010.

The applicant would make the following considered points when viewing the sloping roof with respect to the planning policies:-

1. It is not accepted that the sloping roof to the underside of the eaves represents an incongruous design element into the development or that it adds mass or bulk to the development when viewed from the either Upton Court Road or from Blenheim Road.

The roof in its present sloping state is a pseudo 'cat roof' with the slope near similar to the main roof of the building. Other properties along Upton Court Road and indeed the surrounding area have examples of properties with similar 'cat' roof profiles demonstrating in the applicant's view that the design is within context and in keeping with the character and quality of the area and in keeping with the Planning Policy Statement 1.

Response

Officers would maintain their original view as set out in the previous report and as reiterated in paragraph 5.1 above and it is not considered that the proposal to use tile hanging on the front elevation to Upton Court Road would address the problem, but if anything is likely to draw further attention to what is an incongruous design feature. Officers are not aware of any other examples of properties in Upton Court Road or the immediate surrounding area which have been extended to their side utilising a similar design to the host property.

2. The requirements of Core Policy 8 of the Adopted Local Framework Core Strategy (2006-2008) Development Plan Document December 2008 have in the applicants view been satisfied by utilizing high quality design that is practical safe and accessible and adaptable and respects its location and surroundings.

The proposal has to be considered in light of its special corner plot location and the wide open spaces between the property in question and any surrounding properties along Upton Court Road toward the Blenheim Road frontage. The change of sloping roof from the flat roof given these wide open spaces cannot be said with

any degree of credibility to have substantively increased the mass of bulk of the subject property. Had it been the case that the location of the side extension to which the sloping roof has been provided was in a confined space or close to neighbouring properties then the concerns expressed by the Planners in regard to massing could well be made.

Response

The additional roof/structure gives the extended property a horizontal emphasis and adds bulk to the extended house. It further results in an extension to the original house which does not appear subordinate. Further the fact that the host property occupies a relatively open corner plot, makes the extended dwelling appear more prominent thereby accentuating the lack of subordination through the added mass and bulk.

3. It is not considered that the proposal is in any way contrary to Policy H12 and that the sloping roof is in fact desirable in keeping within the character of the Residential Area within which it is located.

Response

The property is situated within a designated Residential Area of Exceptional Character, where the character and appearance of the original houses together with the space around are important elements to the designation. The introduction of the additional roof element to the host property is most certainly not a common feature within this area and does not add to its special character and appearance.

4. Policy H15 of the Adopted Local Plan and Policies EN1 and EN2 have been satisfied by ensuring the materials used in the construction of the sloping roof are similar in quality and type as the rest of the property and it is considered that given the corner; location of the subject premises that the sloping roof has no overwhelming adverse impact on the street scene or other public vantage points. It is generally accepted that the use of a sloping roof rather than a roof incorporating flat roof areas is far more preferable in terms of both maintenance and visual appearance.

Response

Design matters have already been covered elsewhere in this report and in the previous officer's report. The applicant states that the scheme as built is preferable to the use of a flat roof as was originally approved in respect of the single storey side extension. For reasons of clarity, it should be noted that the earlier scheme showed a hipped and pitched roof with a flat top, which would have tied in better with the design of the main roof.

5. The design principles set out in the Slough Local Development framework Residential Extension Guidelines Supplementary planning Document 2010 clearly supports the proposal of the sloping roof to the single storey side extension and the following references to that document are provided as examples:

Page 18 – figure 11

Page 12 – EX4 ; page 13 section 4.0

The Residential Extension Guideline document clearly encourages the use of sloping roofs to single storey constructions as opposed to the use of flat roofs and states that ‘pitched roofs should be provided in visually prominent locations’

Response

The above is taken out of context. The Council’s Adopted Residential Extension Guidelines state with respect to guidance for single storey side extensions in paragraph 4.5 on page 13 that: *The roof of a single storey side extension should be in keeping with the roof of the original dwelling. Where feasible, the design and style together with the appropriate degree of hip and/or pitch should reflect that of the main roof.*

It is not considered that extension as constructed reflects these principles.

6.0 Conclusions

6.1 The applicant has not adequately addressed reasons for refusal 2 and 3 as set out in the previous Officer’s report, in that none of the 3 options fully overcome pedestrian visibility nor highway safety matters. However, it is considered that through further negotiations an acceptable solution can be found and that progress be reported to Members on the Amendment Sheet.

6.2 With respect to reason for refusal no 1, as set out in the previous Officer’s report, it is not considered that the proposal to introduce tile hanging to the Upton Court Road frontage to try and mask the visual impact of the additional roof slope addresses the design issues. If anything it is likely to make this incongruous element in the design even more apparent in street scene.

6.3 The applicant has not made it clear in his statement as to which plans are being submitted in substitution for the original plans. This will need to be clarified before the next Meeting of Planning Committee and reported on the Amendment Sheet. In the meantime the existing plans will continue to be used in the determination of this application and a recommendation made

accordingly.

PART C: RECOMMENDATION

18.0 **Recommendation**

18.1 Refuse

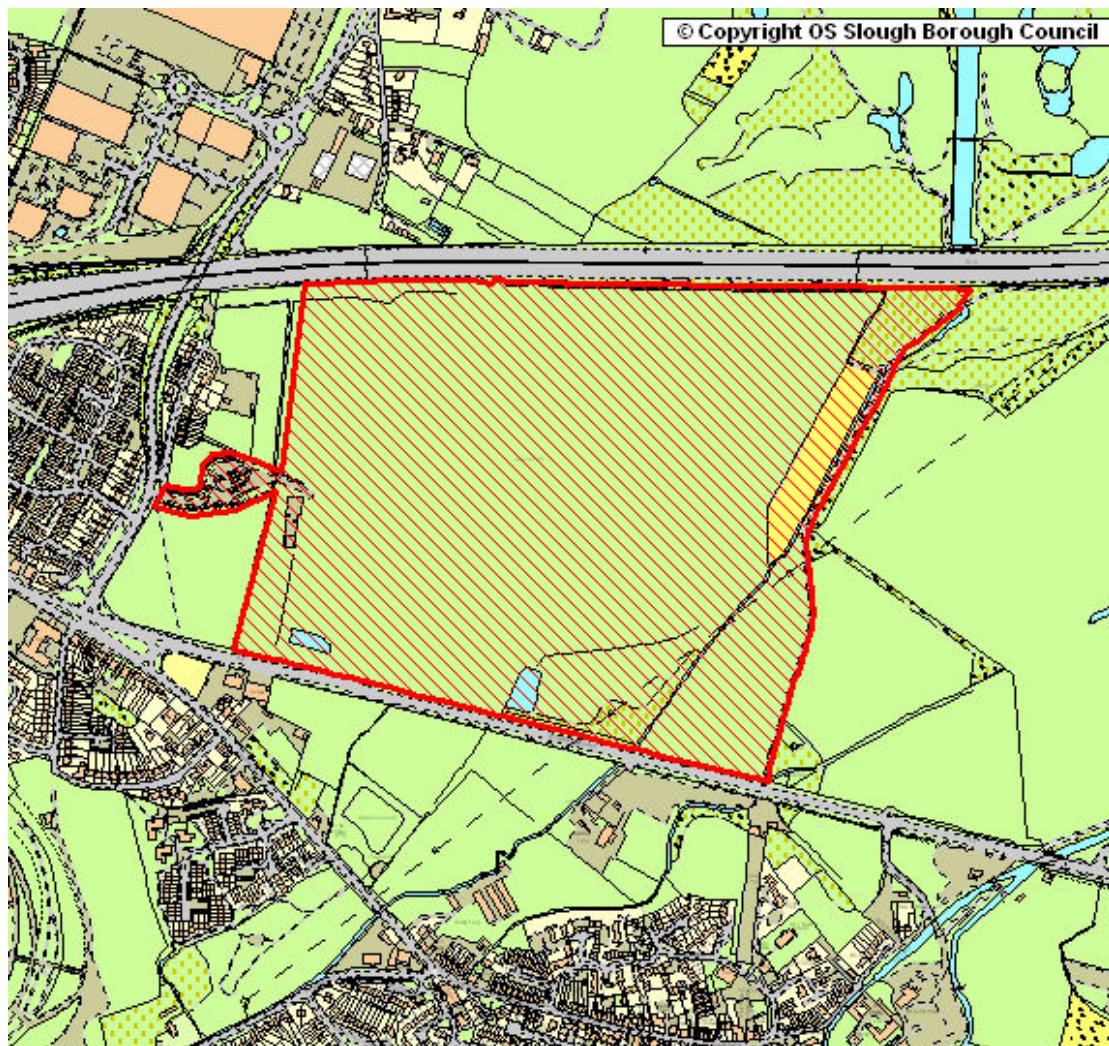
19.0 **PART D: LIST OF REFUSAL REASON(S)**

Reason(s)

1. The erection of a roof connecting the roof of the single storey side extension with the underside of the eaves on the first floor side extension facing Blenheim Road, together with the infilling of the space between these two extensions within the front elevation facing onto Upton Court Road, represents an incongruous design feature within the street scene, upsetting the balance and symmetry of the extended house and resulting in an extension which no longer appears wholly subordinate to the original dwelling. This part of the development results in poor design and is thereby contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, Policies H15, EN1 and EN2 of The Adopted Local Plan for Slough 2004 and The Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.
2. The vehicular entrance gate installed onto Blenheim Road represents an incongruous feature within the street scene, appearing overly dominant and overbearing in the street scene, out of keeping with its general surroundings and has an adverse impact on the street scene and as such is contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, Policies H15, EN1 and EN2 of The Adopted Local Plan for Slough 2004 and The Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.
3. The erection of a 1.8 metre boundary fence which has been erected on either side of the vehicular entrance onto Blenheim Road restricts pedestrian visibility for cars exited the property and thereby represents a potential pedestrian hazard contrary to Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and The Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.

Registration Date:	04-Jun-2010	Applic. No:	P/10033/016
Officer:	Roger Kirkham	Ward:	Colnbrook-and-Poyle
Applicant:	Biffa Waste Services Ltd		
Agent:			
Location:	Colnbrook Landfill Site, Sutton Lane, Colnbrook, Berkshire, SL3 8AB		
Proposal:	VARIATION OF CONDITION NO.2 OF PLANNING PERMISSION NO. P/10033/005 FOR THE COMBINATION OF FILLING AND RESTORATION OF THE SITE FOR A EXTENSION OF TIME LIMIT UNTIL 31ST DECEMBER 2012.		

Recommendation: Approve Limited Period Permission



P/10033/016

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Approve; limited planning permission.

Sustainability

1.2 Having considered the comments from consultees, policy background and planning history, it is considered to not have any adverse affect on the sustainability and the environment for the reasons set out.

PART A: BACKGROUND

2.0 **Proposal**

2.1 The current application proposes that an extension of time period for continued landfill and restoration be allowed until 31st December 2012 . Some restoration is already being undertaken (but not yet complete) on the boundary nearest to closest residential boundaries and another section of the site.

A public footpath already has a temporary diversion. This would need to remain until the restoration has taken place.

3.0 **Application Site**

3.1 The application site covers 47.61 hectares and lies between the M4 to the north and the A4 Colnbrook Bypass to the south, with Sutton Lane to the west. The south-eastern part of the site lies within the Thames floodplain.

3.2 The residential area of Brands Hill lies to the west of the site, the nearest housing being some 150m away. To the south lies the village of Colnbrook. Land to the east of the site was formerly worked for sand and gravel reserves but has long been landfilled and restored to agricultural uses. To the north-east lies an area of woodland known as Old Wood. North of the M4, the land is largely characterised by agricultural uses and a golf course.

3.3 Ingoing landfill tonnage has reduced during the last few years as provisions for recycling and a slowing economy has reduced demand. Recently a landfill gas utilisation plant and treatment area for soils have become operational.

3.4 As part of the current restoration scheme, a bund has been temporarily formed on the western side of two of the three remaining areas where landfill has been taking place. These areas

are the ones closest to the nearest residential properties. One of these nearest areas has now been fully landfilled with a cap partly formed. It is also the location for a temporary stockpile of clay and soil on it. A second area is scheduled to be similarly completed in one month. Necessary gas extraction equipment and a full engineering cap will be added next year whereupon the surface will be grassed over.

- 3.5 The site is not currently crossed by any public rights of way because Footpath 1 Colnbrook with Poyle is temporarily diverted along the western edge of the application site. Footpath 8 Colnbrook with Poyle runs close by the South West boundary and footpaths 2a and 2b Colnbrook with Poyle are located to the east.

4.0 **Site History**

- 4.1 Up until April 1995, the Colnbrook Quarry and Landfill lay largely within the boundaries of Buckinghamshire (except for the site access and part of the internal haul road which lay within Berkshire).
- 4.2 Permission for the extraction of sand and gravel and related backfilling, was first granted in 1964, with further permissions in 1968 and 1970. All three sites were to the west of the current application site and were no more than 4.7hectares in area each. In 1982, an appeal gave approval to the Sutton Lane access.
- 4.3 In 1983, Buckinghamshire County Council granted permission SBD/916/81 for sand and graven extraction and the import of waste materials for backfilling. This permission covered some 45 hectares of previously agricultural land. Extraction did not begin until 1987 and infilling began in 1991. A variety of minor permissions for onsite facilities were granted between 1988 and 1991.
- 4.4 In March 1995, Bucks CC granted permission SBD/8218/92 for the revision of restoration levels within the site and the extraction of clay from beneath the sand and gravel reserves (to a level no lower than 5metres AOD. Restoration of the site was to be completed by June 1998.
- 4.5 With the change of local government boundaries in April 1995, the site fell under the responsibility of Berkshire County Council .Since Slough became an unitary authority, a further permission has been granted for regrading the surface and time for restoration. This also created a new permissive public footpath connecting the existing (but temporarily diverted) public footpath crossing the site.

5.0 **Neighbour Notification**

5.1 19 individual letters of objection have been received from the following:

Sutton Lane:9.23,27,28 and 29 and 2 Jubilee Cottages, 7, 8 and 10 Kings Terrace
Little Sutton Lane: 1, 6 and 7 Kings Terrace
Stornoway Road: 2(2)
Springfield Road: 5,7,14,20 and 22
London Road: Gibtel Ltd, Regent House, 589 London Rd

5.2 Their principal objections are summarised as follows:

1. Significant residential disamenity arising from close proximity of the landfill sites from activity on site for the past 26 years. These cause:
 - a) clouds of dust and choking stench requiring windows to be closed, particularly during summer months and preventing residents enjoying their garden amenities
 - b) windblown litter and dust/debris covers streets, bushes and gardens and washing
 - c) noise disturbance from visiting lorries. Noise from birdscaring equipment on residents and pets
 - d) rat infestation and lack of effective onsite remedies
 - e) breathing problems affecting the health of individual residents
 - f) safety of children from lorry traffic and children prevented from playing in rear garden
 - g)more generally residents unable to use gardens particularly during the warmer days because the above
 - h)strong health fears and dying trees and plants from toxic waste
 - i)effect upon property values
2. Continuing its use for landfill will have a significant adverse impact for a site whose life has already been previously extended for a site whose proximity to residential makes it unsuitable for landfill. Its restoration should now be completed and returned to its designated use for Colne Valley Park
3. Lorry Traffic movements mean that queuing in Sutton Lane is taking place before the site opens. Material which becomes dislodged from the vehicles ends up in the street
4. Impact of landfill upon watertable and increasing potential flood risk and issues relating to leachate and contaminated water run-off.

5. This is not the first request for a time extension
6. Sutton Landfill cite should now be closed because of the start of the Horton Graven Extraction site
7. Trade at the nearby café and bed and breakfast accommodation is affected by the general disamenity arising from the landfill.
8. Excessive size of site signage

5.3 Petition

A petition of 127 residents object to the further extension of 2 years until 31st December 2012.

6.0 **Consultation**

6.1 Public Notice

Advertised as major development

6.2 BAA Airport Safeguarding

No objection subject to bird strike risk being managed appropriately

6.3 Environment Agency

Their response on the original P/11133/5 raised no objection to the proposal in waste management terms and accompanying methane control and recovery at the site. Conditions were recommended to cover protection of the water environment and site investigation and impacts on groundwater.

The Environment Agency consider that this extension of time limit represents a low environment risk and a full response has not been supplied.

6.4 Thames Water

No objections received

6.5 Colnbrooke and Poyle Parish Council

No objection

6.6 Windsor and District Group of Ramblers Association

No objection received

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

- 7.1 PPS 1 Delivery of Sustainable Development
PPG2 Green Belt
PPG13 Transport
PPS10 Planning for Sustainable Waste Management
PPS23 Planning and Pollution Control
PPS25 Flood Risk
The Berkshire Waste Local Plan Policies WLP29 and WLP 30
Slough Local Development Framework Core Strategy 2006-2026(SLDF):Core Policies 7,8and 9
The Local Plan for Slough 2004(SLP) Policies CG1, CG9, EN1 and EMP 4

Green Belt:

The site lies within the Metropolitan Green Belt as defined by Core Policies 1(Spatial Strategy) and Core Policy 2(Green Belt and Open Spaces) of Slough Local Development Framework 2006-2026. These restrict development in the Green Belt to appropriate uses except in very special circumstances and to development which does not compromise the purpose of the green belt.

Government guidance (PPG2) makes it clear that the carrying out of operations such as mineral extraction and landfilling need not be incompatible with Green Belt objectives provided high environmental standards, including restoration, are maintained. PPG2 also states that large scale development should as far as possible contribute to the achievement of the objectives for the use of land in the green belt.

Waste Policy

The Berkshire Waste Local Plan seeks to ensure that all proposals for waste management development comply with the objective of sustainability. In order to achieve this, proposals need to demonstrate the extent to which they contribute positively to the achievement of the waste management strategy and .the extent to which they minimise harm to human health, quality of life and to the natural environment. Proposals should also satisfy the proximity principle with respect to the location of waste sources. Further consideration is also given to the extent to which each proposal minimises negative environmental impacts and maximises environmental benefits, conserves natural resources and minimises pollution and waste.

Restoration work has begun to be undertaken for some areas

where the landfill is complete. Materials to restore the two other remaining areas have been resited to permit filling to commence in these areas. There is additional onsite activity from this restoration work now underway. The end use will be for agriculture.

The Environment Agency oversee the general environmental requirements for this site such as equipment for converting landfill gas into electricity and protection of the watercourses.

There is now greater emphasis in waste management on recycling. The recent economic downturn has also reduced the quantities of inert waste being annually brought onto the site and likely to take more time to complete the landfill to those levels previously agreed.

Visual Impact and Landscape

The post restoration outcome represents no change from the previously approved landform. A temporary storage of clay capping material has been stored on top of part of the area where the preliminary stages of the restoration have taken place. This will be removed once the remaining two areas have been filled.

After restoration, appropriate planting of hedgerows and trees will help break up the overall shape and soften the impact. The proposed landscaping achieves a more rural appearance, and the proposal will go some way in helping to achieve some of the objectives of the green belt and Colne Valley.

Colne Valley

The 1995 planning decision agreed to revised contours with an accompanying landscaping scheme. The land will be returned to arable cultivation , in line with Colne Valley Park objectives.

8.0 **Extension of Time limit.**

8.1 The application for an extension of time limit means it is treated as a new application. Planning conditions associated with the previous planning permission P/10033005 remain applicable and need to be reimposed in the event of permission being granted.

8.2 In view of need for landfill for inert waste and the Waste Local Plan recognises that the landfilling of inert fill can form a necessary part of the restoration of a mineral site to secure the beneficial afteruse of the land (where the scheme still lies within the parameters of the previously approved scheme), then the application can be supported. In the case of the application site, the south east corner falls within the floodplain and is only permitted to receive inert

waste for restoration.

9.0 **Transport and Access Issues**

9.1 The lower levels of annual throughput has resulted in lower levels of vehicle movements per day. There is no mineral extraction traffic associated with the site.

9.2 There is restoration work taking place for some parts of the site involving a greater number of vehicles to make this happen.

The incoming traffic will continue for any extended period.

10.0 **Floodplain**

10.1 The approved previous scheme had been amended to take account of flooding requirements and no further comments have been received from the Environment Agency.

11.0 **Environmental Aspects**

11.1 The Head of Neighbourhood Services raises no environmental concerns for the proposed extension of time limit. Previous complaints have related to noise associated with a bird scarer and rats , which can be found in the general area

12.0 **Environmental Aspects**

12.1 This site is licensed by the Environment Agency who are responsible for overseeing compliance with the licence requirements.

12.2 British Airports Authority raise no objections on grounds of continuing use of Bird Hazard management techniques as required by planning condition.

13.0 **Summary**

13.1 Restoration work is underway for the part of the site nearest to the Sutton Lane properties whilst inert waste continues to be landfilled on the remaining few areas. It is appropriate to optimise the use of this site with a view to its final restoration. A further time extension is being supported on the basis that regular inspections are undertaken whilst the closing areas are landfilled and restored. It is acknowledged that residents will want its restoration in the shortest possible time and Slough Borough Council would not look

favourably upon any further time extensions for completion of the landfill.

PART C: RECOMMENDATION

14.0 **Recommendation**

14.1 Grant temporary consent until 31st December 2012.

15.0 **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 site shall be completely restored within one year of the cessation of tipping or by the 31st December 2012, whichever is the sooner.

REASON To ensure that the restoration of the land to beneficial after use is achieved within a reasonable timescale in line with the planning permission.

3. The development hereby approved shall be implemented only in accordance with the submitted application, and the following plans; P3/1073/2; P3/1073/4; P3/1073/5; P3/1073/6; P3/1073/ 7; P3/1073/8/3; P3/1073/9/4 and P3/1073/10/1, and the letter from RMC dated 23/9/99, hereby approved by the Local Planning Authority.

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 in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

4. Before any operations are commenced on the site details of scheme of landscape planting shall be submitted to and approved by the Local Planning Authority; such details shall incorporate the general principles indicated in the application and shall include provision for:

- a) The positions, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;

- b) The positions, species, density and initial sizes of all new trees and shrubs;
- c) Any hard landscaping proposed;
- d) The programme of implementation of the scheme, and
- e) The arrangements for subsequent maintenance.

REASON In the interests of the visual amenities of the area, whilst mitigating any adverse impact on the Metropolitan Green Belt having regard to the site's location within an Aerodrome Safeguarding Zone for Heathrow Airport, thus to mitigate any adverse impact upon the safe movement of aircraft resulting from the attraction of birds in accordance with Saved Policies EN3,CG1 and CG10 of The Adopted Local Plan for Slough 2004 and Core Policies 1(Spatial Strategy), 2 (Green Belts and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

- 5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no plant shall be erected or placed or skips stored, on the site without first being approved in writing by the Local Planning Authority.

REASON In the interests of visual amenity in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

- 6. The existing wheel cleaning equipment shall continue to be operated. All heavy vehicles leaving the site shall pass through the wheel cleaning equipment to prevent mud being taken onto the public highway.

REASON In the interests of amenity and highway safety in accordance with Core Policies 8 and 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

- 7. The access between the public highway and the wheel cleaning equipment shall be metalled and kept free of standing water.

REASON In the interests of highway safety in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

- 8. Appropriate measures shall be taken to the satisfaction of the Local Planning Authority to control the generation of dust from all

operations including the excavation and haulage of materials and the depositing of waste materials on site. These measures shall include the spraying of the site roads with water during dry conditions to suppress any dust arising.

REASON To prevent the formation and spread of dust in the interests of air quality, and ensure the protection of residential amenities of nearby occupiers, having regard to the site's location within the Metropolitan Green Belt and in accordance with Policy EN1 of The Adopted Local Plan for Slough, 2004 and Core Policies 2(Green Belt and Open Spaces) and 8 (sustainability and the Environment) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. All plant and machinery used at the site shall be properly silenced and maintained in accordance with the manufacturers specifications. Any pumps used on the site shall be positioned and acoustically screened to ensure that the noise level during operational hours does not exceed 50dB(A) as measured at the site boundary with the nearest residence and 35dB(A) at other times.

REASON To prevent the formation and spread of dust to limit the adverse effects upon the local environment in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

10. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse, aquifer or soil. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes shall vent downwards into the bund.

REASON To minimise the risk of pollution of the water environment and soils in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. During all operations and processes hereby authorised adequate precautions shall be taken to the satisfaction of the Local Planning Authority to prevent the discharge of any solid matter, sand, gravel, clay, excess amounts of suspended matter or water containing sand, gravel, clay, oil, grease or any other offensive or injurious substance to any water course.

REASON To prevent the pollution of the water environment in

accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

12. No trees, shrubs or hedges forming the boundary of the site shall be felled, lopped, or uprooted without the prior written consent of the Local Planning Authority. Any tree so destroyed shall be replaced in the planting season immediately following its demise.

REASON In the interests of the amenity of the area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

13. Prior to the commencement of any soil stripping operations on the site, the relevant phases and soil storage areas shall be marked out with posts 1.5 metres high, in positions and in a manner to be agreed in writing with the Local Planning Authority. Following soil stripping, marker posts shall be provided as required by the Local Planning Authority.

REASON To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on local amenity are kept to a minimum and that the complete restoration of the land to a beneficial use is achieved in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

14. Prior to the commencement of any soil moving operations in any phase, the Local Planning Authority shall be notified at least ten days in advance of the date when such operations are expected to commence. Soil movement shall be defined as including soil stripping operations, relocation of storage stacks and respreading of the surface layers.

REASON To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible restoration in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

15. Soils shall only be handled when they are in a dry and friable condition. No topsoil shall be moved other than during the months of May to September or as otherwise agreed by the Local Planning Authority.

REASON To ensure that soils and restoration material are handled in such a way as to achieve the best possible standard of restoration in accordance with Core Policy 8 of The Slough Local Development

Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

16. Any suitable soil making materials located during the soil stripping and excavation operations are to be recovered separately for use during the restoration operations.

REASON To ensure that soils and restoration material are handled in such a way as to achieve the best possible standard of restoration in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

17. Topsoil storage heaps shall not exceed 3 metres in height and shall be graded and seeded with grass to the satisfaction of the Local Planning Authority.

REASON To ensure that soils and restoration material are handled in such a way as to achieve the best possible standard of restoration in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

18. No clay extraction shall take place below a level of 5 metres above Ordnance Datum (Newlyn).

REASON To ensure that there is no pollution of groundwater in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

19. There shall be no pumping of water from excavations whilst water courses adjoining the excavation area are running bank full under flood conditions.

REASON To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

20. All stockpiles of excavated materials shall be stored to a height of no more than 5 metres. The positioning of such heaps shall be submitted to and approved by the Local Planning Authority.

REASON To minimise the adverse impact of operations on the local area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

21. No material to supplement or mix with that excavated on site shall be brought to the site from outside sources except as may be permitted by the waste disposal licence for landfill purposes and as may be required to form part of the upper surface layers.

REASON To minimise the adverse impact of operations on the local area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

22. No domestic refuse shall be deposited as landfill within 400 metres of dwellings within the vicinity of the site.

REASON To minimise the adverse impact of operations on the local area in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

23. Only naturally occurring soils and subsoils shall be deposited within the floodplain.

REASON To minimise the risk of environmental pollution in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

24. Prior to the commencement of the spreading of the clay cap over the filled area, the area shall be compacted and evenly graded to the satisfaction of the Local Planning Authority and marker posts indicating the final surface levels of the site shall be installed to the satisfaction of the Local Planning Authority. The contouring of the surface of the filled areas shall follow the final contours.

REASON To ensure compliance with the approved plans in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

25. A minimum depth of 700 mm of subsoil shall be spread over the clay engineering cap so as to follow the final finished contours. This material shall include selected soil like materials and the original subsoil. This soil shall be tined at a spacing not exceeding 1 metre so that any compacted layers are effectively broken up.

REASON To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to soil structure in order to achieve the best possible restoration in accordance with Core Policy 9 of The Slough Local Development Framework,

Core Strategy 2006-2026, Development Plan Document, December 2008.

26. All soils shall be replaced using a tracked excavator. Vehicles engaged in restoration shall not run over replaced soils.

REASON To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible restoration in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

27. The following operations are to be carried out prior to the reinstatement of topsoil:

a) All depressions and hollows shall be filled in with subsoils to achieve even gradients.

b) As part of the procedures for the restoration of the final surface layers on the site, each layer shall be thoroughly ripped or deeply cultivated in dry conditions to break up completely any compacted layer using equipment and to depths and centres to be agreed in writing with the Local Planning Authority prior to the commencement of ripping.

c) Voids left by the removal of obstructions are to be backfilled with subsoil and topsoil.

REASON To ensure that soils and restoration material are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible restoration in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

28. Topsoil shall be spread over the restoration area to achieve the final levels and a settled depth of 300 mm. The full depth of the restored topsoil and the top 150 mm of subsoil should be tined with an agricultural wing tine implement at a spacing not exceeding 700 mm.

REASON To ensure that soils are handled in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible restoration in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

29. All stones and rocks exceeding 60 mm in any dimension and other deleterious material shall be removed from the topsoil and subsoil.

REASON To ensure the satisfactory restoration of the site in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

30. The final restored levels in accordance with the provisions of this consent, including the final layer of topsoil, shall be to the contours and cross sections shown on the approved plans. Prior to the spreading of the final surface layers of soil over the filled area, marker posts indicating the final levels on the site shall be installed to the satisfaction of the Local Planning Authority.

REASON To ensure the satisfactory restoration of the site in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

31. A person or persons with expertise in site restoration shall supervise all activities concerning soils or soil making materials including restoration and aftercare.

REASON To ensure the satisfactory restoration of the site in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

32. Temporary bunds shall not be located so as to prevent the installation of monitoring boreholes or control measures along the excavation margin.

REASON To minimise the risk of environmental pollution in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

33. Final restoration shall make allowance for the presence of monitoring control points on the surface of the site. Access is required at all times to these facilities including after the infilling has ceased.

REASON To minimise the risk of environmental pollution in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

34. Areas used for the temporary storage of topsoil, subsoil and overburden shall be thoroughly ripped with a winged tine immediately following the removal of stored materials.

REASON To ensure the satisfactory restoration of the site in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

35. All of the site, including topsoil and subsoil heaps and those parts of the site where stripping has not been undertaken, shall be kept free from broadleaved weeds, and all necessary steps shall be undertaken to destroy weeds at an early stage of growth to prevent seeding.

REASON To ensure the satisfactory restoration of the site in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

36. No operations authorised by this consent shall occur other than between the following hours:

07.30 to 17.30 Monday to Friday 07.30 to 12.30 Saturdays

No operations shall occur on Sundays or Bank Holidays.

REASON To ensure the long-term protection of the residential amenities of the nearby occupiers, having regard to Policy EN1 of The Adopted Local Plan, 2004 and Core Policy 8 (Sustainability and the Environment) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

37. Vehicle movements associated with the operations hereby approved shall not exceed 260 per day.

REASON In the interests of the amenity of the area in accordance with Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

38. All laden vehicles leaving or entering the site shall be sheeted.

REASON In the interests of highway safety in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

39. The site shall be maintained in a clean and tidy condition. Any disused plant and machinery shall be removed from the site.

REASON In the interest of the amenity of the site in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

40. Between the 1st and 31st January in each calendar year during the period of the operations hereby authorised, a plan not less than 1:2500 scale shall be submitted to the Local Planning Authority showing the progress of operations on site.

REASON To ensure an orderly programme of operations are being undertaken in line with the planning permission in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

41. Agricultural aftercare shall be carried out for a five year period in accordance with conditions 43 and 44 on any phase, commencing with the date of the compliance with restoration conditions to bring the land to the required standard. The required standard for agriculture shall be when the land's physical characteristics as described in the Ministry of Agriculture, Fisheries and Food's report are restored so far as it is reasonably practicable to do so to the satisfaction of the Local Planning Authority.

REASON To ensure that the best standard of aftercare management of the site is carried out following restoration in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

42. Within one month of the replacement of topsoil on any phase, an aftercare scheme for that area shall be submitted to the Local Planning Authority for its approval. The scheme shall include the full and interim aftercare proposals which shall be carried out in the first year of the aftercare period. Each year, within four weeks of the annual site meeting required by condition 44, a detailed management proposal shall be submitted to the Local Planning Authority for its approval showing the aftercare measures which shall be carried out in the following year.

REASON To ensure that the best standard of aftercare management of the site is carried out following restoration in accordance with Core Policies 8 and 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

43. The first annual aftercare scheme and subsequent annual revised schemes for areas to be restored to agricultural use shall provide for:

- a) the removal of any large stones from the surface;
 - b) the making up of low spots with imported topsoil;
 - c) the provision of a drainage scheme to be constructed at an appropriate stage in the aftercare period, if it should be required.
- Further details on the type, depth and spacing of drains, ditches and

outfalls shall be agreed in writing with the Local Planning Authority. In subsequent years of the aftercare period measures to maintain and repair the drainage system shall be taken;

d) an analysis of the soil to show soil acidity and nutrient deficiency;

e) the cropping, fertilisation and drainage measures to correct acidity and nutrient deficiency and to improve soil structure to achieve a good state of cultivation and fertility;

f) the provision of hedges, trees and fences as shown or as may be agreed with the Local Planning Authority to provide for the efficient farming of the land and the appearance of the landscape. In subsequent years of the aftercare period, measures to maintain plants and fences, and replace any dead or diseased plants shall be taken;

g) the maintenance and/or provision of such means of access to, and within, the site as agreed with the Local Planning Authority to be necessary for the efficient farming of the land;

h) the provision of field water supplies as agreed with the Local Planning Authority to be necessary for the efficient farming of the land;

i) an annual site meeting to be attended by MAFF and the Local Planning Authority.

REASON To ensure that the best standard of aftercare management of the site is carried out following restoration in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

44. Prior to the commencement of development, the applicant shall establish the comprehensive creation of a rights of way link running north south through the site along footpath 1 (Colnbrook and Poyle) and any modifications needed to link this existing right of way. This shall also include a permissive link from the northern part of Footpath 1 westwards to the public highway at Little Sutton Lane. This work shall include consideration of the expiry date of any diversion orders to the existing rights of way or temporary orders pertaining to this proposal. All footpath links shall be 2 metres in width.

REASON In order to promote informal recreation in the area in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

45. In providing a comprehensive right of way link through the site the applicant shall provide kissing gates at the junction of Footpath 1 with

the A4, a kissing gate either side of the haul route within the site, and a kissing gate at the meeting point of the permissive route with the public highway at Little Sutton Lane. The applicant shall also provide appropriate signage warning footpath users of the presence of HGV's near to the haul route, and HGV drivers shall be warned of the presence of footpath users. The right of way shall also be signed so as to provide walkers with information as to the linkage created and the exit points to the public highway.

REASON In the interests of public safety in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

46. The development hereby permitted shall not commence until details for the gas extraction, leachate control and site management for the proposal have been submitted to and approved in writing by the Local Planning Authority. Such details shall address all of the issues raised by the Farming and Rural Conservation Agency in their letter to the Borough Council dated 7th July 1999.

REASON To ensure the satisfactory restoration and aftercare of the site in accordance with Policies 8 and 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

47. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extent of this site investigation shall be agreed with the Local Planning Authority prior to the commencement of work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring shall then be submitted to and approved in writing by the Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

REASON To prevent the pollution of the water environment in accordance with Core Policies 8 and 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

48. Any further work to form the finished (pre-settlement) profiles below 22.0 mAOD on the eastern extent of the domed landfill site, or within the floodplain area where levels are to be raised to restore pre-development levels, will not be carried out before detailed drawings of the precise profiles proposed, showing contour lines at 200 mm vertical intervals, are submitted and approved in writing by the Local Planning authority.

REASON To reduce the impact of flooding on the development site and its future occupants; whilst preventing floods elsewhere by ensuring that compensatory storage of floodwater is provided; in accordance with Policy EN1 of The Adopted Local Plan for Slough, 2004 and Core Policies 8 (sustainability and the Environment), 9 (Natural and the Built Environment) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

49. Within two months of completion of the profiles of the area to the east of the line marked 'FLOODPLAIN BOUNDARY' on drawing number P3/1073/8/3, the planning authority will be provided with a detailed topographic survey of the whole area to the east of this line where the ground levels have been changed since work started on the site.

REASON To prevent an increased risk of flooding elsewhere by accurately controlling the earthworks forming the extent of the floodplain in accordance with Policies 8 and 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

50. Prior to the development hereby approved commencing, the applicant shall submit to the Local Planning Authority for approval in writing an effective, continuous and robust bird hazard control system.

REASON To minimise any adverse impact on the safe movement of aircraft resulting from the attraction of birds, having regard for the site, location within the Aerodrome safeguarding Zone for Heathrow Airport, which is in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

51. Prior to the development hereby approved commencing, the applicants shall submit details for approval of the size and location of the temporary construction compound and bird operatives caravan.

REASON To provide the Local Planning Authority with further details pursuant to the application approved in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

52. 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's Chief Highways Engineer 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 in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

53. Prior to the commencement of development, the applicant shall submit for approval an interim restoration package to be implemented during the restoration period. This shall involve grass cover being established on the minimum soil depth practicable whilst the pollution control system is being installed.

REASON To aid the successful restoration of the site and to protect the final layer soils from unnecessary disturbance in accordance with Core Policy 8 and 9 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

Informative(s)

1. This decision has been taken having regard to the policies and proposals in the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:- CG1, CG9, EN1 and EMP4 of The Adopted Local Plan for Slough 2004, Core Policies 1, 2, 7, 8 and 9 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, PPS1, PPG2, PPG13, PPS10, PPS23, PPS25, and Policies WLP29 and WLP30 of The Berkshire Waste Local Plan.

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:	17-Aug-2010	Applic. No:	P/11425/009
Officer:	Mr. Albertini	Ward:	Upton
Applicant:	Kelobridge Ltd		
Agent:	Mr. Howard Courtley, Courtley Consultants Ltd TAN OAST, DAIRY LANE, CHAINHURST, KENT, TN12 9SS		
Location:	Land Rear of 2-78 , Castleview Road &, Part Of Upton Court Park &, 36, Blenheim Road, Slough, Berkshire		
Proposal:	APPLICATION TO VARY CONDITIONS OF OUTLINE PLANNING PERMISSION TO ALLOW MINOR KERB WORKS OF PROPOSED ACCESS ROAD ROUNDABOUT TO BE STARTED WITHOUT COMPLYING WITH CONDITIONS THAT RELATE TO HOUSE BUILDING DEVELOPMENT AND THE REMAINDER OF THE ACCESS ROAD WORKS. THE CONDITIONS TO BE VARIED : NUMBER 5, 6, 8, 9, 11, 13, 14, 16, 20, 22, 23, 24, 27. DESCRIPTION OF THE ORIGINAL OUTLINE PLANNING PERMISSION REF. P/11425/003 DATED 29TH MARCH 2006 : ' RESIDENTIAL DEVELOPMENT FOR 300 DWELLINGS WITH PRIMARY SCHOOL, PUBLIC OPEN SPACE AND PLAY AREA; ACCESS FROM UPTON COURT ROAD '.		

Recommendation: Approve subject to Conditions



P/11425/009

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Approve.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This variation to an existing permission is to allow for minor kerb works to be started without complying with certain conditions on that permission. The kerb works are part of the proposed roundabout of the approved access road off Upton Court Road. They comprise a 4 metre length of kerb set back from the existing public highway on part of the unused bit of the Upton Court Park car park.

2.2 The relevant permission is the outline planning permission granted on appeal by the Secretary of State in 2006.

2.3 The relevant conditions relate to house building and the remainder of the access road.

2.4 The applicants stated reason for submitting the application is to allow an extended timetable for the applicant/house builder in difficult economic conditions to secure delivery of the 300 homes etc. in accordance with the Local Plan and Core Strategy. The existing permission will run out in July 2011 unless construction works are started. The kerb works will count as a start of development.

2.5 The variation would take the form of additional wording added to the relevant conditions to make it clear that 4 metres of kerb works would not be counted as a start of development in respect of those conditions only.

3.0 **Application Site**

3.1 The site of the kerb works is the car park in the north east corner of Upton Court Park near Dashwood Close. The precise location is an unused bit of car park that is bollarded off and it lies just behind the hedge alongside Upton Court Road.

3.2 The park is within the Green Belt. The description of the application site refers to the entire development site for 300 homes etc. as it is that permission which is being varied. This is in line with Government advice but the application to vary conditions does not

involve any of the 300 homes etc. nor affect homes adjacent to the field where the homes are proposed.

4.0 **Site History**

- 4.1 Outline permission for 300 homes and school, access via Park; refused by Council; approved by Secretary of State March 2006. (P/11425/003). Master Plan approved 24th October 2007. (P/11425/4). Reserved matters of housing approved 2009 (P/11425/005). Variation to conditions re access road approved February 2010 (P/11425/008).

5.0 **Neighbour Notification**

- 5.1 Upton Court Road 96 – 106 even.
Castleview Road 2-20 even
Dashwood Close
Castleview Residents Association

No comments received so far. Any comments received will be reported on the amendment sheet.

6.0 **Consultation**

- 6.1 Highways
Awaiting response; no issues raised at pre application stage.
- 6.2 Environmental Services (Parks Section)
Any comments will be reported on amendment sheet.

PART B: PLANNING APPRAISAL

7.0 **Appraisal**

- 7.1 The works are already permitted by the existing planning permissions. The only issue is whether the works can be separated from some of the conditions on the permissions.
- 7.2 Certain planning conditions on the permissions require either works to be carried out or details of the development to be submitted and approved before any development starts. This is normal practice assuming development is not phased. However the details and works needed are relevant to house building and the main part of the access road. In this instance they are not critical to just 4 metres of kerb works on the edge of the site.
- 7.3 For example the Council does not need to agree details of materials, fencing, drainage, play area before 4 metres of kerb are

built. Similarly the car park does not need to be relocated and the archaeological investigation (on the field) is not needed before the kerb works. The details of all the relevant conditions are in Part D. The location of the works will not interfere with use of the car park. If the developer wishes to carry out the works before the Council has sold the land to the developer it can do so under a licence that the Council, as landowner, has agreed to.

- 7.4 If this application is agreed the relevant conditions would only be triggered when the rest of the access road or house building starts.
- 7.5 Approval of the application would not however stop construction of the kerb works (if prior to July 2011) counting as a start of development and thus implement the planning permission in the legal sense. Case law has established that permitted minor works can count as a start of development even if the remainder of the development takes place later.
- 7.6 This application also provides the opportunity to add an informative that seeks a soil investigation prior to significant construction works. Because this is an existing permission a new condition cannot be added however under separate legislation any developer has a duty to ensure excavations are not a threat to public health and soil is disposed of correctly.

Conclusion

- 7.7 The minor kerb works are already permitted. Starting those works would not compromise design and amenity etc. if the relevant conditions have not been complied with first. The conditions are linked with house building and the main part of the access road. It is also relevant to be aware of the current economic circumstances which may result in the planning permissions expiring before developers are ready to start house building on a strategic housing site supported by the Council. The application is therefore acceptable.

PART C: RECOMMENDATION

8.0 **Recommendation**

- 8.1 Approve.

PART D: LIST OF CONDITION(S)Condition(s)

1. Time Limit

Application for approval of the reserved matters must be made not later than three years from 29th March 2006 (the date of the original outline permission) and the development must be begun not later than two years from the date of the final approval of the last of the reserved matters, or within five years from 29th March 2006 whichever is the later.

2. Reserved Matters

The development shall be carried out in accordance with detailed plans showing the siting, design and external appearance of any buildings to be erected, the landscaping of the site, road, footpath and cyclepath design, vehicular parking and turning provision, hereinafter collectively referred to as 'the reserved matters' which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

3. Drawings Approved

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:

- Drawing No. 2319/PL.OIA Location Plan, received 6 December 2004
(correcting drawing of the same number received with application 10.11 .04.)
- Drawing No. 3048C4001 rev C Proposed Roundabout Access
- Drawing No. 3048C4002 rev E Proposed Roundabout and Access

4. Master Plan

Prior to the submission of details pursuant to the reserved matters (Condition 2) a Master Plan and Design Guide for the development shall have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with Master Plan and Design Guide approved.

5. Phasing Plan

Prior to the commencement of development a Phasing Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented

in accordance with the Phasing Plan as approved. The Phasing Plan shall show the sequence of completion of the development including open space, play areas, site boundary tree and shrub planting, pedestrian, cycle and emergency links to and from the site. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

6. Approved Drawings Off Site Works

Development shall not commence until the off-site works shown on drawing numbers 3048C4002 E and 3048C4001 C (or approved revisions to those drawings) have been substantially formed, laid out and constructed in accordance with the approved drawings and in accordance with detail construction drawings and specifications that shall have first been approved in writing by the local planning authority. No dwelling shall be occupied until the approved works have been fully implemented. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

7. Internal Access Roads etc

Prior to first occupation of each dwelling the internal access roads footpaths and vehicular parking and turning areas serving the associated dwelling shall be provided in accordance with the approved drawings.

8. Boundary Treatment

Development shall not commence until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented as approved prior to the occupation of the adjacent dwelling/building or completion of adjoining path or open space. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

9. Materials

Details and 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. The details shall include hard surfaces. Development shall be carried out in accordance with the approved details. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

10. Trees

Any trees lost as a result of construction of the access roundabout and associated link road through Upton Court Park shall be replaced with semi mature trees in accordance with the design and maintenance details approved pursuant to the reserved matters.

11. Archaeology

No development shall take place until an archaeological evaluation has been secured and implemented as part of a phased programme of archaeological work all in accordance with a written scheme of investigation (method statement), which shall have first been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

12. Public Open Space

A minimum of ten percent of the housing development site area shall be laid out as public open space in accordance with details approved pursuant to Conditions 2 (Reserved Matters), 8 (Boundary Treatment) and 13 (Play Area) and in accordance with the Phasing Plan approved pursuant to condition 5.

13. Play Area

Development shall not commence until details of an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and in accordance with the Phasing Plan approved pursuant to Condition 5. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

14. Accommodation Works

Prior to the commencement of the means of access and link road through Upton Court Park the relocation of the Park car park and recycling facilities and other accommodation works shall be carried out in accordance with details first approved in writing by the Local Planning Authority. The accommodation works shall include verge protection measures, formation of alternative Park access, erection of height restriction barriers and fencing, relocation of signs. For the purposes of this condition means of access shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

15. Recycling

No more than 150 dwellings shall have been occupied prior to the laying out of a recycling compound & installation within it of recycling containers. The compound shall be constructed and containers installed in accordance with details first approved in writing by the Local Planning Authority. The location of the compound shall be in accordance with siting details approved pursuant to the reserved matters Condition number 2.

16. Access

Development shall not commence until the means of access shown on drawing numbers 3048C4002 rev E have been completed to base course level prior to the start of construction of any dwelling on the site and completed in full prior to the first occupation of a dwelling. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

17. Wheel Cleaning

Vehicle wheel cleaning and dust suppression facilities shall be installed at construction site exit points on the access road for the duration of the construction period in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

18. Blenheim Road access

There shall be no access to Blenheim Road other than for pedestrians, cyclists and emergency vehicles. Blenheim Road shall not be used as an access for activity related to the construction of the development.

19. Primary School Site

A site measuring 2.024 hectares shall be reserved for a primary school adjoining Upton Court Park for 5 years from the date of the start of the development.

20. Drainage Works

Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed. For the purposes of this condition

development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

21. Flood Sensitive Development

No residential or other flood sensitive development shall be permitted within the area shown as liable to flood in a 1 in 100 year event (otherwise known as the flood plain) as defined on Drawing No. 3826/21/07 Rev.D.

22. Finished Levels

Details of finished floor levels of buildings shall be submitted to and approved by the local planning authority in consultation with the Environment Agency, prior to commencement of development. The scheme shall be completed in accordance with the approved plans. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

23. Buffer Zone from Culvert

A buffer zone of 8m measured from the outer edge of the culvert of Datchet Common Brook shall be established and shown on a plan to be submitted to and approved in writing by the local planning authority before development commences. No development including fences or hardstanding, or storage of building materials shall take place within the buffer zone. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

24. Surface Water Drainage Works

Surface water drainage works incorporating surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

25. Materials in area liable to flood

No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

26. Dry Access

Provision shall be made to the satisfaction of the local planning authority for an alternative safe, dry access route from the

development to land outside the 100 year modelled floodplain, suitable for use by residents should a flood event occur.

27. Additional boundary treatment

Development shall not commence until additional boundary treatment for existing houses adjacent to the access road (No. 1-20 Castlevie Road) have been constructed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

Informative(s)

1. The above conditions repeat those of the Secretary of States decision dated 29th March 2006 that granted outline planning permission (P/11425/003) but include the variations applied for 16th November 2009 (P/11425/008) and 16th August 2010. As the conditions repeat those of the Secretary of State no reasons are given on this notice. The repetition of the conditions of the original permission on this notice is in accordance with Government guidance in 'Greater flexibility for planning permissions' 2009 DCLG. Some submissions relevant to the conditions have already been made. This decision does not supersede that dated 29th March 2006 other than in respect of the variations approved. The development is linked to a Section 106 agreement dated 29th March 2006 and a variation to that agreement dated 30th April 2010.

2. Soil Investigation

Prior to the commencement of any works associated with the approved development, a detailed investigation of the soil on the site shall be submitted to and have been approved in writing by the local planning authority. The investigation shall assess and detail management of any land contamination and it shall include ;

i) a detailed site review, which shall fully characterise the nature, extent and severity of any contamination.

ii) if the site poses an unacceptable risk a remedial strategy detailing the specific remediation and mitigation measures necessary to ensure the protection of future occupants of the development and users of the site.

iii) a contingency plan to deal with any previously unidentified contamination which may be encountered during works on the site.

Prior to the first occupation of any dwelling the remedial strategy and

contingency plan shall be implemented.

Prior to the first occupation of any dwelling written confirmation that all works were completed in accordance with the approved strategy and contingency plan shall be sent to the local planning authority.

Two parts of the site might be contaminated due to past landfill. The above investigation and remediation etc. can be phased and is sought before works commence on each part of Upton Court Park land that will be affected by soil excavation works and before works commence in the vicinity of former gravel pits on the field south of Castlevie Road.

3. This decision (on the application to vary conditions) has been taken having regard to the policies and proposals in the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, and to all relevant material considerations.

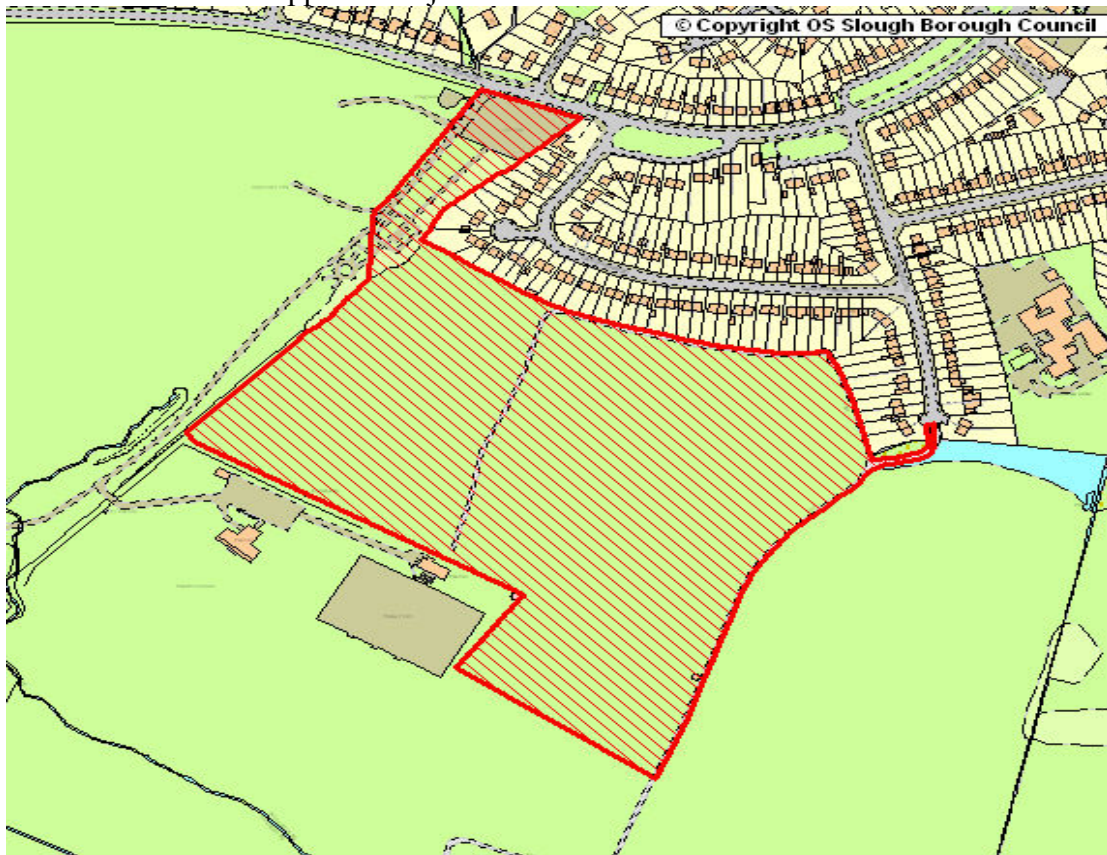
Policies:- EN1, EN3, OSC1 and OSC5 of The Adopted Local Plan for Slough 2004 and Core Policy 1, 2, 7, 8, 9 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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:	23-Aug-2010	Applic. No:	P/11425/010
Officer:	Mr. Albertini	Ward:	Upton
Applicant:	Kelobridge Ltd		
Agent:	Mr. Howard Courtley, Courtley Consultants Ltd TAN OAST, DAIRY LANE, CHAINHURST, KENT, TN12 9SS		
Location:	Land Rear of 2-78 , Castlevie Road &, Part Of Upton Court Park &, 36, Blenheim Road, Slough, Berkshire		
Proposal:	APPLICATION TO VARY CONDITIONS OF RESERVED MATTERS PERMISSION TO ALLOW MINOR KERB WORKS OF PROPOSED ACCESS ROAD ROUNDABOUT TO BE STARTED WITHOUT COMPLYING WITH CONDITIONS THAT RELATE TO HOUSE BUILDING DEVELOPMENT AND THE REMAINDER OF THE ACCESS ROAD WORKS. THE CONDITIONS TO BE VARIED : NUMBER 2, 3, 5, 15, 16, 19 DESCRIPTION OF THE ORIGINAL RESERVED MATTERS PERMISSION REF. P/11425/005 DATED 20TH JULY 2009 : ' DETAILS OF 300 PRIVATE AND AFFORDABLE DWELLINGS (RESERVED MATTERS APPLICATION RE PREVIOUSLY APPROVED APPLICATION P/11425/003) '		

Recommendation: Approve subject to Conditions



P/11425/010

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Approve.

PART A: BACKGROUND

This report is the same as P/11425/009 except para 2.2 & 7.3.

2.0 **Proposal**

2.1 This variation to an existing permission is to allow for minor kerb works to be started without complying with certain conditions on that permission. The kerb works are part of the proposed roundabout of the approved access road off Upton Court Road. They comprise a 4 metre length of kerb set back from the existing public highway on part of the unused bit of the Upton Court Park car park.

2.2 The relevant permission is the approval of details of the 300 houses (reserved matters) re the original outline planning permission granted on appeal by the Secretary of State in 2006.

2.3 The relevant conditions relate to house building and the remainder of the access road.

2.4 The applicants stated reason for submitting the application is to allow an extended timetable for the applicant/house builder in difficult economic conditions to secure delivery of the 300 homes etc. in accordance with the Local Plan and Core Strategy. The existing permission will run out in July 2011 unless construction works are started. The kerb works will count as a start of development.

2.5 The variation would take the form of additional wording added to the relevant conditions to make it clear that 4 metres of kerb works would not be counted as a start of development in respect of those conditions only.

3.0 **Application Site**

3.1 The site of the kerb works is the car park in the north east corner of Upton Court Park near Dashwood Close. The precise location is an unused bit of car park that is bollarded off and it lies just behind the hedge alongside Upton Court Road.

3.2 The park is within the Green Belt. The description of the application site refers to the entire development site for 300 homes etc. as it is that permission which is being varied. This is in line with Government advice but the application to vary conditions does not involve any of the 300 homes etc. nor affect homes adjacent to the field where the homes are proposed.

4.0 **Site History**

4.1 Outline permission for 300 homes and school, access via Park; refused by Council; approved by Secretary of State March 2006. (P/11425/003). Master Plan approved 24th October 2007. (P/11425/4). Reserved matters of housing approved 2009 (P/11425/005). Variation to conditions re access road approved February 2010 (P/11425/008).

5.0 **Neighbour Notification**

5.1 Upton Court Road 96 – 106 even.
Castleview Road 2-20 even
Dashwood Close
Castleview Residents Association

No comments received so far. Any comments received will be reported on the amendment sheet.

6.0 **Consultation**

6.1 Highways

Awaiting response; no issues raised at pre application stage.

6.2 Environmental Services (Parks Section)

Any comments will be reported on amendment sheet.

PART B: PLANNING APPRAISAL

7.0 **Appraisal**

7.1 The works are already permitted by the existing planning permissions. The only issue is whether the works can be separated from some of the conditions on the permissions.

7.2 Certain planning conditions on the permissions require either works to be carried out or details of the development to be submitted and approved before any development starts. This is normal practice assuming development is not phased. However the details and works needed are relevant to house building and the main part of the access road. In this instance they are not critical to just 4

metres of kerb works on the edge of the site.

- 7.3 For example the Council does not need to agree details of landscaping, fencing, refuse stores etc. before 4 metres of kerb are built. The details of the relevant conditions are in Part D. The location of the works will not interfere with use of the car park. If the developer wishes to carry out the works before the Council has sold the land to the developer it can do so under a licence that the Council, as landowner, has agreed to.
- 7.4 If this application is agreed the relevant conditions would only be triggered when the rest of the access road or house building starts.
- 7.5 Approval of the application would not however stop construction of the kerb works (if done prior to July 2011) counting as a start of development and thus implement the planning permission in the legal sense. Case law has established that permitted minor works can count as a start of development even if the remainder of the development takes place later.

Conclusion

- 7.6 The minor kerb works are already permitted. Starting those works would not compromise design and amenity etc. if the relevant conditions have not been complied with first. The conditions are linked with house building and the main part of the access road. It is also relevant to be aware of the current economic circumstances which may result in the planning permissions expiring before developers are ready to start house building on a strategic housing site supported by the Council. The application is therefore acceptable.

PART C: RECOMMENDATION

8.0 **Recommendation**

- 8.1 Approve.

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

Condition(s)

1. Drawings

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. 1486 CRS 120 G Site Plan 1 (Layout) recvd 19/12/08 (subject to adjustments re condition 15)
(b) Drawing No. 1486 CRS 121 E Site Plan 2 (plot numbers) recvd

19/12/08

(c) Drawing No. 1486 CRS 122 F, 123 E, 124 D, 125 E, 126D, 127D, 128 D, Site Plan 3 - 9 (detail) recvd 19/12/08

(d) Drawing No. 1486 CRS 152 B 153C, Street Elevations and 154 recvd 4th June 08 Site Section

(e) Drawing No. 1486 CRS 200 B, 201A, 202 B, 203 B, 204 A, 205 A, 206 A, 207, 208, Flat types

(f) Drawing No. 1486 CRS 300B, 301B, 303B, 304A, 305A, 306A, 307B, 309A Courtyard Houses

(g) Drawing No. 1486 CRS 401A, 402A, 403, 404B, 405B, 406A, 407A Houses

Tracking, landscape and materials drawings submitted are not approved.

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.

2. Lighting Scheme

The development shall not commence until details of a parking areas lighting scheme (to include the location, nature and levels of illumination) has been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the dwellings served by the relevant part of the lighting scheme and maintained thereafter in accordance with the details approved. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON To ensure that a satisfactory lighting scheme is implemented as part of the development in the interests of residential and visual amenity and to comply with the provisions of Policy EN1 of The Adopted Local Plan for Slough 2004.

3. Refuse Storage

No development shall commence until details of the proposed bin stores (to include siting, size, 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. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON In the interests of visual amenity of the site in accordance

with Policy EN 1 of The Adopted Local Plan for Slough 2004.

4. Cycle Storage

Cycle storage for each flat shall be installed prior to the occupation of each flat in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of encouraging modes of travel other than the car.

5. Landscape Design and Implementation

Development shall not commence until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include planting on land between the proposed emergency/cycle access to Blenheim Road and the south boundary of number 36 Blenheim Road. The details shall also include tree planting adjacent to the site boundary including rear gardens that abut the site boundary.

The works shall be carried out as approved before the end of the next planting season following completion of each part of the built development or if specified in the Phasing Plan in accordance with that Plan as approved pursuant to Condition No. 5 of the outline planning permission P/11425/003 dated 29th March 2006.

The details to be submitted shall include existing trees and hedges retained, highway sightlines, existing services and allowance for proposed services, planting plans, plant and tree sizes or numbers/densities where appropriate, species, cultivation specifications, tree, plant and grass establishment details and existing and finished ground levels.

For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON To ensure the landscape proposals are clearly defined, appropriate and to enhance the visual amenity of the development, the surrounding area (inclusive of registered park and garden and green belt land) and for future residents.

6. Landscape Maintenance

Any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. In addition soft landscape areas

(excluding shrubs and grass in enclosed domestic rear gardens) including trees identified on the landscape design details approved pursuant to Condition 5 shall be maintained long term in accordance with a schedule to be submitted to and approved in writing prior to the commencement of development.

REASON In the interest of the visual amenity of future residents, adjoining residents and the neighbouring areas inclusive of the adjacent registered park and garden and green belt areas.

7. Tree and Hedge Protection

Trees and hedges shown as retained on the approved layout shall be protected for the duration of the construction period (or other period specified in the approved details) with fencing in accordance with details that shall have first been submitted to and approved by the Local Planning Authority.

REASON In the interest of the general amenity of the neighbouring area.

8. Rain Water Storage

Prior to the occupation of each house that has a down pipe on its rear or side elevation a rain water storage system shall be installed in accordance with details that shall have first been approved in writing by the Local Planning Authority.

REASON In the interest of sustainable development in particular reduction of fresh water consumption.

9. Garage use for parking only

The garage(s) hereby permitted shall only be used to accommodate cars which are used ancillary to the enjoyment of the dwelling-house on the site and shall not be used for any trade or business purposes; nor adapted as habitable room(s) without the prior permission in writing from the Local Planning Authority.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities and visual amenities of the area.

10. Removal of Certain Permitted Development Rights

Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Class E no buildings greater than 25 cubic metres shall be erected constructed or

placed on the site without the express permission of the Local Planning Authority.

REASON The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed. It would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order in accordance with Policy H14 of The Adopted Local Plan for Slough 2004.

11. Management of highways, associated public areas and landscape areas.

No development shall be occupied until long term management arrangements for any highway or landscape areas not to be adopted by the Highway Authority or the Council (as public open space or amenity areas) have first been submitted to and been approved in writing by the Local Planning Authority. The management arrangements shall be implemented as approved. The management arrangements shall cover details of the cleansing, maintenance and repair of highways, footways, cycleways, communal parking, verges and landscaping (including existing planting and new buffer area planting), lighting, surface water drainage and include details of who will be responsible for management.

REASON In the interest of conditions of general safety on highway areas and residential amenity.

12. Emergency/cycle/pedestrian access

The access onto Blenheim Road shall be laid out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. (See Informatives)

REASON In the interest of highway and pedestrian safety.

13. Car Parking Allocation

Car parking spaces shall be allocated to dwellings or groups of dwellings in accordance with a scheme that has first been approved in writing by the Local Planning Authority.

REASON In the interest of highway safety.

14. Tree loss emergency access

Trees lost as a result of the construction of the emergency, cycle and pedestrian link to Blenheim Road shall be replaced with semi mature trees in accordance with the landscape design and maintenance details approved pursuant to conditions 5 and 6 of this permission.

REASON In the interest of visual amenity.

15. Layout Revisions

Notwithstanding the approval of layout drawing (Site Plan) 120G under condition 1 development shall not commence until a revised layout plan has first been submitted to and have been approved in writing by the Local Planning Authority to include the following alterations:

6m reverse out space and buffer area in front of plots 130 to 132.
Additional parking space adjacent plot 152
Adjust frontage area plots 149 to 163 to incorporate car turning space without loss of car parking.
Adjusts to alignment of cycleway crossing road and associated crossover for plots 183 to 186.
Sightline for cycleway/reverse out space plot 183.
Planting strip and parking space adjustments adj plot 199
Bin store and highway margin adjustments plots 187 to 192
6m reverse out space for plot 198
Identify bin store for plots 27-35
Plot 24 deletion of frontage parking bay
Adjacent to plot 23 create four parking spaces (2 tandem)
Precise location of east school entrance to be dependent upon school site layout.
Alter courtyard 3 entry to ensure cars can stand clear of footway when waiting at security gate.
Curb alignment adjustments as a result of consideration of refuse vehicle tracking diagram submitted under condition 16.

For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON In the interest of visual and residential amenity, pedestrian and highway safety.

16. Refuse Vehicle Tracking

Prior to the start of development submit a refuse vehicle tracking plan. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON In the interest of highway and pedestrian safety.

17. Boundary treatment permeable to flood water

All fences and boundaries that fall within the area shown as liable to flood in a 1 in a 100 year event plus climate change as defined on drawing number 3826/21/07 Rev. D shall be designed to be permeable to floodwaters and shall be maintained to be permeable to floodwaters for the lifetime of the development.

REASON To ensure that flood waters can flow onto the site and enter and leave the area liable to flood.

18. No raising of ground level

There shall be no raising of ground levels within the area shown as liable to flood in a 1 in a 100 year event plus climate change as defined on drawing number 3826/21/07 Rev. D unless agreed otherwise in writing by the Local Planning Authority.

REASON To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood water storage capacity.

19. Infiltration tests

Prior to the commencement of development appropriate surface water infiltration tests shall be undertaken in accordance with BRE365 and the results submitted to the local planning authority. The drainage details submitted pursuant to condition 24 of the outline planning permission P/11425/003 dated 26th March 2006 shall take account of the test results. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

REASON To ensure that the proposals for infiltration are feasible and will prevent any increase in flood risk.

Informative(s)

1. Surface Water Drainage

Regarding the condition 24 of the outline planning permission P/11425/003 dated 29th March 2006, please note the information needed to clear this condition will include details of the water table (measured on site) and permeability of soils (tested on site - condition 19) to show that soakaways will work satisfactorily. If soakaways will be insufficient alone details will be needed of surface water balancing/attenuation on site along with long term management arrangements.

2. Flood Plain

The reference to 'flood plain' and 'area liable to flood' in conditions 21,

23 and 25 of the outline planning permission P/11425/003 dated 29th March 2006 are intended to mean 'area shown as liable to flood in a 1 in 100 plus climate change event as defined on drawing number 3826/21/07 Rev D' .

3. Phasing of Blenheim Road emergency/cycle link.

To ensure dry access from the site if the access road is flooded (condition 26 of outline planning permission P/11425/003 dated 29th March 2006 and condition 12 attached to this planning permission) the Council will expect the phasing plan re condition 5 of the outline planning permission to allow for the Blenheim Road access to be available for use prior to the first occupation of any dwelling.

4. Trees in rear gardens of certain plots.

Please note trees will need to be planted in some rear gardens, particularly those that adjoin the boundary of the site, in accordance with the approved landscape plans of condition 5 and those trees will be subject to long term maintenance referred to in condition 6 of this planning permission. The Phasing Plan will be expected to incorporate provision for rear garden trees to be planted prior to the occupation of the associated dwellings.

5. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough adopted 2004 and the Local Development Framework Core Strategy Development Plan Document December 2008 as set out below.

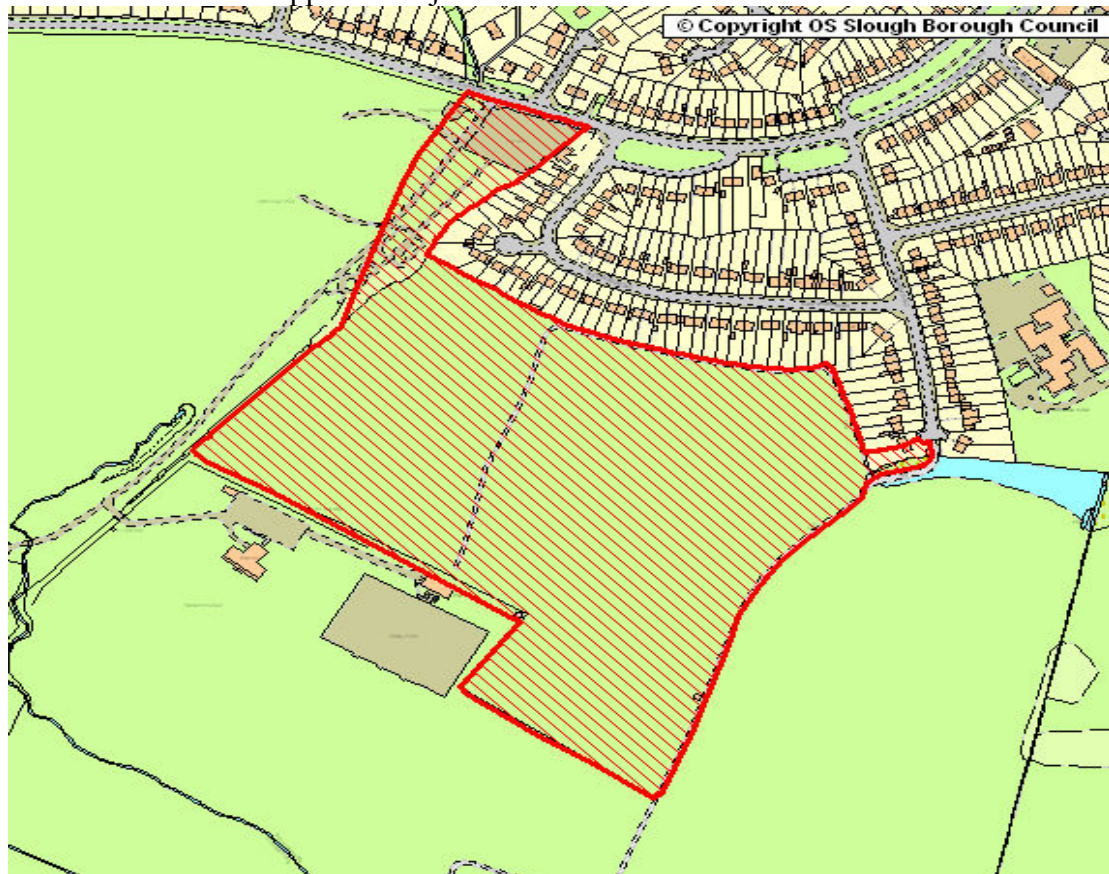
Policies:- H14, EN1, EN3, EN5, OSC5, T2, T6, T7, T8, T9 of The Adopted Local Plan for Slough 2004 and Core Policies 2, 4, 7, 8, 9 and 12 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

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:	17-Aug-2010	Applic. No:	P/11425/011
Officer:	Mr. Albertini	Ward:	Upton
Applicant:	Kelobridge		
Agent:	Mr. Howard Courtley, Courtley Consultants Ltd TAN OAST, DAIRY LANE, CHAINHURST, KENT, TN12 9SS		
Location:	Land Rear of 2-78 , Castleview Road &, Part Of Upton Court Park &, 36, Blenheim Road, Slough, Berkshire		
Proposal:	APPLICATION TO VARY CONDITIONS OF OUTLINE PLANNING PERMISSION TO ALLOW MINOR KERB WORKS OF PROPOSED ACCESS ROAD ROUNDABOUT TO BE STARTED WITHOUT COMPLYING WITH CONDITIONS THAT RELATE TO HOUSE BUILDING DEVELOPMENT AND THE REMAINDER OF THE ACCESS ROAD WORKS. THE CONDITIONS TO BE VARIED : NUMBER 5, 6, 8, 9, 11, 13, 14, 16, 20, 22, 23, 24, 27. DESCRIPTION OF THE ORIGINAL OUTLINE PLANNING PERMISSION REF. P/11425/008 DATED 11TH FEBRUARY 2010 : ' RESIDENTIAL DEVELOPMENT FOR 300 DWELLINGS WITH PRIMARY SCHOOL, PUBLIC OPEN SPACE AND PLAY AREA; ACCESS FROM UPTON COURT ROAD (APPLICATION TO VARY CONDITIONS 3, 6 AND 16) '.		

Recommendation: Approve subject to Conditions



P/11425/011

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Approve.

PART A: BACKGROUND

This report is the same as P/11425/009 except para 2.2.

2.0 **Proposal**

2.1 This variation to an existing permission is to allow for minor kerb works to be started without complying with certain conditions on that permission. The kerb works are part of the proposed roundabout of the approved access road off Upton Court Road. They comprise a 4 metre length of kerb set back from the existing public highway on part of the unused bit of the Upton Court Park car park.

2.2 The relevant permission is the variation to the earlier outline planning permission granted on appeal by the Secretary of State in 2006.

2.3 The relevant conditions relate to house building and the remainder of the access road.

2.4 The applicants stated reason for submitting the application is to allow an extended timetable for the applicant/house builder in difficult economic conditions to secure delivery of the 300 homes etc. in accordance with the Local Plan and Core Strategy. The existing permission will run out in July 2011 unless construction works are started. The kerb works will count as a start of development.

2.5 The variation would take the form of additional wording added to the relevant conditions to make it clear that 4 metres of kerb works would not be counted as a start of development in respect of those conditions only.

3.0 **Application Site**

3.1 The site of the kerb works is the car park in the north east corner of Upton Court Park near Dashwood Close. The precise location is an unused bit of car park that is bollarded off and it lies just behind the hedge alongside Upton Court Road.

3.2 The park is within the Green Belt. The description of the application site refers to the entire development site for 300 homes etc. as it is that permission which is being varied. This is in line with Government advice but the application to vary conditions does not involve any of the 300 homes etc. nor affect homes adjacent to the field where the homes are proposed.

4.0 **Site History**

4.1 Outline permission for 300 homes and school, access via Park; refused by Council; approved by Secretary of State March 2006. (P/11425/003). Master Plan approved 24th October 2007. (P/11425/4). Reserved matters of housing approved 2009 (P/11425/005). Variation to conditions re access road approved February 2010 (P/11425/008).

5.0 **Neighbour Notification**

5.1 Upton Court Road 96 – 106 even.
Castleview Road 2-20 even
Dashwood Close
Castleview Residents Association

No comments received so far. Any comments received will be reported on the amendment sheet.

6.0 **Consultation**

6.1 Highways
Awaiting response; no issues raised at pre application stage.

6.2 Environmental Services (Parks Section)
Any comments will be reported on amendment sheet.

PART B: PLANNING APPRAISAL

7.0 **Appraisal**

7.1 The works are already permitted by the existing planning permissions. The only issue is whether the works can be separated from some of the conditions on the permissions.

7.2 Certain planning conditions on the permissions require either works to be carried out or details of the development to be submitted and approved before any development starts. This is normal practice assuming development is not phased. However the details and works needed are relevant to house building and the main part of the access road. In this instance they are not critical to just 4 metres of kerb works on the edge of the site.

- 7.3 For example the Council does not need to agree details of materials, fencing, drainage, play area before 4 metres of kerb are built. Similarly the car park does not need to be relocated and the archaeological investigation (on the field) is not needed before the kerb works. The details of all the relevant conditions are in Part D. The location of the works will not interfere with use of the car park. If the developer wishes to carry out the works before the Council has sold the land to the developer it can do so under a licence that the Council, as landowner, has agreed to.
- 7.4 If this application is agreed the relevant conditions would only be triggered when the rest of the access road or house building starts.
- 7.5 Approval of the application would not however stop construction of the kerb works (if done prior to July 2011) counting as a start of development and thus implement the planning permission in the legal sense. Case law has established that permitted minor works can count as a start of development even if the remainder of the development takes place later.
- 7.6 This application also provides the opportunity to add an informative that seeks a soil investigation prior to significant construction works. Because this is an existing permission a new condition cannot be added however under separate legislation any developer has a duty to ensure excavations are not a threat to public health and soil is disposed of correctly.

Conclusion

- 7.7 The minor kerb works are already permitted. Starting those works would not compromise design and amenity etc. if the relevant conditions have not been complied with first. The conditions are linked with house building and the main part of the access road. It is also relevant to be aware of the current economic circumstances which may result in the planning permissions expiring before developers are ready to start house building on a strategic housing site supported by the Council. The application is therefore acceptable.

PART C: RECOMMENDATION

- 8.0 **Recommendation**
- 8.1 Approve.

9.0 PART D: LIST OF CONDITION(S)

Condition(s)

1. Time Limit

Application for approval of the reserved matters must be made not later than three years from 29th March 2006 (the date of the original outline permission) and the development must be begun not later than two years from the date of the final approval of the last of the reserved matters, or within five years from 29th March 2006 whichever is the later.

2. Reserved Matters

The development shall be carried out in accordance with detailed plans showing the siting, design and external appearance of any buildings to be erected, the landscaping of the site, road, footpath and cycle path design, vehicular parking and turning provision, hereinafter collectively referred to as 'the reserved matters' which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

3. Drawings Approved

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:

- Drawing No. 2319/PL.OIA Location Plan, received 6 December 2004
(correcting drawing of the same number received with application 10.11 .04.)
- Drawing No. 3048C4001 rev C Proposed Roundabout Access
- Drawing No. 3048C4002 rev E Proposed Roundabout and Access

4. Master Plan

Prior to the submission of details pursuant to the reserved matters (Condition 2) a Master Plan and Design Guide for the development shall have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with Master Plan and Design Guide approved.

5. Phasing Plan

Prior to the commencement of development a Phasing Plan for the development shall have been submitted to and approved in writing by

the Local Planning Authority. The development shall be implemented in accordance with the Phasing Plan as approved. The Phasing Plan shall show the sequence of completion of the development including open space, play areas, site boundary tree and shrub planting, pedestrian, cycle and emergency links to and from the site. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

6. Approved Drawings Off Site Works

Development shall not commence until the off-site works shown on drawing numbers 3048C4002 E and 3048C4001 C (or approved revisions to those drawings) have been substantially formed, laid out and constructed in accordance with the approved drawings and in accordance with detail construction drawings and specifications that shall have first been approved in writing by the local planning authority. No dwelling shall be occupied until the approved works have been fully implemented. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

7. Internal Access Roads etc

Prior to first occupation of each dwelling the internal access roads footpaths and vehicular parking and turning areas serving the associated dwelling shall be provided in accordance with the approved drawings.

8. Boundary Treatment

Development shall not commence until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented as approved prior to the occupation of the adjacent dwelling/building or completion of adjoining path or open space. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

9. Materials

Details and 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. The details shall include hard surfaces. Development shall be carried out in accordance with the approved details. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

10. Trees

Any trees lost as a result of construction of the access roundabout and associated link road through Upton Court Park shall be replaced with semi mature trees in accordance with the design and maintenance details approved pursuant to the reserved matters.

11. Archaeology

No development shall take place until an archaeological evaluation has been secured and implemented as part of a phased programme of archaeological work all in accordance with a written scheme of investigation (method statement), which shall have first been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

12. Public Open Space

A minimum of ten percent of the housing development site area shall be laid out as public open space in accordance with details approved pursuant to Conditions 2 (Reserved Matters), 8 (Boundary Treatment) and 13 (Play Area) and in accordance with the Phasing Plan approved pursuant to condition 5.

13. Play Area

Development shall not commence until details of an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and in accordance with the Phasing Plan approved pursuant to Condition 5. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

14. Accommodation Works

Prior to the commencement of the means of access and link road through Upton Court Park the relocation of the Park car park and recycling facilities and other accommodation works shall be carried out in accordance with details first approved in writing by the Local Planning Authority. The accommodation works shall include verge protection measures, formation of alternative Park access, erection of height restriction barriers and fencing, relocation of signs. For the purposes of this condition means of access shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and

3048C4016.

15. Recycling

No more than 150 dwellings shall have been occupied prior to the laying out of a recycling compound & installation within it of recycling containers. The compound shall be constructed and containers installed in accordance with details first approved in writing by the Local Planning Authority. The location of the compound shall be in accordance with siting details approved pursuant to the reserved matters Condition number 2.

16. Access

Development shall not commence until the means of access shown on drawing numbers 3048C4002 rev E have been completed to base course level prior to the start of construction of any dwelling on the site and completed in full prior to the first occupation of a dwelling. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

17. Wheel Cleaning

Vehicle wheel cleaning and dust suppression facilities shall be installed at construction site exit points access road for the duration of the construction period in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

18. Blenheim Road access

There shall be no access to Blenheim Road other than for pedestrians, cyclists and emergency vehicles. Blenheim Road shall not be used as an access for activity related to the construction of the development.

19. Primary School Site

A site measuring 2.024 hectares shall be reserved for a primary school adjoining Upton Court Park for 5 years from the date of the start of the development.

20. Drainage Works

Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to

above have been completed. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

21. Flood Sensitive Development

No residential or other flood sensitive development shall be permitted within the area shown as liable to flood in a 1 in 100 year event (otherwise known as the flood plain) as defined on Drawing No. 3826/21/07 Rev.D.

22. Finished Levels

Details of finished floor levels of buildings shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency, prior to commencement of development. The scheme shall be completed in accordance with the approved plans. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

23. Buffer Zone from Culvert

A buffer zone of 8m measured from the outer edge of the culvert of Datchet Common Brook shall be established and shown on a plan to be submitted to and approved in writing by the local planning authority before development commences. No development including fences or hardstanding, or storage of building materials shall take place within the buffer zone. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

24. Surface Water Drainage Works

Surface water drainage works incorporating surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

25. Materials in area liable to flood

No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

26. Dry Access

Provision shall be made to the satisfaction of the local planning

authority for an alternative safe, dry access route from the development to land outside the 100 year modelled floodplain, suitable for use by residents should a flood event occur.

27. Additional boundary treatment

Development shall not commence until additional boundary treatment for existing houses adjacent to the access road (No. 1-20 Castlevew Road) have been constructed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition development shall not include access roundabout kerb works as shown on drawing numbers 3048C4015 and 3048C4016.

Informative(s)

1. The above conditions repeat those of the Secretary of States decision dated 29th March 2006 that granted outline planning permission (P/11425/003) but include the variations applied for 16th November 2009 (P/11425/008) and 16th August 2010. As the conditions repeat those of the Secretary of State no reasons are given on this notice. The repetition of the conditions of the original permission on this notice is in accordance with Government guidance in 'Greater flexibility for planning permissions' 2009 DCLG. Some submissions relevant to the conditions have already been made. This decision does not supersede that dated 29th March 2006 other than in respect of the variations approved. The development is linked to a Section 106 agreement dated 29th March 2006 and a variation to that agreement dated 30th April 2010.

2. Soil Investigation

Prior to the commencement of any works associated with the approved development, a detailed investigation of the soil on the site shall be submitted to and have been approved in writing by the local planning authority. The investigation shall assess and detail management of any land contamination and it shall include ;

- i) a detailed site review, which shall fully characterise the nature, extent and severity of any contamination.
- ii) if the site poses an unacceptable risk a remedial strategy detailing the specific remediation and mitigation measures necessary to ensure the protection of future occupants of the development and users of the site.
- iii) a contingency plan to deal with any previously unidentified contamination which may be encountered during works on the site.

Prior to the first occupation of any dwelling the remedial strategy and contingency plan shall be implemented.

Prior to the first occupation of any dwelling written confirmation that all works were completed in accordance with the approved strategy and contingency plan shall be sent to the local planning authority.

Two parts of the site might be contaminated due to past landfill. The above investigation and remediation etc. can be phased and is sought before works commence on each part of Upton Court Park land that will be affected by soil excavation works and before works commence in the vicinity of former gravel pits on the field south of Castleview Road.

3. This decision (on the application to vary conditions) has been taken having regard to the policies and proposals in the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, and to all relevant material considerations.

Policies:- EN1, EN3, OSC1 and OSC5 of The Adopted Local Plan for Slough 2004 and Core Policy 1, 2, 7, 8 and 9 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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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SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 13th October 2010

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**

Ref	Appeal	<u>Decision</u>
P/02415/004	Granville Stores Site, Land opposite 41 Granville Avenue Demolition of building and the erection of a 1 bedroom chalet bungalow.	Appeal Dismissed 24 th August 2010
P/10726/004	Land adj. 24 Bell Close Erection of a pair of semi-detached three bedroom dwellings with associated car parking and gardens.	Appeal Dismissed 24 th August 2010
P/05776/003	28 Concorde Way First floor side and part rear extension.	Appeal Dismissed 25 th August 2010
P/14517/001	53 The Frithe Erection of an attached 2 bedroom house with a rear single storey extension to the existing house.	Appeal allowed subject to conditions 2nd September 2010
P/09718/002	Land to the rear of 58 High Street Langley Erection of a detached one bedroom bungalow.	Appeal Dismissed 14 th September 2010
P/14798/000	61 Oatlands Drive Double storey rear extension and internal alterations.	Appeal Dismissed 28 th September 2010

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ENFORCEMENT NOTICES, BREACH OF CONDITION NOTICES, SECTION 215 NOTICES

ONGOING TO DATE (29.09.10)

PART 1

Planning Reference and Officer	Legal Ref/ Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2010/00039 BL	CF	60 Lower Cippenham Lane Breach of Saturday Working Condition	(P) Breach of condition notice served 8 March 2010. Compliance by Sat 10 April 2010. (P) Compliance Achieved 10 April 2010. Case Closed. (P) New case open. Depart approved plan. Driveway needs tarmac.21 July 2010. (P) Site Visit reveals still no compliance. All units believed sold. Further progress now needs to be made as new ownership has implications.
2009/00053/ BL	CF	139 Upton Court Road Unauthorised Rear Outbuilding	(P) Planning Enforcement Notice served 22 October 2009. Compliance by 19 February 2010 (P) Compliance achieved. Case Closed.
2008/00268 BL	CF	8 London Road Change use. Dwelling to Offices	(P) Planning Enforcement Notice served 9 October 2009. Compliance by 6 May 2010. (P) New planning application received. (P) Chris Smyth still in negotiations pending a new planning application . 29 Sept 10
2009/0149 WH	CF T3/698	65 Gloucester Avenue Depart Approved Plan -	(L) Instructions received 21st August 2009 (P) Planning Enforcement Notice served 2 September 2009 Compliance due 30 June 2010. (P) Meeting held with owners and head of Planning. New application to be submitted 07/10/10

2005/00331	T3/381 a CF	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. Reminder to comply sent 23/03/09 (P) Meeting being sought to discuss matters. (P) Meeting to be arranged by AM upon return 01/09/10 (P) Negotiations ongoing with members of the mosque</p>
2008/00222 BL	CF T/T3/6 71	10 Yew Tree Road, Slough. Unauthorised change of use to a house in multiple occupation and the unauthorised erection of a single storey rear extension.	<p>(L) Instructions received 7 November 2008 (P) Enforcement Notice served 18th November 2008, Compliance 16th March 2009. (P) Appeal received. (P) Prosecution papers being prepared (P) Info received that the charge holder is moving for repossession. (P) Enquiries in progress – contact with mortgage company (P) The Mortgage Company now has taken the house. They will carry out surveys etc. in order to see which direction to take. Review in mid April. (p) Mortgage company solicitors seeking instructions from client. (20 Apr 2010) (p) consider prosecution or default work (P) The property has been considered for auction by the Mortgage Company. Events to be monitored.</p>
2008/00332/ENF WH	CF/ 673	47 Elliman Avenue Breach of Condition Notice	<p>(L) Instructions received November 2008 (P) Notice served 5 December 2008. Compliance due 5 January 2009 (P) Papers being prepared for legal (P) Papers for litigation sent to legal 27 October 2009. (P) Prosecution files being prepared 24/02/10 (P) Instructions sent to legal to prosecute 01-03-10 (L) First hearing at Maidenhead Magistrates 18/06/10 (L) Found guilty of offence and costs awarded (P) Direct action to be considered (P) Owner contacted 24/09/10 and work being carried by themselves</p>

2006/00296/ENF EW	T3/712	Land at Tanhouse Farm, Mill Street, Colnbrook, Berkshire (parcel of land adj. Top Yard)	(P) To send instructions to legal to engross EN re: unauthorised storage of commercial vehicles to cover area excluded in previous notices (1972 and 1978).
2006/00296/ENF EW	T3/712	Land at Tanhouse Farm, Mill Street, Colnbrook, Berkshire (South off the Colne River)	<p>(P) Notice served 30th November 2009 in respect of the unauthorised change of use from land for agricultural use to the mixed uses of agricultural land and the storage of miscellaneous items not associated with an agricultural use.</p> <p>(P) Appeal lodged 23rd December to be dealt using the inquiry procedure. Date and venue to be confirmed.</p> <p>(P) Statement of Case submitted confirmed date of inquiry 24th June 2010</p> <p>(P) Inquiry decision awaited.</p> <p>(P) Inquiry decision - 6 July 2010 Notice Upheld, albeit with revised compliance period of 18 months.</p> <p>(L) Matter subject to judicial inquiry. Notice held in abeyance until judgement ruled.</p>
2009/00308/ENF WH	CF	71 Long Readings Lane, Unauthorised change of use of outbuilding to provide primary accommodation	<p>(P) Instruction sent to legal for engrossment 29/10/09</p> <p>(P) Notice served on 19th Jan 2010, compliance due on 16.04.10</p> <p>(P) Compliance in progress</p> <p>(P) Complied with Enforcement Notice</p> <p>(P) New case officer matter to be reviewed by Will Holloway</p> <p>(P) Compliance partly achieved. Site visit arranged for 10/10/10 for closure</p>

2006/00418	SH T3/604	20 Wexham Road, Slough Unauthorised erection of a outbuilding	<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 dismissed 01/04/08</p> <p>(L) Prosecution file being drafted in liaison with PSH 20/02/10</p> <p>(P) Prosecution file still being drafted as issues with locating owner for effective service</p> <p>(P) Committee report for default works for Planning Committee 15/06/10. Prosecuting at the same time.</p> <p>(P) Planning Committee have approved default works. Prosecution almost complete and date to be set for works.</p> <p>(P) Prosecution file sent to legal 13/07/10</p>
2009/00280/ENF PSH 126	CF	11 Birch Grove, Slough Unauthorised front extension	<p>(P) Legal Instructed and land charges Informed 16/02/10.</p> <p>(P) Legal acknowledged instructions 18/02/10.</p> <p>(P) Enforcement Notice served 29/03/10</p> <p>(P) Appeal against Notice submitted</p> <p>(P) Planning Application submitted ref P/14831/0 submitted on 30/4/10</p> <p>(P) Decision due from Planning 25/06/10.</p> <p>(P) Planning Permission refused</p> <p>(P) Deadline given and prosecution to be prepared</p>
2009/00320/ENF WH	CF	83 Ledgers Road, Slough Unauthorised front canopy extension	<p>(P) Legal Instructed and land charges Informed 23/02/10.</p> <p>(P) Legal acknowledged instructions 24/02/10.</p> <p>(P) Enforcement Notice served 29/03/10. Compliance due 26/05/10</p> <p>(P) No compliance so warning letter re prosecution to be sent</p> <p>(P) Prosecution forwarded to legal 21/06/10</p> <p>(P) Notice complied with but Court Action to continue 25/08/10</p> <p>(P) Costs awarded at Court. Case closed</p>
WH	TE/708 CF	66 Ledgers Road Unauthorised rear outbuilding – use as separate dwelling	<p>(P) Instruction sent to legal for engrossment 29/10/09</p> <p>(P) Notice served on 19th Jan 2010, compliance due on 16.04.10.</p> <p>(P) Compliance in progress; tenants been given their 2 months notice</p> <p>(P) Complied with Enforcement Notice</p> <p>(p) New case officer matter to be reviewed by Will Holloway</p> <p>(P) Meeting with owners and new deadline for compliance given 23/08/10</p> <p>(P) Compliance achieved 14/09/10. Case closed</p>

2009/00287/ENF WH	CF	21 Belfast Avenue Non compliance with approved plans	(P) Instructions sent legal to engross EN 24/02/2010 (P) Notice served on 9 th Mar 2010, compliance due on 7.06.10. (P) Case passed to WH and review to be made. (P) Site visit arranged to premises 1/09/10 (P) Compliance achieved. Case closed 14/09/10
2009/00049 PR	CF	4 Chester Road Unauthorised Rear extension	(P) Planning Enforcement Notice served 12 October 2009 . Compliance 21 February 2010. (P) Enforcement Appeal lodged – to be dealt with by Public Inquiry on 5 May 2010 due to ground D appeal (alleging the extension has been there over 4 years). (P) awaiting the outcome of Appeal
2009/00306/ENF PR	CF	6 Wellesley Road - unauthorised rear extension and outbuilding and boundary wall	(P) Instructions sent legal to engross EN 06/03/2010 (P) Enforcement Notice issued 13 th May 2010. Compliance due by 13 th September 2010.
2007/00395/ENF PR	CF	6 Salt Hill Drive	(P) Instructions sent legal to engross (P) Enforcement Notice issued 18 th June 2010. Compliance due 16 th July 2010. (P) A new planning application has been submitted. Await determination.
2009/00213/ENF EW	CF	Baylis House, Stoke Poges Lane, Slough, SL1 3PB	(P) 30.04.10 - Instructions sent to legal to engross EN concerning marquee and decking (P) Checks being made on all interested parties before service (L) Checks remain on-going (P) EN served 3 rd September.
2006/00452/ENF	EW	Spital Farm, London Road, Colnbrook, Berkshire, SL3 8QQ	(P) 24.5.10 - Instructions to be sent to legal to engross EN concerning unauthorised alpaca building (P) Matter being reviewed by EW before papers are sent to legal (P) Planning appeal ongoing - matter held in abeyance

2006/00009/ENF 2006/00011/ENF 2006/00012/ENF 2010/00316/ENF	EW	The Herschel Arms PH, Land at 24, 26 and 28, Park Street, Slough, SL1 1PS	(P) Revised instructions sent to legal to engross EN re: unauthorised CoU of rear gardens to beer garden. (P) Engrossment on-going
EW			
2007/00035/ENF	EW	222 High Street, Langley, Slough.	(P) Instructions to be sent to legal to engross BoC re: hard landscaping (P) Review of respective interested parties notices on hold
EW			
2010/00193/ENF BL		27 Avebury Slough	(P) Planning Enforcement Notice served 20 Aug 10. Reduce Ht. of rear outbuilding. (P) Planning application received . Validated 21 Sep 10.
2010/00193/ENF BL		Skyways Hotel 19-23 London Road Slough	(P) Planning Enforcement Notice to legal 27 Aug 2010. Remove Front Conservatory.
2010/00070/ENF BL		Manor Lodge Mildenhall Road Slough	(P) Breach of Condition Notice to Legal 4 Aug 2010. Breach working hours. (P) Compliance due 4 October 10.

PLANNING - Enforcement

BL = Bob Lee
WH = William Holloway
PR = Phillip Rowe
EW = Edward Wilson

LEGAL

SQ = Steven Quayle
CF = Ciara Feeney
DP = Dawn Pelle
SH = Sadia Hussain
AO = Ann Osbourne
AOk = Agatha Okafor
OK= Omar Khan

General

HMO = House in Multiple Occupation
PA = Planning Application
BOC = Breach of Condition
215 = Section 215 Notice
EN = Enforcement Notice
TSN = Temporary Stop Notice
SN = Stop Notice
PP = Planning Permission
POCA = Proceeds of Crime Act, 2002

LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING BREACHES
ONGOING TO DATE (29.09.10) PART 2

Planning Reference and Officer	Legal Reference and Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2008/003 32 WH	CF T3/677	35 Hillersdon Slough Change of use to flats	(P) Enforcement Notice served 9 th December 2008. (P) Compliance 6 th April 2009. (P) New application refused 27 th April 2009. (P) Prosecution papers to legal 22 Oct 2009 (L) Papers held by legal (CF) 15 December 2009 (L) 1 st Hearing Maidenhead Mags 5 th Feb 2010 (L) 2 nd hearing at Maidenhead 19/02/10 and adjourned to 19/03/10 (L) Matter referred to Crown Court on application by prosecution to determine sentencing in conjunction with Proceeds of Crime application. Date pending. (L) Sentence and confiscation hearing 14 th May 2010 at Reading Crown Court (L) Timetable set down for confiscation. (L) ongoing
2009/002 06 BL	OK	1 Boston Grove Vehicle repairs	(P) Instructions sent to Legal This day 12 October 2009. (L) Hearing 26 th February. Failed to attend. Warrant issued.
2009/000 81 BL	AOk	Manor Lodge, 2a Mildenhall Road .Unauthorised advertisements.	(P) Prosecution papers sent to Legal 28 May 2009. (P) First hearing 4 September 2009 at Maidenhead Magistrates (L) Adjourned to 9 October 2009 (L) Prosecution withdrawn

2007/003 91 BL	AO	65 Northern Road 2 nd Storey side extension	(P) Planning enforcement notice served 15 May 2008. (P) Compliance due 16 September 2008. (P) Appeal Received. (P) Appeal dismissed, compliance due 27 May 2009. (P) Prosecution papers being prepared. (p) Legal to issue proceedings (P) 1 st Hearing 16 October 2009 Maidenhead Mags Court. (L) Trial warning list at Reading Crown Court for June 2010 (L) Trial 16-18 June 2010 – sentenced to three years conditional discharge. No order as to costs. (P) New date for compliance set post hearing. December 2010.
ENF/200 5/00396 BL	T3/651 CF	271 Langley Road Slough Failure to Comply with an Enforcement Notice	(L) (L) In Court 1 st August 2008 for plea, proof in absence or warrant of arrest. (L) Matter proved in absence and warrant of arrest issued. (L) Warrant for arrest still outstanding (P) Defendant Surrendered. Sentencing hearing 8 October 2009 Maidenhead Mags Court. (L) Trial fixed for 13 th January 2010 (L) Matter has been reopened by Court and listed for Trial on 31.3.10. NFC to appear as witness. (L) Caution administered on 06/04/10. Compliance agreed by end of August. (L) Site visit due in August. The prosecution file closed.
BL	AO	Skyways Hotel, London Road, Slough Unauthorised Adverts	(P) Papers sent to legal on 10/12/2009 (L) Matter on hold due the submission of Planning applications (P) case withdrawn. Signs removed. Compliance achieved. 20 July 2010. Case Closed
WH	AOk	47 Elliman Avenue, Slough, SL2 5AZ	(P) Papers sent to legal on the 1 April 2010 (L) First hearing 18 June 2010 at Maidenhead (L) Guilty at Court and costs awarded (P) Default work recommendation to be forwarded for Committee
BL	AOk	72 Burnham Lane Slough, Berkshire	(P) Papers sent to legal on 3 March 2010 (L) First hearing 30 April 2010 at Maidenhead (L) Adjourned for the 7 May 2010 for defendants to attend (L) 7 May 2010 – matter set for trial for the 11 August 2010 (P) Trial heard. Finding of guilt. £6000 Fine. £1600 Costs. £15 victim surcharge. (Domestic violence). Further letter to be sent requiring compliance.

2009/001 81/ENF WH	AO	71 Mirador Crescent, Slough, SL2 5JZ	(P) Papers sent to legal for non completion of a Planning Contravention Notice 16/06/10 (L) Proceedings Issued (L) Defendant accepted Caution on 19 August 2010 (L) Matter withdrawn at court on 20 August 2010 (P) Caution and costs awarded
ENF/WH	AOk	83 Ledgers Road, Slough, Berkshire, SL1 2RQ	(P) Papers sent to legal on 21 June 2010 (L) Acknowledgment to WH sent on the 22 June 2010 (L) First hearing date 6 August 2010 (P) Notice complied with but Prosecution action to continue (P) Costs awarded and case closed
ENF/WH	CF	20 Wexham Road, Slough SL1 1UA	(P) Paper sent to legal to prosecute on 9 July 2010 (L) Information laid August 2010 (L) First hearing 8 th October 2010

GLOSSARY OF ABBREVIATIONS

PLANNING - Enforcement

BL = Bob Lee
WH = William Holloway
PR = Phillip Rowe
EW = Edward Wilson

LEGAL

SQ = Steven Quayle
CF = Ciara Feeney
DP = Dawn Pelle
SH = Sadia Hussain
AO = Ann Osbourne
AOk = Agatha Okafor
OK= Omar Khan

General

HMO = House in Multiple Occupation
PA = Planning Application
BOC = Breach of Condition
215 = Section 215 Notice
EN = Enforcement Notice
TSN = Temporary Stop Notice
SN = Stop Notice
PP = Planning Permission
POCA = Proceeds of Crime Act, 2002

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MEMBERS' ATTENDANCE RECORD 2010/11

PLANNING COMMITTEE

COUNCILLOR	15/06	15/07	05/08	16/09	13/10	16/11	05/12	18/01	09/02	17/03	14/04	17/05
Bal	P	P	P	P								
P Choudhry		P	Ap	P* (from 6.34pm)								
Dale-Gough		P	P	Ap								
Dodds	Ap	P	Ap	P								
Haines	P											
Maclsaac	P	P	P	P								
Plimmer	P	P	Ap	P								
Rasib	P	P	P	P								
Swindlehurst	P	P	P	P* (from 6.40pm)								
Zarait	P	P	P	P								

P = Present for whole meeting
Ap = Apologies given

P* = Present for part of meeting
Ab = Absent, no apologies given

 Not appointed during this period

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