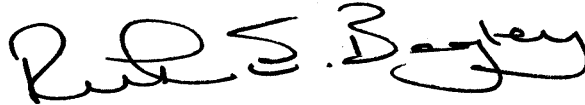


Date of issue: 6th May, 2011

MEETING	PLANNING COMMITTEE (Councillors Dodds (Vice-Chair) P Choudhry, Dale-Gough, Plimmer, Rasib and Swindlehurst)
DATE AND TIME:	TUESDAY, 17TH MAY, 2011 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

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

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).

2. Minutes of the Last Meeting held on 14th April 2011 1 - 4

3. Human Rights Act Statement 5 - 6

PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH

4. P/13787-002 - 133 - 137 Elliman Avenue, Slough 7 - 18 Central

PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH

5. S/00672-000 - Garage Site Rear of 7-9 Mansel Close, Slough. 19 - 34 Wexham Lea

6. P/09979/001 - Mill House, Mathisen Way & Mill Brookway, Poyle. 35 - 72 Colnbrook with Poyle

7. Variation of Section 106 Agreement for Railway Terrace / Mill Street, Slough. 73 - 78 Central

MATTERS FOR INFORMATION

8. Appeal Decisions 79 - 80 All

9. Authorised Enforcement and Prosecutions 81 - 96 All

10. Members Attendance Record 97 - 98 -

11. Exclusion of the Press and Public -

It is recommended that the Press and Public be excluded from the meeting during the consideration of item 11, in Part II of the Agenda, as it involves the likely disclosure of exempt information which is likely to reveal the identity of an individual; information in respect of which a claim to legal privilege could be maintained in legal proceedings; and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime,



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as defined within paragraphs 2, 5 and 7 of Part 1, Schedule 12A to the Local Government Act 1972 (as amended).

PART II

12. Proposed Carrying out of Works in Default 99 - 128 Chalvey

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.

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Planning Committee – Meeting held on Thursday, 14th April, 2011.

Present:- Councillors Zarait (Chair), Dodds (Vice-Chair), Bal (until 8.10pm), P Choudhry, Maclsaac (until 8.26pm), Plimmer, Rasib and Swindlehurst (until 8.28pm)

Apologies for Absence:- Councillor Dale-Gough

Present Under Rule 30:- Councillor Sohal

PART I

118. Declaration of Interest

Planning application P/09905/001 – 26A Mansell Close, Slough: Councillor Maclsaac declared that the applicant had contacted him for advice and he had advised the applicant to approach another ward councillor to discuss the matter. Councillor Maclsaac stated that he had not discussed the matter with the applicant and would consider the application with an open mind.

119. Minutes of the Last Meeting held on 17th March, 2011

The Minutes of the last meeting of the Planning Committee held on 17th March, 2011 were approved as a correct record.

120. Planning Applications

With the agreement of the Chair, the order of business was varied to ensure that the application where an objector and local ward member had indicated a wish to address the committee were taken first.

Oral representations were made to the Committee by a ward member prior to the planning application being considered by the Committee for the planning application P/09905/001 – 26A Mansell Close.

Oral representations were made to the Committee by objectors and agent prior to the planning application being considered by the Committee for the planning application P/02320/033 – Baylis Business Centre, Baylis House, Stoke Poges Lane, Slough.

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated.

Resolved - That the decisions be taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the reports and amendment sheet tabled at the meeting.

Planning Committee - 14.04.11

121. P/09905/001 - 26a Mansel Close, Slough

Application

P/09905/001 - 26a Mansel Close, Slough
– Erection of a single storey rear extension with hipped and pitched roof.

(Councillor Sohal left the meeting)

Decision

Refused

122. S/00364/002 - Land adjoining 7 Ellis Avenue, Slough

Application

S/00364/002 - Land adjoining 7 Ellis Avenue, Slough – Erection of a pair of semi detached three bedroom houses with integral garages.

Decision

Approved subject to conditions.

123. P/08948/002 - Units 3, 4, 5 and 6 Waterside Drive, Slough

Application

P/08948/002 - Units 3, 4, 5 and 6 Waterside Drive, Slough – Application to replace extant planning permission P/08984/001 for extensions to rear of existing buildings, minor re cladding, new front canopies, alterations to parking layout and site landscaping and change of use from class B1(a) (offices) to class B1(c) (light industrial) or class B2 (general industrial) or class B8 (storage and distribution) in order to extend the time limit for implementation.

Decision

Approved subject to conditions.

124. P/02320/033 - Baylis Business Centre, Baylis House, Stoke Poges Lane, Slough

Application

P/02320/033 - Baylis Business Centre, Baylis House, Stoke Poges Lane, Slough – Variation of condition 12 and 13 of planning permission P/02320/020 dated 11/05/01 to permanently extend hours of use (to 1am Mon - Fri and 3am Sat - Sun) and change maximum number of guests to 500 daytime Monday - Friday (original permission change of use site erection of new conference centre with ancillary

Decision

Delegated Head of Planning, Policy and Projects for approval subject to:

- (i) No more than 250 guests shall be permitted to use the conference centre from Monday to Friday
- (ii) The main conference centre building shall not be used for functions and events each day

Planning Committee - 14.04.11

residential accommodation).

between 1am and 9am Monday to Sunday.

(iii) The Noise Management Scheme to be amended to include an appropriate staff instruction about staff not standing on the rear fire exit overlooking homes.

125. P/09777/005 - Former John Taylor House, Blackthorne Road, Colnbrook, Slough

Application

P/09777/005 - Former John Taylor House, Blackthorne Road, Colnbrook, Slough - Erection of industrial unit (1393.5 sq.m.) for class B8 (storage and distribution) with ancillary office space with associated entrance, parking and landscaping.

Decision

Approved subject to conditions.

126. Appeal Decisions

Details of recent appeal decisions were noted.

Resolved – That the report be noted.

127. Authorised Enforcement and Prosecutions

Details regarding current enforcement and prosecutions were outlined. In particular, a couple of Members raised queries relating to 65 Gloucester Avenue. The Legal Officer advised that it would not be appropriate to discuss the matter as there were on-going legal proceedings in relation to the site address.

(Councillors Maclsaac and Swindlehurst left the meeting)

Resolved – That the report be noted.

128. Members' Attendance Record

Resolved – That the Members' Attendance Record be noted.

129. Vote of Thanks

Councillor Dodds, on behalf of the Committee, thanked Members and Officers for all their work in relation to the Planning Committee over the last twelve months. In particular, thanks was given to Councillors Bal, Maclsaac and Zarait, all of whom were not seeking re-election in the forthcoming local election.

Planning Committee - 14.04.11

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.32 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
LPA	Local Planning Authority

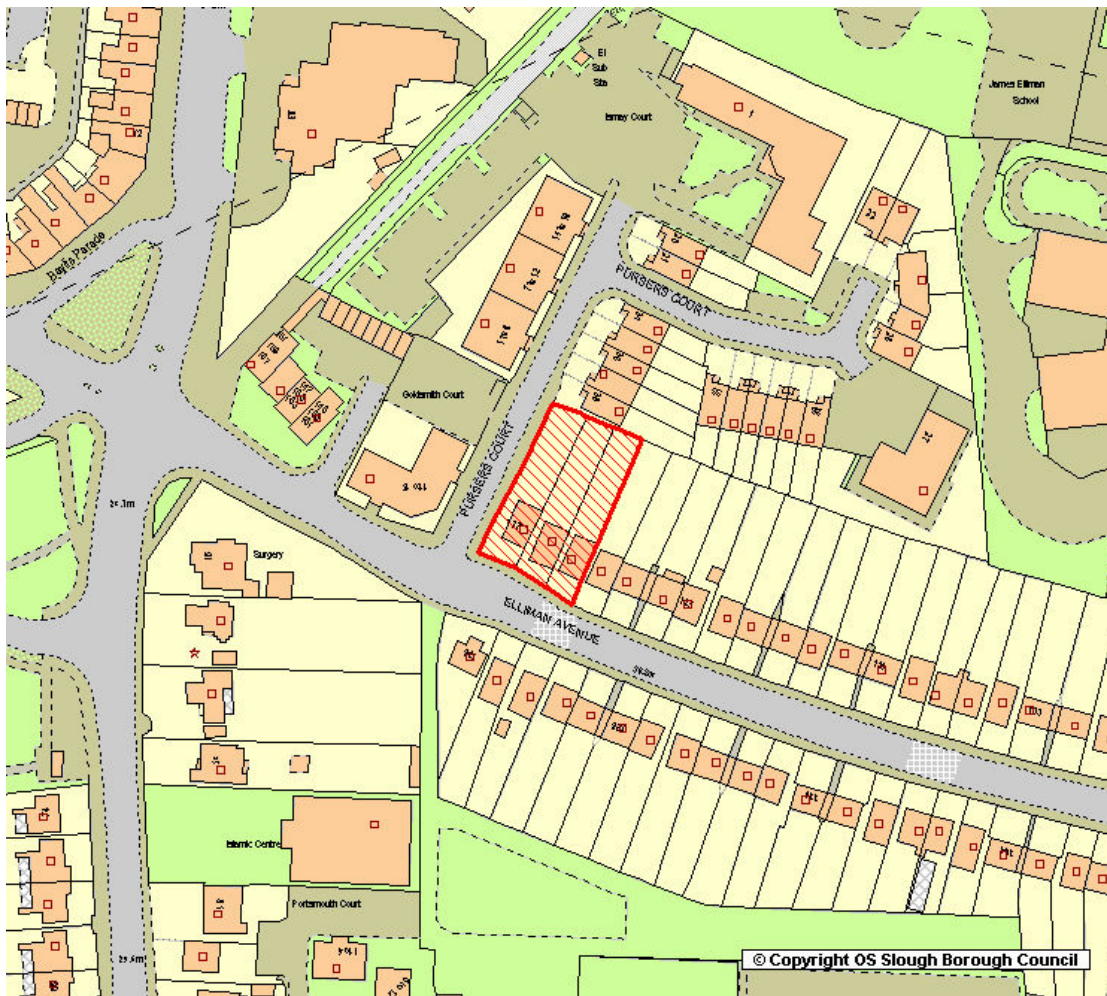
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House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

	OFFICER ABBREVIATIONS
WM	Wesley McCarthy
EW	Edward Wilson
HB	Hayley Butcher
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
JD	Jonathan Dymond

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Registration Date:	29-Oct-2010	Applic. No:	P/13787/002
Officer:	Mr. W. McCarthy	Ward:	Central
		Applic type:	Major
		13 week date:	28th January 2011
Applicant:	Mr. Martin Tinsley, Mr M. Tinsley & Mr R. Gurm		
Agent:			
Location:	133-137, Elliman Avenue, Slough, Berkshire, SL2 5BD		
Proposal:	APPLICATION FOR AN EXTENSION OF TIME TO REPLACE PLANNING PERMISSION P/13787/000, DATED 16/11/2007 FOR THE ERECTION OF 10 NO. TWO BEDROOM FLATS, CAR PARKING, CYCLE PARKING AND AMENITY SPACE.		

Recommendation: Delegate to HPPP for S106



P/13787/002

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the policy background and the comments from neighbours and consultees it is recommended that the application be Delegated to the Head of Planning, Policy and Projects for completion of a Section 106 Planning Obligation Agreement and final determination.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This is an application for an extension of time for implementation of the existing planning permission P/13787/000. A change in planning legislation has been introduced in order to assist economical recovery, which introduced this new type of application. The existing permission was granted on 16th November 2007, after consultation with this Committee.
- 2.2 The existing permission, in summary, is for the demolition of three detached residential dwellings to facilitate the erection of 10 x two-bedroom flats and associated car parking.
- 2.3 The footprint of the building has been sited to address the primary street frontage of Elliman Avenue, and continues around the corner with Pursers Court. The building line is set back from the back edge of footway fronting Elliman Avenue, but slightly forward by 1.5 m of the neighbouring dwelling on this frontage. Car parking is located to the rear of the site, and 16-spaces are provided. An area of communal amenity space is provided adjacent to the northern and eastern parts of the flat building, with access from the car park.

3.0 **Application Site**

- 3.1 The application site is made up of nos. 133–137 Elliman Avenue, which contain three detached dwellings, dating from the 1930's. The site is located at the western end of Elliman Avenue, near the junction with Stoke Poges Lane. Elliman Avenue is predominantly made up of semi-detached and terraced properties, which share common architectural features to those of the residential properties to be demolished. The site is located on the junction of Elliman Avenue with Pursers Lane.
- 3.2 On the opposite side of the junction planning permission was granted in May 2006 for the redevelopment to provide 12no. two-bedroom flats. The permission was later amended and approved on 16 November 2007 for 12no. two-bedroom and 2no. one-bedroom flats. This permission has been implemented on site and is known as Goldsmith Court. A further application by the same developer has recently (16 September 2010) been approved in principle by the Planning Committee for the redevelopment of Eschle Court (157 Elliman Avenue), to be incorporated into the Goldsmith Court development.

4.0 **Site History**

4.1 P/13787/000: ERECTION OF 10 X TWO BEDROOM FLATS, CAR PARKING, CYCLE PARKING AND AMENITY SPACE – Approved with Conditions; Informatives on 16 November 2007

4.2 P/13787/001: CONSTRUCTION OF 12. NO TWO BEDROOM AND 2. NO ONE BEDROOM RESIDENTIAL FLATS IN A THREE AND A HALF STOREY BUILDING WITH 17 NO. PARKING SPACES - Withdrawn by Applicant - 11-May-2007

5.0 **Neighbour Notification**

5.1 131, 129, 127, 125, 138, 136, 134, 132, 130, 128, 126, 139, 141, 143, 137, 137a, 137b, 135, 133, Elliman Avenue

1, 2, 3, 38, 4, 5, 6, Pursers Court

Notice published in local press

Press notice: expires 11 February 2011

5.2 Two letters of objection have been received, raising the following concerns:

- Loss of privacy
- Overshadowing
- A line of trees should be provided between the proposed flats and the neighbouring dwelling at 129 Elliman Avenue, in order to “absorb fumes”.
- Traffic congestion, in light of the existing problems with the mosque in the area.
- Loss of the character of the street, due to the modern building next to the “unique Dutch style Elliman Avenue houses”.
- A precedent for further similar developments would be set.
- Neighbours have not been consulted about the original proposal.
- The Planning Section has a “vested interest”, because the same developer has stated that the application site is linked to the redevelopment of Eschle Court.

5.3 In response to the above objections, it needs to be noted that the current proposal is a renewal of a scheme that was approved by the Planning Committee on 16th January 2007. All the concerns about the impact on the neighbouring properties have been assessed during the previous application. In terms of the claim that the Planning Section has a “vested interest” in approving this application, the previous application P/13787/000 has been approved prior to any possibility that the same developer would redevelop Eschle Court in 2007.

PART B: PLANNING APPRAISAL

6.0 Policy Background

6.1 A key consideration is Government guidance regarding extension of time applications. In brief the intention is that planning authorities “should take a positive and constructive approach” towards such applications the development having been judged acceptable at an earlier date. Planning Authorities should “focus attention on development plan policies and other material considerations which may have changed” since the grant of permission.

6.2 Since the permission has been granted the Core Strategy has been Adopted as well as the South East Plan has been adopted and then later revoked although the housing allocation and environmental targets in the South East Regional Plan be adopted for development control purposes.

6.3 National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)

Local Development Framework, Core Strategy, Development Plan Document

- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability and the Environment)
- Core Policy 9 (Natural and Built Environment)

Adopted Local Plan for Slough

- H13 (Backland / Infill Development)
- H14 (Amenity Space)
- EN1 (Standards of Design)
- T2 (Parking Restraint)

6.4 The planning considerations for this proposal are:

- Principle of Housing
- Design & Impact on Street scene and neighbouring properties
- Living Conditions for Future Occupiers
- Highways and Traffic

7.0 Principle of Flats

7.1 The most significant difference between the current application and the previous application is the fact that Core Policy 4 aims to concentrate high

density flatted developments within the Town Centre Commercial Core Area. The policy also states that there should no net loss of family housing as a result of redevelopment proposal. The application site is outside this designated area and proposal should therefore not result in a loss of family dwellings as a result of the redevelopment. According to Core Policy 4, the development of the site should result in the provision of family dwellings in accordance with the definition of the Core Strategy.

7.2 In order to overcome the above mentioned policy objection, there should be a special circumstance to override this concern. As stated above, the previous approved scheme has been for flats and the principle for the provision of flats on the site has already been set before. The previously approved scheme did not include the provision of any social housing, due to the fact that the number of units was below the Council's threshold for the provision of Affordable Housing. The applicants have however indicated that they are willing to provide social housing, which is under negotiation with the Council's Housing Section. An acceptable outcome of the negotiations to provide Affordable Housing in combination with the previous approval for flats on the site, create the special circumstance to override the policy objection. It is therefore considered that on balance, the proposal complies with PPS3, Core Policies 3 and 4 of the Local Development Framework, Core Strategy Submission Document and Policy H7 of The Adopted Local Plan.

8.0 **Design & Impact on Streetscene**

8.1 Design, external appearance and impact on neighbouring properties are assessed against PPS1, Core Policy 8 and Local Plan Policy EN1.

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

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

8.4 The site is currently made up of three detached properties. Within the vicinity of the site Elliman Avenue is predominantly made up of semi-detached and terraced dwellings that date from the 1930's. The proposal would result in the loss of the original properties and the erection of 10 flats within one continuous building which wraps around the corner of Elliman Avenue and Pursers Court. In terms of layout and design, the flats would be different in their nature and character to the houses lost. Inevitably, there would be some change in the character of the street as a result. However, the site is at the western end of Elliman Avenue, near the junction with Stoke Poges Lane and this part of Elliman Avenue has a more mixed form of development than the eastern parts

of the street. Most notably, the planning permission that has been granted for the redevelopment of the site that used to be 139-143 Elliman Avenue, to provide 12 flats, (submitted by the same applicant) has been constructed and is occupied as Goldsmith Court. The Planning Committee has also agreed the principle of the redevelopment of Eschle Court (157 Elliman Avenue) on 16th September 2010, which will form part of the Goldsmith Court development.

- 8.5 No objections are therefore raised in terms of the design and impact on the street scene in relation to PPS3, Core Policy H8 or Local Plan Policies EN1 and EN2.

9.0 **Impact on neighbours and future living conditions**

- 9.1 These issues have been considered and found to be acceptable in determining the previous application and because there is no change to the design and layout of the proposed block of flats, it would be unreasonable too raise an objection now.

- 9.2 The proposal is considered to be in accordance with guidance given in PPS1, and Policy H14 of the Adopted Local Plan in terms of amenities for future occupiers and amenity space requirements.

10.0 **Traffic and Highways**

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

- 10.2 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.

- 10.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.

- 10.4 The proposal includes 16 parking spaces, with a ratio of 1.6 spaces per flat. The Local Plan requirement in terms of parking provision for this development is 17.5 spaces. The development is therefore 1.5 spaces below the Council's parking requirement and due to this and based on the fact that the application has previously been approved at this ratio, no objection is raised to the proposed parking provision.

- 10.5 The proposal is considered to be consistent with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

11.0 **Legal Agreement**

11.1 The applicant will have to enter into a Section 106 to secure the provision of the Affordable Housing. The applicant did pay the required contributions before the previous permission was issued for open space contribution and parking review. In order to ensure that the work is delivered in accordance with the previous Section 106 and to prevent future occupiers from applying for car parking permits, the Section 106 will be signed again.

12.0 **Summary**

12.1 The proposal makes effective and efficient use of a brownfield site in accordance with government guidance given in PPS3 and it would also contribute to a sustained regeneration of the area, in accordance with PPS 1, PPS3, Core Policies 3, 4, 7, 8 and 9 of the Local Development Framework, Core Strategy, 2006-2026, Development Plan Document and Policies H13, H14 EN1 and T2 of Adopted Local Plan for Slough, 2004.

PART C: RECOMMENDATION

13.0 **Recommendation**

13.1 Delegate to the Head of Planning, Policy and Special Projects for completion of a Section 106 Planning Obligation Agreement and final determination.

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

Condition(s)

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

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

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

- (a) Drawing No 1127/SK3 Dated August 06 Recd On 19/10/06
- (b) Drawing No 1127/SK4 Dated August 06 Recd On 19/10/06
- (c) Drawing No 1127/SK5 Dated August 06 Recd On 19/10/06
- (d) Drawing No 1127/SK6 Dated August 06 Recd On 19/10/06
- (e) Drawing No 1127/SK7 Dated August 06 Recd On 19/10/06
- (f) Drawing No 1127/SK8 Dated August 06 Recd On 19/10/06
- (g) Drawing No 1127/SK9 Dated August 06 Recd On 19/10/06

REASON To ensure that the site is developed in accordance with the submitted

application and to ensure that the proposed development does not prejudice the amenity of the area.

3. No development shall commence until a plan to show 16 No. parking spaces has been submitted to and approved in writing by the Local Planning Authority. These shall be provided on site in accordance with the approved details prior to occupation of the development and retained at all times in the future for the parking of motor vehicles.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

4. 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.

5. During the demolition stage of the development, a suitable continuous water supply shall be provided in order to minimise the formation and spread of dust and the perimeter of the site shall be screened to a sufficient height to prevent the spread of dust.

REASON To prevent the formation and spread of dust in the interests of air quality and to accord with Policy EN29 of The Adopted Local Plan for Slough 2004.

6. 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 Adopted Local Plan for Slough 2004.

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

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

8. No development shall commence until 2.4m by 2.4m pedestrian visibility splays

have been provided behind the back of the footpath on each side of the access and these shall be retained permanently kept free of all obstructions exceeding 900mm in height.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general pedestrian safety along the neighbouring highway in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

9. The development shall not be occupied until the existing access(s) to the site have been stopped up and abandoned and the footway and verge crossing reinstated in accordance with the details to be agreed in writing by the Local Planning Authority.

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 Policy T3 of The Adopted Local Plan for Slough 2004.

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

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

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

11. 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 Adopted Local Plan for Slough 2004.

12. Any soakaways shall be constructed in natural ground level, such that its base is at least 1m above the highest seasonal water table and in any case, no deeper than 3m.

REASON To prevent pollution of groundwater.

13. No vehicle access gates, roller shutter doors or other vehicle barriers shall be

erected without first obtaining in writing the approval of the Local Planning Authority.

REASON In the interests of general highway safety.

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

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

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

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

16. The development shall not begin until details of on and off site drainage works have been submitted to and approved in writing by The Local Planning Authority. No works which result in the discharge of ground or surface water from the site shall be commenced until the off-site drainage works detailed in the approved scheme have been completed.

REASON To ensure that foul and water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy EN31 of The Adopted Local Plan for Slough 2004.

Informative(s)

1. Applicants are advised to discuss the new requirements for access for the disabled under the Building Regulations with the Council's Building Control Service.
2. The applicant is reminded of the following:

CONTROL OF NOISE ON CONSTRUCTION AND DEMOLITION SITES

(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:

1. 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.

2. 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.

3. 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.

4. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

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

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

7. A suitable and sufficient means of suppressing dust must be provided and maintained.

8. The demolition/building works hereby approved shall not commence until vehicle wheelwashing 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.

3. The applicant will need to apply to Highways Engineering, The Green and Built Environment Department, for street naming and/or numbering of the unit(s).
4. No water meters will be permitted within the public footway. The applicant will have to provide way leave to Thames Water Plc for installation of water meters within the site.
5. 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.

Planning Policy Statement 1 (Creating Sustainable Communities)
Planning Policy Statement 3 (Housing)

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

- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability and the Environment)
- Core Policy 9 (Natural and Built Environment)

Local Plan for Slough: Policies EN1, H13, H14 and T2

The proposal makes effective and efficient use of a brownfield site in accordance with government guidance given in PPS3 and it would also contribute to a sustained regeneration of the area, in accordance with PPS 1, PPS3, Core Policies 3, 4, 7, 8 and 9 of the Local Development Framework, Core Strategy, 2006-2026, Development Plan Document and Policies H13, H14 EN1 and T2 of Adopted Local Plan for Slough, 2004.

Registration Date:	15-Mar-2011	Applic. No:	S/00672/000
Officer:	Ian Hann	Ward:	Wexham Lea
Applicant:	Slough Borough Council		
Agent:	Alan Bows, AMDA International 18, Washington Drive, Windsor, Berkshire, SL4 4NS		
Location:	Garage Site R/O, 7-9, Mansel Close, Slough, Berkshire, SL2 5UG		
Proposal:	ERECTION OF 2 NO. PAIRS OF THREE BEDROOM TWO STOREY SEMI DETACHED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING GARAGES		

Recommendation: Approve subject to Conditions



S/00672/000

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the policy background and comments from consultees it is recommended that having considered the policy, background and the comments from neighbours and consultees it is recommended that the application be approved subject to conditions.
- 1.2 Under the current constitution this application is being brought to Committee for decision as it is a Council application for which objections have been received.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is a full planning application for 2 pairs of semi detached dwellings comprising a total of 4no. 3 bedroom dwellings at two storeys in height, with associated parking for each dwelling. 19 of the existing garages will be demolished to make way for these proposals at the southern end of the existing garage forecourt.
- 2.2 Each of the proposed buildings will have a width of 10m, depth of 8m and a height of 7m. Parking for one vehicle will be provided at the front of each property with additional parking on the western boundary of the site. Each property will have its own private rear amenity space at a depth of between 9m and 13m. An access road that will run between the buildings at a width of 3m.

Design and Access Statement

- 2.3 The Statement covers the details of the proposal including:
- Existing situation,
 - Proposal,
 - Overview,

3.0 Application Site

- 3.1 The application site is located to the rears of Mansel Close and Almons Way with an access off of Mansel Close. The site currently has the capacity for 29 garages although the site is generally in a run down condition with many of the garages in a bad state of repair and others that have been demolished. It is proposed to build the proposed buildings on the southern part of the site backing onto the residential properties in Hillersdon.
- 3.2 The site is a base site where in the past people rented the base and erected their own garage which in most cases are in a very poor condition and are expensive to remove as they are normally constructed of asbestos. There are 6 people who will be effected by the development who still rent bases but will probably wish to terminate as they are elderly persons, and wish to have their garage removed free of charge. For any tenant who wants an alternate

base there are 5 vacant bases on the northern end of the site which can be allocated.

3.3 The surrounding area consists of a mixture of mostly terraced and semi detached residential properties. The area is residential in its nature.

4.0 **Site History**

4.1 There is no relevant planning history with regards to this site.

5.0 **Neighbour Notification**

5.1 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 34a, Almons Way, Slough

1, 3, 5, 7, 9, 11, Hillersdon, Slough

1, 3, 5, 7, 8, 9, 10, 11, 13, 15, 17, 19, Mansel Close, Slough

Four letters of objection along with a letter signed by 9 residents have been received with summarised comments about the following:

- Increase in traffic together with the increase in inconsiderate parking
Response : This is a material planning consideration and is discussed below.

- Access should not be blocked.
Response : Matters of access are generally private issues but this is discussed further below.

- The current littering problems will be pushed further up the car parking area land therefore current empty garages should be replaced with new garages to combat this.
Response : Matters of littering are not material planning considerations and the Council has no powers under Planning Legislation to compel additional garages to be built as the application must be decided on the information as submitted. The current garages are of a substandard size and are in various stages of abandonment and decay and it is therefore considered that the site can be put to a more appropriate use.

- The Council should just look at replacing the garages with new garages that will generate a rental income and help with traffic issues.
Response : This application covers the redevelopment of part of the site for residential purposes and this application needs to be considered on the information submitted and any further proposals would need to be submitted in the appropriate manner. The current garages are of a substandard size and are in various stages of abandonment and decay and it is therefore considered that the site can be put to a more appropriate use.

- The planning notice and notification letters arrived later than they should have done.
Response : The appropriate public consultation period has been undertaken

and as such any additional comments will be considered upto the time that the application is decided. Any late additional objections will be reported to committee by way of the amendment sheet at the meeting.

- The proposals will result in a loss of privacy.

Response : This is a material planning consideration and is discussed below.

- Loss of trees.

Response : This is a material planning consideration and is discussed below.

- New houses not in keeping with the existing properties.

Response : This is a material planning consideration and is discussed below.

- Lack of landscaping.

Response : This is a material planning consideration and is discussed below.

- The proposals will result in an increase in noise and safety issues during the associated building works.

Response : A condition can be added to any permission to try to limit inconvenience on neighbouring properties although appropriate sanctions are available under Environmental Health Legislation.

6.0 **Consultation**

6.1 **TRANSPORT AND HIGHWAYS**

The redevelopment will result in a net loss of off street car parking provision in the vicinity of the application site. This will only be acceptable if the current garage court owners/tenants are offered alternative off street car parking at an acceptable location, I have based my comments on this assumption.

The application has the potential to generate in the region of 80 movements per day (two-way) compared to 116 movements per day (two-way) from the existing use of a fully occupied 29 domestic garage compound. The proposal will therefore lead to a reduction in traffic movements when comparing the existing potential use of the site. As such it is not possible to substantiate an objection to this application on the grounds of additional traffic generation.

The site is located in a predominantly residential area. Therefore in accordance with Local Plan car parking standards the proposals require 2 off street car parking spaces per dwelling. I confirm the proposal complies with Local Plan car parking standards as 8 spaces are proposed for the new units, with a further 2 spaces to be provided for 22 Almonds way and 12 existing spaces retained.

The existing access from Mansel Close must be constructed as a vehicular crossover, in view of the proposed widening of the access. This will give priority to pedestrians using Mansel Close. The existing access to the garage site is 2.8m. It is proposed to widen the access to 4.0m wide. This will allow emergency vehicle access.

As vehicles will exit from the back of footway emerging drivers will have to take account of people using the footway (MfS 7.8.3). As such the standard edge of footway (back of footway) 2.4m x 2.4m pedestrian visibility splays are required, in front of which no obstructions exceeding 600mm in height is to be permitted.

This will fall on land that is currently not in control of the applicant. Measures must be put in place to ensure the splays are secured.

To maximise vehicular, cyclist and pedestrian access to the residential development from a restricted width the access road must take the form of a shared accessed from a vehicular crossover raising up into a shared surface area constructed in a material that differentiates the surface from that of the bituminous road it is accessed from, ideally block paving. This will alert motorists they are entering an area where they are likely to encounter pedestrians and cyclists. Constructing the road surface in block paving has been found to reduce vehicle speeds by between 2.5-4.5mph (MfS 7.2.15). This form of access, rising up, is ideal for access to a shared area.

The private access road/shared area must be designed to ensure surface water does not drain onto the highway. The back of the footway on Mansel Close should be a high point and a water check demarked as highway boundary with a single row of granite sets.

The distance from the main road to the proposed dwelling is approximately 30 metres to the furthest dwelling. The refuse vehicle will not want to reverse into the development to service one dwelling. As such a refuse collection point has been proposed within 15m of Mansel Close.

As detailed in BS5906:2005 the maximum refuse collection distance for 240 litre wheelie bins is 15 metres. The gradient between the two points should not exceed 1:12/8% with a maximum of three steps permitted (MfS 6.8.9/11).

There appears to be a rear gated access to 34A Almonds Way. Although it is proposed to retain this provision of rear access, I would advise this is investigated to ensure a legal right of way has been ascertained. In any event, if implemented the development shall not prevent this access being used.

Prior to commencing works on site the applicant will need to enter into a Minor Highway Works Agreement with Slough Borough Council for the satisfactory implementation of any works required on the highway.

Summary

Subject to the application being revised in accordance with my comments I confirm that I have no objection to this application from a highway perspective. Please include the following condition(s)/informative(s) as part of any consent that you may issue.

Should the application be revised in accordance with my comments the

following condition(s) will apply.

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

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

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

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

3. The development shall not begin until details of the disposal of surface water from the highway have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To minimise danger and inconvenience to highway users.

4. No other part of the development shall be occupied until the pedestrian visibility splays of 2.4x2.4 metres (measured from the back of footway) have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

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

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

1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
2. 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.

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 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.
5. 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.

6.2 **Wexham Court Parish Council**

No comments received. Should any comments be provided they will be reported on the amendment sheet.

6.3 **Drainage Engineer**

No comments received. Should any comments be provided they will be reported on the amendment sheet.

6.4 **Neighbourhood Protection / Environmental Services**

No comments received. Should any comments be provided they will be reported on the amendment sheet.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 **National guidance**

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)

Local Development Framework, Core Strategy, Submission Document

- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

Adopted Local Plan for Slough

- H13 (Backland Infill Development)
- H14 (Amenity Space)
- EN1 (Standard of Design)
- T2 (Parking Restraint)

7.2 The planning considerations for this proposal are:

- Design, appearance and impact on the street scene

- Impact to neighbouring residential properties
- Amenity Space
- Parking / Highway Safety

8.0 **Design, appearance and impact on the street scene**

- 8.1 Design and external appearance is assessed against PPS1, Core Policy 8 and Local Plan Policy EN1.
- 8.2 Planning Policy Statement 1 (Delivering Sustainable Development) advises that *‘Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted’.*
- 8.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: *“All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.”* Part 2 to that policy covers design and in sub section b) it states: *“all development will respect its location and surroundings”.*
- 8.4 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”*, in accordance with the criteria set out in that policy.
- 8.5 The design of the proposed dwellings at two storeys in height with a pitched and hipped roof replicates the design of other properties in the area and is in keeping with the street scene and would be in keeping with the existing properties that surround the applicant site. As the area is characterised by terraced and semi detached properties it is considered that the creation of semi detached properties is acceptable in principle.
- 8.6 The proposed building would not be visible within the street scene as it would be surrounded by existing properties and would only be visible from the existing private access way. The proposed dwellings will sit well within the site with the northern part of the site retaining the existing garages and not overly dominating the site. The proposed buildings will be in keeping with other surrounding properties look larger in terms of bulk and will fit well and compliment the surrounding area replacing an existing run down garage block.
- 8.7 The buildings are proposed to have a pitched roofs with gable features, where the pair of properties are slightly staggered. The site sits within an area where the design of the buildings within the street scene incorporates front gable features, which would be in keeping with the those proposed buildings and will harmonise with the remaining area. A condition can be attached to any permission to agree materials prior to the commencement of the works to further ensure that the buildings will be in keeping with the surrounding area.

- 8.8 The proposals would not result in the loss of any significant trees within the site as any trees around the site are within the gardens or surrounding properties. An appropriate condition can be attached to any permission securing the protection of these trees. Further conditions can be added to any permission to ensure that appropriate landscaping is undertaken to further enhance the improvements that these proposals would make.
- 8.9 The proposals are therefore considered to be in keeping with the character of the area and will not have a detrimental impact upon the street scene in terms of the design, scale, massing, bulk and positioning of the development. The proposal is considered to be consistent with guidance given in PPS1, Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan.
- 9.0 **Impact to neighbouring residential properties**
- 9.1 The impact on adjacent residential properties is assessed against Core Policy 8 and Local Plan Policy EN1.
- 9.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that *“The design of all development within existing residential areas should respect the amenities of adjoining occupiers.”*
- 9.3 Policy EN1 of the Adopted Local Plan states that *“all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”*, in accordance with the criteria set out in that policy.
- 9.4 The flank elevations of the proposed buildings would be set approximately 24m from the rear of the properties in Mansel Close and 23m from the rear of the properties in Almons Way. These distances are in excess of the recommended flank wall to rear wall distance of 15m and will ensure that the surrounding properties in these roads will not have an adverse impact in terms of loss of light, loss of privacy or being overbearing.
- 9.5 The rear elevations of the proposed buildings would be set approximately 32m from the rear of the properties in Hillersdon. This distance is in excess of the recommended rear wall to rear wall distance of 22m and will ensure that the surrounding properties in Hillersdon will not have an adverse impact in terms of loss of light, loss of privacy or being overbearing, and ensures that the privacy to rear amenity area will also be protected.
- 9.6 The proposed parking to the rear boundary of the properties in Almons Way will not result in any loss of amenity to neighbouring property as there will not be constant vehicle movements and appropriate fencing can be conditioned to ensure that the amenities of these properties are not adversely affected more so than the current situation with vehicles using the garages on the site. The proposed access road will not have a detrimental impact as it runs between the two proposed existing buildings that already have an access road between them and the reduced number of trips resulting from the proposals,

due to the reduction in the number of garages and the increased width of the access way by 1.2m, will improve this situation.

9.7 No objection is therefore raised in terms of the impacts on adjoining residential properties as the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

10.0 **Amenity Space**

10.1 Amenity space criteria is assessed against Local Plan Policy H14.

10.2 Policy H14 of the Adopted Local Plan states that development will only be allowed with the provision of the appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities. This policy is further backed up with the Councils Guidelines for the Provision of Amenity Space around Residential Dwellings.

10.3 The proposed dwellings would have a minimum garden depth of between 9m – 13m and accords with the approved Guidelines for the Provision of Amenity Space around Residential Properties.

10.4 The proposal is considered to be in accordance with guidance given in PPS1, and Policy H14 of the Adopted Local Plan in terms of amenity space requirements.

11.0 **Traffic and Highways**

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

11.2 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.

11.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.

11.4 This proposals provides 2 parking spaces for each unit and complies with the adopted parking standards. It is not considered that the proposed access road will impact upon road safety and complies with the requirements for access of this type. The number of vehicle trips would be reduced as a result of these proposals and would therefore have no greater impact on highway safety.

- 11.5 The proposed cross over would be acceptable as there would be a decrease in the number of trips using the access and will not be detrimental to the safety of pedestrians using the footway or in increased danger within the highway. The access way will need to be widened to allow access to service vehicles and emergency service vehicles. The Applicant will have to enter into a minor highway works agreement to have these works undertaken.
- 11.6 The proposed access way and car parking area is well overlook and has good natural surveillance to combat any possible anti social behaviour.
- 11.7 These proposals will not have any impact upon Highway Safety and comply with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

PART C: RECOMMENDATION

12.0 **Recommendation**

- 12.1 Approve subject to conditions

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

Condition(s)

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

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

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

(a) Drawing No. 273/11.1, Dated 10/01/2011, Received 13/01/2011

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 Development Plan.

3. Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site 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 Adopted Local Plan for Slough 2004.

4. 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.

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 To protect the amenity of residents to the rear of the site and in the interests of the visual amenity of the area.

5. 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 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.

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

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

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

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

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

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

9. None of the dwellings shall be occupied until the access road has been widened to 4m as per the approved plans.

REASON To provide adequate access.

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

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

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

REASON In the interests of amenity of nearby residents and so as not to prejudice the free flow of traffic along the neighbouring highway or in surrounding residential streets.

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

REASON To safeguard the amenities of neighbouring occupiers.

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

REASON To safeguard the amenities of neighbouring occupiers.

14. 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.

15. No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing 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) protection of adjoining trees

- (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.

16. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

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.

17. The development shall not begin until details of the disposal of surface water from the highway have been submitted to and approved in writing by The Local Planning Authority. No dwelling shall be occupied until the works for the disposal of surface water drainage have been constructed in accordance with the approved details.

REASON To ensure that foul and water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy EN31 of The Local Plan for Slough 2004.

Informative(s)

1. 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.
2. 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.
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 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.
5. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 / 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.

6. 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.
7. 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.

National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)

Local Development Framework, Core Strategy, Submission Document

- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

Adopted Local Plan for Slough

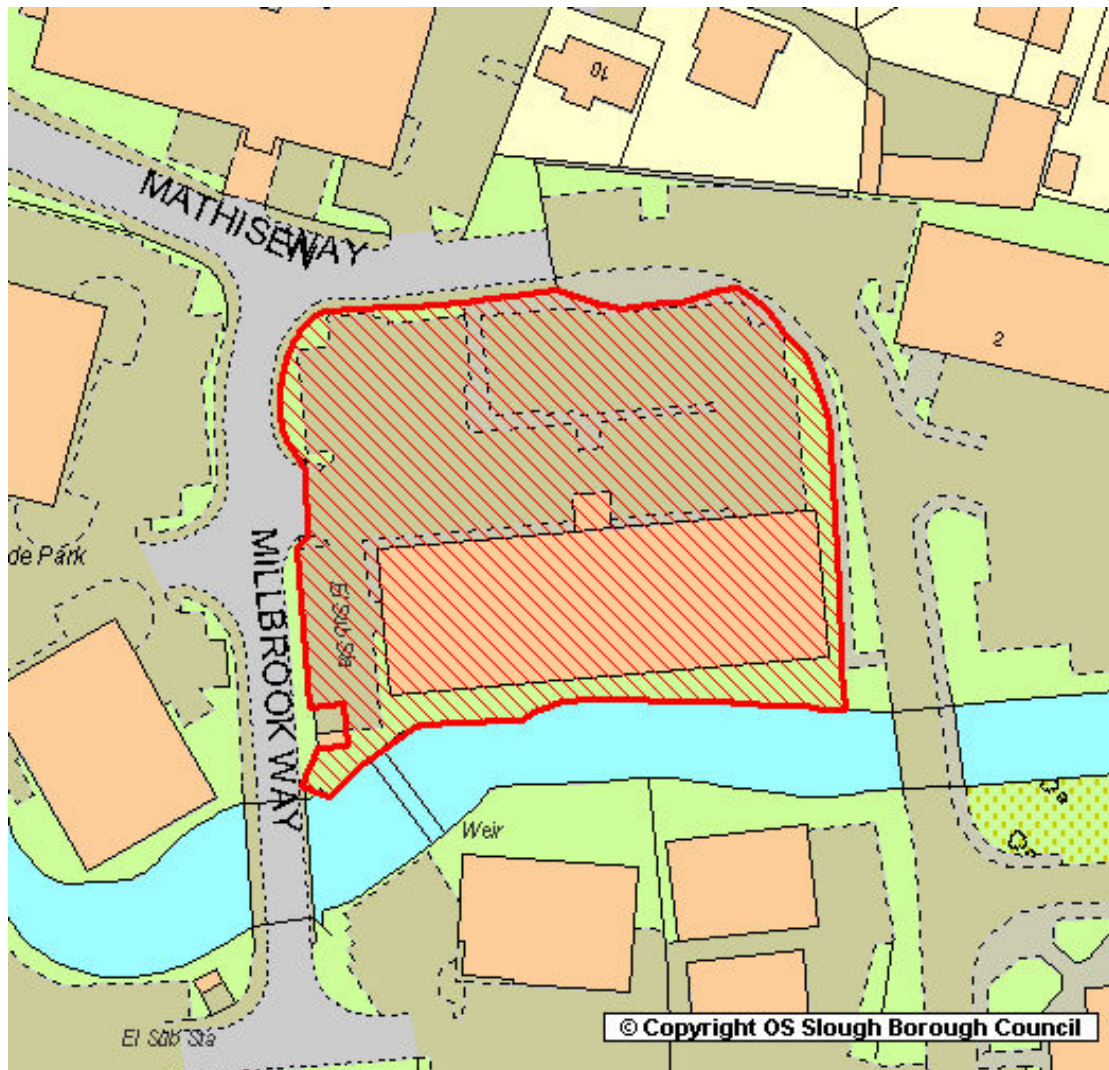
- H13 (Backland Infill Development)
- H14 (Amenity Space)
- EN1 (Standard of Design)
- T2 (Parking Restraint)

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:	10-Mar-2011	Applic. No:	P/09979/001
Officer:	Mr Smyth	Ward:	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	9th June 2011
Applicant:	Chancerygate (Poyle) LLP		
Agent:	Phillip Brown, Savills Wytham Court, 11, West Way, Oxford, OX2 0QL		
Location:	Mill House, Mathisen Way, MillBrook Way, Poyle, Berkshire, SL3 0AA		
Proposal:	DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF A CLASS B8 WAREHOUSE WITH ANCILLARY OFFICES TOGETHER WITH ACCESS, SERVICING AND RECONFIGURATION OF CAR PARK		

Recommendation: Delegate to HPPP



P/09979/001

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 This is an application for *demolition of existing office building and erection of a Class B8 warehouse with ancillary offices together with access, servicing and reconfiguration of car park*
- 1.2 Having considered the relevant Policies below, the development is not considered to have an adverse affect on the sustainability and the environment for the reasons set out.
- 1.3 It is recommended that the application be delegated to the Head of Planning Policy and Projects for consideration and resolution of any outstanding drainage, ecology tree and transport issues, finalising conditions and final determination

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 It is proposed to replace the existing building with a new warehouse that will provide some 3,425sqm of storage and distribution floorspace, ancillary office accommodation and staff facilities. The building will be located on the eastern part of the site, respecting the existing building line, with parking for 29 cars and a service yard provided next to the eastern boundary of the site. Landscaping will be provided alongside the site boundaries, enhancing that which already exists, and adjacent to the Poyle Channel in order to improve the wildlife habitat of this corridor.
- 2.2 The application is accompanied by full plans showing the existing and proposed, site layout, floor plans and elevations. The application is also accompanied by a number of supporting documents:
- Planning supporting statement
 - Design and access statement
 - Ecological assessment
 - Landscaping scheme and management plan
 - Method statement for the control of gulls
 - Transport statement
 - Renewable energy statement
 - Flood risk assessment & surface water drainage
 - Ground conditions and contamination report
 - Acoustic report

3.0 **Application Site**

- 3.1 The site is located at the northern end of the Poyle industrial area and is bounded by Millbrook Way to the west, Mathisen Way to the north and east

and the Poyle Channel to the south. The site is level with an existing two storey 1980's office building and associated parking. The existing building has an approximate gross area of 2,680m². 136 parking spaces are present on site. The nearest residential boundary is 20m from the northern site boundary and the nearest residential property is 30m away. For comparison the adjacent industrial buildings east of the site are located 10m away from the nearest residential property. The southern boundary is defined by the Poyle Channel watercourse. The existing building is located at 21.82m AOD and the level of the watercourse at 20.58m AOD.

4.0 **Site History**

4.1 On 14 January 1987, under planning reference W/86/779, planning permission was granted by Spelthorne Borough Council (the site fell in their administrative area at that time) for the development of an industrial building, car and lorry parking in association with the Poyle Hill Works.

On 25 April 1996, under planning reference W/86/799, Slough Borough Council granted consent for the variation of conditions to allow the building to be used as offices (B1(a)), subject to the provision of a maximum of 136 car parking spaces.

Although the building now stands empty, its last use was as B1(a) offices in accordance with the 1996 planning permission.

4.2 A pre-application meeting was held on 17 November 2010 during which the application proposals were presented and a justification provided to show compliance with the Council's relevant policies. The advice given by the Council can be summarised as follows:

- there are no objections to the proposed development in principle;
- warehousing and distribution falls within the categories of development acceptable within an airport public safety zone as confirmed by Circular 01/2010;
- although the replacement building has a greater floor area than the existing building on the site, the proposed use will achieve a significant reduction in the number of people present at the site thus complying with the requirements of the Circular
- in accordance with Circular advice, the Council may seek to impose a condition placing a limitation on the number of people on site at any one time;
- the site falls within Flood Zone 3 and any application made will need to be accompanied by a Flood Risk Assessment;
- whilst the Environment Agency may require an 8 metre wide buffer to be maintained between the Poyle Channel and the any new buildings, it was noted by the Council that the existing building already encroaches into this area;
- any application made should be accompanied by a contamination risk assessment;
- the reduction in car parking and peak hour car movements is supported

by the transport and highway section and should help to alleviate problems of congestion in the Poyle industrial area;

- despite the development generating an increase in lorry movements, this is unlikely to be problematic in the Poyle industrial area and accordingly S.106 contributions will not be sought;
- the proposals are unlikely to lead to significant issues of noise, disturbance or unacceptable impact on neighbouring properties.
- any application made will need to comply with the requirements of BAA in relation to minimising the risk of bird strike;
- the application proposals do not require Environmental Impact Assessment.

5.0 **Neighbour Notification**

5.1 UNIT 2, RIVERSIDE CARGO CENTRE MATHISEN WAY

Future Electronics Ltd
Future House
Poyle Road

11, 12 Sherborne Close

Kidde-graviner Ltd
Mathisen Way

European Telecom Plc
Unit 1, Riverside Cargo Centre
Mathisen Way

World Courier (uk) Ltd
Unit 3, Riverside Cargo Centre
Mathisen Way

Unit 2, Riverside Cargo Centre
Mathisen Way

ASIA PACIFIC AIR CARGO
Mathisen Way

Mill House
Mathisen Way

C D S CONSTRUCTION
9a Poplar Close

Peter Hood
9, Poplar Close

10, Poplar Close

Colnbrook

Banctec Ltd
Mathisen Way

R A C Motor Sports Association
Motor Sports House
Poyle Road

Triconex Ltd
Windsor House
Millbrook Way

Corporate Computers (mid) Plc
Bridge House
Mathisen Way
Notice placed in Local Press

Site Notice placed on site

Objections have been received from the occupier of 9 Poplar Close and which are set out below:

My property is approx only 19 metres from the site.

Response: It is agreed that from the front boundary of the curtilage of 9 Poplar Close and the northern boundary of the site is 19 metres. However, 9/9a Poplar Close is set back from its front boundary by between approximately 11 – 14 metres and the flank wall of the proposed warehouse building will be set back from the northern boundary by about 3 – 4 metres, giving an overall separation of approximately 33 metres.

The applicant has responded: *“the closest approach of a lorry route to the site is about 60 m”.*

Very recently, on the night of 17th March I had a completely sleepless night because of a trailer sited approx 75 metres from my property (nearly 4 times further away) was left with a compressor running.

A low frequency vibration went through my whole house. I enclose a video with soundtrack of the incident together with a photograph and diagram showing it's location. This is only one example of the problems of warehouse premises close to residential properties and it happened just before I was made aware of this planning application.

Since inappropriate planning permission was given for what is locally known as the Blue Band Building some years ago the hooting, vibrating and hissing of lorries and the banging and crashing, their cargo together with the anti-social behaviour of drivers has seriously affected my quality of life and that of my family. You will note that this is from a site located further away from me than this latest proposal.

In response to issues of noise and vibration, the applicant has responded: *Many activities, which would normally not cause a nuisance, can be performed in such a way as to cause a nuisance if a person is set on behaving anti-socially. However, if noise is such as to cause a nuisance and it can be demonstrated that this is due to deliberate anti-social behaviour, then the Local Authority has a duty to use legislation to investigate and abate the nuisance. PPG24 states that where some part of the activity for which planning permission has been sought is subject to another more appropriate means of control then the planning permission should not seek to duplicate such controls or conditions. Therefore, in carrying out noise assessments for planning, it is assumed that activities will be carried on in a reasonable manner.*

Lorries when manoeuvring make heavy use of their airbrakes and that together with the reversing beepers/claxtons and shouting from people involved makes a distressing noise when one is in the garden with friends trying to have a peaceful conversation or bar-b-q during a welcome period of respite when the wind direction or take off alternation means that aeroplanes are not overhead.

The applicant has responded: *"We took the view that the most critical time for potential disturbance was night time, and we understand that reversing beepers will not be used at night. If reversing beepers are used in the day, then they may be audible, but, given the low level of noise predicted from the lorry movements on site, compared with the relatively high ambient noise during the day, noise will not be rated as being of even marginal significance using BS4142, the relevant standard under planning guidance. Looking specifically at noise from air brakes; an airbrake operated at the end of a manoeuvre onto the northern most bay, would result in maximum noise levels at the receivers used for the predictions below 60 dB LAMax. The 2000 World Health Organisation 2000 guidelines on community noise state that "at night, sound pressure levels at the outside façades of the living spaces should not exceed...60 dB LAMax, so that people may sleep with bedroom windows open." The 2000 WHO guidelines have been criticised by the government as being very stringent".*

The tracking models in the application show a lot of shunting necessary for articulated vehicles to park up in reverse against the loading bays something that isn't necessary with the existing adjacent warehouse, located further away, which already creates unacceptable noise. So, again this indicates a worsening of the situation.

The people of Colnbrook & Poyle suffer enough from the uncontrollable effects of Heathrow, M25, M4, Gravel extraction and Incineration. Where the planning authorities can take account of potential local blights on peoples quality of life I trust they will.

Referring to the Noise Assessment document background noise levels are measured eliminating particular peaks in the 10% disregarded period. This has the effect of giving a lower average sound band which is usually considered to be a more favourable position against which to calculate the anticipated increase, if any.

The applicant has responded: *"I think the point made here is wrong. In general, the higher the existing noise, the less the impact of new noise. Therefore, I deliberately removed aircraft noise during the day, and passing vehicles at night, to give a worst case"*.

However the peak sound levels are already one of the problems (air brake noise, shouting, beepers, beepers, banging) I know this for a fact as I live here all the time and I do not have to rely upon a small window of testing and some calculations.

With an increase of warehousing and closer proximity the problem will be at least twice as bad. This is unacceptable.

Part of the acoustic report under 6 Predictions and assessment of noise, page 4, paragraph 7 could be misunderstood to read that receivers have actually been placed on southern facade of my property to obtain readings. They haven't.

I don't need receivers, other than my ears and other senses to know that Cargo Warehouses and lorries are already a noise issue created by a facility further away from my house and that a closer facility is going to make the situation even worse.

The applicant has responded that *"the report is clear that the receivers are in the noise prediction computer model"*.

The report decided to not to add the 5dB character correction in its assessment and if that were properly added to the busy nature of such units close to Heathrow I believe an unbiased assessment would prove that overall periods of high noise levels would increase.

The applicant has responded: *"Whether or not to add the 5 dB penalty in BS4142 is always contentious. However, the principle of the BS4124 method is that the penalty should be added if the new noise will have particular characteristics that will make it stand out from the existing noise environment. That is clearly not the case here. As I said in the report, planning inspectors have agreed with this view. However, even if the 5 dB was added, the noise would not be of even marginal significance when rated using BS4142"*.

Response: There will always be difficult issues to consider where industry abuts residential, which is very much the situation here. A noise study has been carried out which concludes:

- *Planning Policy Guidance Note PPG24 Planning and Noise[1] gives the official government advice to planning authorities for dealing with noise aspects of planning.*
- *Noise measurements were made to determine the daytime and night time background noise in the area.*
- *Predictions of the noise from the operations on the proposed site have been carried out using ISO9613 and the computer prediction program*

CadnaA.

- *Predicted noise levels from activities on site are well below the background noise and would not, therefore, be of even marginal significance according to BS4142.*
- *Predicted levels from vehicles on the public highway are well below the criteria of acceptability for traffic noise affecting dwellings given in PPG24.*
- *The conclusion is that this development could go ahead with no unacceptable adverse impact on the amenity of nearby residents.*

Whilst it is appreciated that the objector does not accept the results of the noise assessment, it has been referred to the Council's Neighbourhood Protection Section

The anti social behaviour of foreign national drivers already mentioned has given me reason to involve the Police and Slough's Community Warden during last year. (Check with Linda Corcoran)

I have suffered noise and vibration problems affecting me sleeping, socialising and just plain watching telly.

I've suffered urine filled bottles and other refuse thrown into areas of my garden where children play. (See attached photographs)

I've suffered assaults and threats of violence when I have approached the culprits.

Response: Neighbourhood Protection advise that that the problems appear to have been solved after the management at Kidde Gravier installed bollards at the site entrance.

It is inappropriate to have Cargo warehouse facilities in close proximity to reasonably dense residential areas and we already have too much of that in Colnbrook. Heavy, articulated Lorries park in places making it dangerous and difficult for pedestrians, adults and children to go about their normal daily life. (See various photographs included)

Whilst the application includes faulted formula's and calculations (additions & subtractions) indicating a reduction in traffic movements it is silent on the fact that the current type of traffic is considerably different to that associated with a Cargo Warehouse sited close to the busiest Airport in the world. I don't believe the formula used gives a good representation of the volume of movements associated with such a facility. In any event the total weight of vehicle movements will far exceed the existing office block usage.

The stereotypical white van man dangerously driving in a hurry to deliver his cargo just picked up from the warehouse is too much of a reality already in Colnbrook (see enclosed Photograph). We do not need more of them. The Highways and Planning departments of the Council and Thames Valley Police have not yet come up with a solution to stop vans and some lorries illegally passing through the access only part of Colnbrook (all causing detriment the many listed buildings in the Village)

Response: It is acknowledged that the nature of the traffic using the proposed warehouse will be different to that which served the former office building. The accompanying transport statement indicates that: *“Comparison of the anticipated traffic flows shows that there will be a significant reduction of around 60 vehicles per hour two-way in the morning peak hour and of around 80 vehicles per hour two-way in the evening peak hour. In terms of daily two-way traffic movement there is anticipated to be a reduction of around 250 movements per day. This reduction in traffic will have a benefit on the surrounding highway network both in terms of capacity and safety.*

The growth in warehousing and distribution within the Poyle and Colnbrook areas reflects its location close to Heathrow Airport. The siting and location of such uses within the eastern part of the Borough is in line with the Council’s approved planning policies.

Enforcement of highway regulations are not a matter for consideration as part of the planning application.

Whilst the developer may consider that the Lorries and vans are not the responsibility of the warehouse facility when they are not on that property The Planning Authority must consider the overall impact on the surrounding area.

Lorries with foreign registrations and foreign national drivers serve most of the Cargo units and this presents particular problems.

Drivers park the vehicles wherever they like knowing that the Police have very little power to pursue them for offences.

Drivers often live in their cabs overnight and for whole weekends or more with no sanitation and therefore discard bottles filled with urine or urinate against fences and the like. They defecate in bushes and leave soiled paper for others to clear up. They have small parties where three or four of them meet up in one cab drinking beer and spirits, discarding empty bottles, cigarettes packets and food wrappers

Response: These are anti social behavioural problems which cannot be controlled through the planning system, but rely on other regulatory authorities including the Police and neighbourhood Enforcement.

Pavements are broken by Lorries parking on them. Underground drains are fractured by the weight of parked vehicles, resulting in local flooding.

Response: These are highway enforcement matters which cannot be controlled through the planning system

The level of employment gained by Cargo facilities is minimal when one considers that most of the Lorry drivers are foreign nationals and not from EU countries. The facilities do little for the very local economy. Compare that with an office block employing more personnel using local facilities, shops,

restaurants, hostelrys, take-aways, hairdressers, garages and the like. These are all facilities which the local community want supported but are currently under threat by the takeover of the area by Cargo businesses.

One good thing about this unacceptable planning application is that it allows me to bring to the attention of the Planners what Cargo developments are doing to the quality of life for people in Colnbrook, the damage they inflict on the fabric of the locality, the damage they inflict on the image of this historic Village and all at a time when a prestigious Hilton Hotel is just being completed opposite the site and which will no doubt house many foreign tourists visiting this part of Slough for the first time.

Response: Given the proximity of the Colnbrook/Poyle area to Heathrow Airport, the pressures for warehousing to establish and expand are enormous. In general terms approved planning policy would support the provision of Class B8 warehousing within the eastern part of the Borough.

What this objection letter does bring to the fore is the need for better and more effective enforcement in all areas and in particular, the Police, Highways and neighbourhood Protection.

6.0 **Consultation**

6.1 **Principle Drainage & lighting Engineer**

"They have removed all the ABD in this area so the site is Zone 3.

We do not know how the existing site is drained but I would assume soakage given the possible high levels of flow in the Poyle Channel.

The drainage of the proposal will need to be sustainable preferably by infiltration but possibly by attenuation. The system should be capable of storing at least a 1:30 event without surface flooding and a 1:100 + 20% event contained within the site. Any discharge to the Poyle Channel should be agreed with the EA".

6.2 **Environment Agency**

We **OBJECT** to the application and recommend refusal of planning permission on this basis for the following reasons:

Reason

The proposed development is unacceptable because it involves building within 8.0m metres of a watercourse which has the potential to:

- *Restrict access for the riparian owner or the Environment Agency to carry out essential maintenance, gain emergency access to the channel and weir structure in the event of a flood event.*
- *Carry out environmental enhancement works, such as the removal of the weir and re naturalisation of the channel.*
- *Adversely affect the stability of the bank and the weir structure.*

We may consider allowing some encroachment into the buffer zone if the applicant were to provide significant environmental enhancements to the river corridor such as the creation of additional flood storage areas or habitats. The top of bank is defined as where the surrounding ground level meets the slope of the channel bank.

We suggest that the applicant provides some clear scaled drawings, such as plans or cross sections, showing the proposed set back of the development from the top of bank of the watercourse or the river wall.

Advice to Applicant and Local Authority

Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8.0m of the top of the bank of the River Rom, designated a 'main river'. This is irrespective of any planning permission granted.

Consent will be required for certain works at this site including the demolition of buildings, ground slabs and structures in close proximity to the existing flood defence wall and weir structure as this may adversely affect the stability of structures.

If you are minded to grant planning permission against our advice please contact the officer named below prior to making a formal decision.

6.3 Land Contamination Officer

I have reviewed the recent application for redevelopment of the site at Mill House, Poyle Industrial Estate which included the following documents specifically relating to contamination at the site:

- *Environ UK. Phase 1 and 2 Environmental Assessment, Mill House. December 2010. Ref. UK11-16136.*
- *Soil Consultants Ltd. Proposed redevelopment, Mill House, Mathisen Way, Poyle, SI3 0AA. Ref. 4936/OT/SCW. December 2010.*
- *Environ UK. Mathisen Way, Poyle. Letter report dated 11 March 2011, Ref. ES/LUK11-16136-02.*

The main Environ Phase 1 and 2 report provides a combined phase 1 desk study and a phase 2 intrusive investigation undertaken at the site in November 2010. The site is currently occupied by a commercial/office building and is proposed to be redeveloped for a commercial warehouse type use. Historically the site has had a significant history of industrial use, having previously been part of the larger Poyle Mills site.

The site is located approximately 100m east of Poyle Manor Farm landfill. The site is underlain by a Secondary A aquifer. The site is bounded to the south by the surface water course of Colne Brook, which is reported to flow through a concrete lined channel in the vicinity of the site.

An intrusive ground investigation was undertaken in November 2010 and is

reported in the Environ December 2010 report and the Soil Consultants Ltd December 2010 report, consisting of:

- 5 x mechanically excavated trial pits to maximum 4 m bgl;
- 3 x cable percussion boreholes to maximum 20 m bgl;
- 5 x window sample boreholes to maximum 4 m bgl.

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Three of the window sample boreholes and one of the cable percussion boreholes were subsequently installed for gas and groundwater monitoring. Gas monitoring was carried out on three occasions over three weeks following the ground investigation. Groundwater monitoring was undertaken on two occasions, the second reported in the Environ letter report of March 2011.

Made Ground was encountered across the site to a maximum depth of 2.3 m bgl. Groundwater was recorded at approximately 1.5m bgl across the site.

Eighteen soil samples were submitted for analysis at a UKAS accredited laboratory. The results were screened against generic assessment criteria for a commercial end-use. None of the determinands exceeded the screening criteria for a commercial end-use.

The groundwater samples were compared to Environmental Quality Standards, the results found slight exceedances of metal compounds during the first monitoring round, but not the second. It is recommended that the Environment Agency are consulted with regard to the assessment of risks to controlled waters, if they have not been already.

The gas monitoring undertaken to date showed maximum methane concentration of 0.6% v/v and maximum carbon dioxide concentration of 2.3% v/v with negligible flow rates. None of the three gas monitoring rounds were undertaken when atmospheric pressure was below 1000mb and therefore the worst case scenario has not been represented. Appendix C, Table C1 refers to the CIRIA guidance document C659, this has been superseded by document C665. The gas regime at the site has been calculated as characteristic situation 1. However the site is in close proximity to a historic landfill and only a limited number of monitoring rounds have been undertaken to date over a very short period of time, it is considered that further gas monitoring should be undertaken to confirm this assessment in accordance with Table 5.5a and b of CIRIA C665 and provide further confidence in the data.

As such I would recommend that the following conditions are placed on any planning permission:

Condition:

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) *Further assessment of ground gas risks in line with appropriate guidance such as CIRIA 665 shall be undertaken and the results submitted in writing 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: *In order to safeguard the health and safety of future occupants/and or site users.*

Condition

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the LPA.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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.*

6.4 **British Airports Authority**

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Control of Lighting on the Proposed Development

The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: *To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.*

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Submission of Renewable Energy Scheme (RE)

No development shall take place until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: *To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.*

We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp).

Public Safety Zones

This site, or part of this site, lies within the Public Safety Zone. Please refer to DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones' for further information.

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of BAA, or not to attach conditions which BAA has advised, it shall notify BAA, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Following further consultation with the BAA regarding proposals for renewable energy and in particular the proposal to install RV cells, the BAA has responded as follows:

The proposed Photovoltaic Cells have been examined from an aerodrome safeguarding perspective and do not conflict with safeguarding criteria. We, therefore, have no objection to the use of Photovoltaic Cells at this location and can discharge our condition relating to Photovoltaic Cells

6.5 Transport & Highways

No comments received to date. Any late comments will be reported on the Amendment Sheet

6.6 Colnbrook with Poyle Parish Council

The Parish Council strongly objects to this proposal. The industrial estate was constructed for industrial high tech usage and in recent times there has been a continued flood of applications for warehouses and distribution.

The premises further away already causes nuisance to the nearby residents in Poplar close and Ingleside. The Mill House development will abut directly onto the gardens of houses and it is evident that both in size and operation will have a direct detrimental effect on the people living there. The reduction in car parking is merely to facilitate a larger building footprint within the site its distribution will lead to increased noise and general aggravation to its neighbours. Furthermore the traffic assessment is flawed in that it does not address peak-time operation when the area often becomes so busy that it takes vehicles upwards of 30 minutes to exit the Poyle industrial estate.

PART B: PLANNING APPRAISAL

7.0 Policy Background

National Planning Guidance

7.1 Planning Policy Statement 1: *Delivering Sustainable Development* provides the

framework for the Government's fundamental approach to planning for sustainable communities. It seeks to ensure that planning authorities actively support good quality development, which is sustainable and consistent with planning policy. Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted

Planning Policy Statement 4: *Planning for Sustainable Economic Growth*, seeks to promote economic development especially where this will assist with achieving regeneration objectives. Policy EC2 of PPS4 asks local planning authorities to ensure that efficient and effective use is made of land, particularly previously developed land that is suitable for reuse.

Policy EC10 of PPS4 goes on to advise local authorities that they should adopt a positive and constructive approach towards planning applications for economic development, stating that planning applications that secure sustainable economic growth should be treated favourably.

Planning Policy Guidance 13: In addition to seeking alternative modes of transport and maximum parking levels, PPG13 advises: *Freight movements, particularly those serving developments near to residential areas and in town centres, are often restricted in their hours of operation, through the imposition of conditions, because of concerns over disturbance to residents. However, these restrictions can have the effect of exacerbating congestion during peak times, increasing local pollution, and discouraging further investment in central urban locations. Policies need to strike a balance between the interests of local residents and those of the wider community, including the need to protect the vitality of urban economies, local employment opportunities and the overall quality of life in towns and cities*

Planning Policy Statement 22: Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings

Planning Policy Statement 23: In areas of groundwater vulnerability, additional controls to reduce pollution or alternative arrangements for surface

water disposal may be necessary. In all cases, authorities should take into account, the diffuse pollution that could be created by the proposed development, and any measures – such as bunding of oil or chemical storage, or sustainable drainage systems (SUDS) – the developer proposes to mitigate the impact.

Planning Policy Guidance 24: Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration

Planning Policy Statement 25: LPAs should in determining planning applications:

- have regard to the policies in this PPS and, as relevant, in the RSS for their region, as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect this PPS;
- ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
- apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- give priority to the use of SUDS; and
- ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

Circular 01/2010: The site falls within a designated Airport Public Safety Zone for Heathrow Airport. This Circular sets out guidance for Local Planning Authorities to determine planning applications which fall within the public safety zone and sets out the types of development which would be acceptable within such zones. The following is relevant to the current proposal:

11 (iii) a change in use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission.

11 (v) open storage and certain types of warehouse development. Traditional warehousing and storage use, in which a very small number of people are likely to be present within a sizeable site, is acceptable. In granting planning permission for a warehouse, a local planning authority should seek to attach

conditions which would prevent the future intensification of the use of the site and limit the number of employees present

Regional Planning Guidance

- 7.2 The South east Plan sets out a number of policies which would be of relevance to this proposal. The development will need to be assessed against the policies set out in the Adopted South East Plan, in particular the Spatial Strategy, Cross Cutting Policies, Natural Resource Management, Sustainable Economic Development, Transport and Management of the Built Environment.

Local Planning Guidance

Slough Local Plan

- 7.3 The following saved policies are relevant to the determination of this planning application:

- EMP2 - Criteria for Business Developments;
- EMP9 - Lakeside Road Estate, Galleymead Road and the Poyle Estate;
- EN1 - Standard of Design;
- EN3 - Landscape Requirements;
- EN5 - Design and Crime Prevention
- CG10 - Heathrow Airport Safeguarding Area;
- T2 - Parking Restraint.

- 7.3 Policy EMP2 requires new business development to display high standards of design, provide adequate landscaping and be of a scale and use that is compatible with its location. It seeks to prevent new development from causing any significant harm to the surrounding area as a result of noise, level of activity, overlooking, or overbearing impacts. New business development must not negatively impact on the local highway network and must be served by adequate levels of car and lorry parking. Where there are impacts on the highway network, contributions may be sought by the Borough Council to allow off site improvement works to be undertaken.

Paragraphs 3.74 - 3.79 of the Local Plan provides advice in relation to the Poyle, Lakeside Road and Galleymead industrial estates. Given its location in close proximity to Heathrow airport and the strategic highway network, the Poyle industrial estate is identified as an ideal location for the B8 storage and distribution uses and freight transport, as confirmed by Policy EMP9. The paragraphs note that at the Poyle estate no new independent B1(a) office floor space will be permitted. They also highlight that on many parts of the estate parking provision falls short of adopted standards, which results in on-street parking that causes congestion.

In the interests of reducing reliance on the private car and encouraging more sustainable means of travel, Policy T2 confirms that the Borough Council will apply maximum parking standards and, where practicable, will seek to reduce existing numbers of on-site parking spaces.

Policies EN1, EN3 and EN5 all seek to ensure that new development is of a high standard of design, provides adequate landscaping and discourages crime and anti-social behaviour.

The site falls within the Heathrow Airport Safeguarded Area. In the interests of public safety, Policy CG10 indicates that planning permission will not be granted if the proposal would result in a significant increase in the number of people working, living, or congregating within the Public Safety Zone or would result in a development that would prejudice other safeguarding aims around Heathrow.

Slough Local Development Framework

The following Core Strategy/policies are relevant to the determination of the application:

- Core Policy 1 (Spatial Strategy)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)

The Spatial Strategy set out in Chapter 7 of the Core Strategy seeks to concentrate the majority of new development in Slough's urban area, with the town centre being the focus for most types of new development. The strategy recognises, however, that there will be opportunities for the redevelopment of individual sites in the 'more accessible urban area' of Slough, notably the Existing Business Areas in which the Poyle industrial estate is located.

Core Policy 5 relates to employment generating development and confirms that all new major warehousing and distribution development should be located in the Existing Business Areas that have good access to the strategic Road network.

The objective of Core Policy 7 is to ensure that new development is sustainable and located in the most accessible locations. In order to achieve this, new development is required to reduce the need to travel; widen travel choices and reduce reliance on the private car; improve road safety; improve air quality and reduce the impact of travel on the environment.

Core Policy 8 seeks to ensure that all new development will be sustainable, of a high quality of design, improves the environment and addresses the impact of climate change. Accordingly it requires development to, amongst other things, generate energy from renewable sources, incorporate sustainable construction techniques, not pose a risk of flooding and manage surface water in a sustainable manner.

The Poyle industrial estate is defined as an Existing Business Area by the Core Strategy (Appendix 4).

8.0 **Planning Assessment**

Principle of Development

8.1 Core Policy 5 of the Slough Local Development Framework Core Strategy, states that *major warehousing and distribution developments will be located in the eastern part of the Borough and in Existing Business Areas that have good access to the strategic road and rail network.*

Policy EMP9 of the Adopted Local Plan states that: *B1(b) research and development, B1(c) light industrial, B2 general Industrial and B8 Storage and Distribution will be permitted within the Lakeside Road estate, Galleymead Road and the Poyle Industrial Estate. Additional independent B1(a) office floorspace will not be permitted.*

Mill House is situated within the established Business Area of Poyle Industrial Estate with good access to Heathrow Airport, M25 and wider motorway network. The proposal is to construct a building to house a warehouse on the site, the proposed office content for which (at first floor level) constitutes approximately 19% of the total gross floorspace and is therefore ancillary to the main warehousing use.

The warehouse building is being developed to meet the needs of a specific occupier whose business serves the requirements of Heathrow airport. And the scheme proposals make efficient use of previously developed employment land. It would remove an intensive office use from an area identified as a preferred location for storage and warehouse uses in both the adopted Local Plan and adopted Core Strategy; achieve a significant reduction in the number of car movements generated by the site as well as the overall level of on-site parking provision to the benefit of the Poyle industrial area and the wider highway network and; achieve a significant reduction in the number of people working within Heathrow airport's Safeguarding Area.

By reference to Circular 01/2010, use of the site for warehousing and distribution falls within category of development which can be acceptable within an airport public safety zone. Currently the site is occupied by B1(a) offices – 2683 sq metres to be replaced by a B8 warehousing and distribution building – 3425 sq metres. Applying the second edition of the Homes and Communities Agency's Employment Densities Guide (2010) the following comparison is made

B1(a) offices 1 employee per 12 sq metres 224 employees

B8 warehousing in the range of 1 employee per 25 – 115 sq metres. sq metres per employee.....within the range of 30 - 137 employees.

At the pre application stage the following assessing of worker density was made:

705 sq m ancillary offices @ 1:25 sq m = 29
2720 sq m warehousing = 39

Total = 68 persons

Allowing for 19 visitors, this would equate to a total of 87 persons.

To allow for potential growth in the future a figure of 100 persons maximum was agreed. From this analysis it is clear that although the replacement building will have a greater floor area, there will be a potential reduction in excess of 50% of the numbers of people present on the site. Notwithstanding this in line with Circular advice a condition will be attached limiting the maximum number of employees to 81 persons plus 19 no visitors, at any one time.

Siting and Flood Risk

8.2 The site is located within Flood Zone 3, as shown on the latest Flood Map provided by the Environment Agency, for which a flood risk assessment has been submitted and is under consideration by the Environment Agency.

The proposed building will occupy approximately 63.8% of the site, which is substantially greater than the level of site coverage that existing at present. The proposed building will significantly encroach into the notional 8 metre buffer area when measured from the top of the bank the Poyle Channel.

The Environment Agency has been consulted on the submitted Flood Risk Assessment (FRA) and has raised an objection as follows:

*We **OBJECT** to the application and recommend refusal of planning permission on this basis for the following reasons:*

Reason

The proposed development is unacceptable because it involves building within 8.0m metres of a watercourse which has the potential to:

- *Restrict access for the riparian owner or the Environment Agency to carry out essential maintenance, gain emergency access to the channel and weir structure in the event of a flood event.*
- *Carry out environmental enhancement works, such as the removal of the weir and re naturalisation of the channel.*
- *Adversely affect the stability of the bank and the weir structure.*

We may consider allowing some encroachment into the buffer zone if the applicant were to provide significant environmental enhancements to the river corridor such as the creation of additional flood storage areas or habitats. The top of bank is defined as where the surrounding ground level meets the slope of the channel bank.

We suggest that the applicant provides some clear scaled drawings, such as plans or cross sections, showing the proposed set back of the development from the top of bank of the watercourse or the river wall.

A revised FRA has been submitted and forwarded to the Environment Agency

for further comment, which will be reported on the Amendment Sheet.

Land Contamination

- 8.3 Following pre application advice, an environmental assessment has been submitted, which has been assessed by the Council's Land Contamination Officer, who advises the following conditions:

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:-

- b) Further assessment of ground gas risks in line with appropriate guidance such as CIRIA 665 shall be undertaken and the results submitted in writing 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

- (c) 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: In order to safeguard the health and safety of future occupants/and or site users.

Condition

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the LPA.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local

Planning Authority.

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.

Transport and Highways

8.4 At the pre application stage the transport and highway engineers advised that: *There are no changes proposed to the existing vehicular access from Millbrook Way, which is itself a private access. Given the significant reduction in car parking from 136 no. spaces (existing) to 28 no. (proposed), there will be a substantial reduction in peak hour car movements. This is to be welcomed given the existing problems of congestion and parking in the area and the fact that the site itself is not regarded as being particularly sustainable in terms of public transport. Whilst there will be a corresponding increase in the number of lorry movements to and from the site, given that this is an existing Business Area, this by itself is unlikely to result in any general transportation contributions being sought.*

The proposed sliding gate across the access is not set back such it would allow a lorry to pull clear of the highway, however, subject to appropriate conditions being imposed requiring that the gates remain open at all times while the building is in use, then no objections are likely to be raised.

The vehicle tracking appears to work although more detailed lorry tracking plans will be required to be submitted as part of any future planning application.

To comply with the Council's parking standards, parking should be provided on the following basis:

*Car Parking.....17 no. car parking spaces
Lorry Parking..... 6 no. lorry spaces*

The total number of car parking spaces proposed equates to 28 no. and the number of lorry spaces should be 6 no. Given the significant reduction in the level of on site car parking (480%), no objections would be raised would be raised to the level of car parking being proposed.

Updated comments relating to the scheme submission will be included on the Amendment sheet.

Design and Street Impact

8.5 The proposed development is of design similar in scale/height to adjacent buildings with 10m high eaves gutters and 13m high ridge of the roof in the centre of the building. The design addresses the operational requirements of a specific occupier. The scale of a proposed building is comparable to existing adjoining industrial properties. The proposed development is well suited for this site and fits comfortably with the surrounding character of the area. The design will provide a modern and well detailed building at an economic cost utilising materials appropriate for its use and location.

Landscaping

- 8.6 Given the intensity of the proposed development landscaping is restricted to planting around the boundaries of the site and the ecological corridor to the south. Tree planting is of a native species. A landscaping proposal and landscaping management plan have been submitted and which have been considered by BAA. No objections have been raised.

Notwithstanding the submission of a landscaping scheme for the site, the proposals do necessitate the removal of a number of trees from the site. The majority of the trees to be removed are sycamore trees together with some alders. A tree survey/abotculturalist's report has been requested the results of which will be reported on the Amendment Sheet.

The landscaping plan as originally submitted includes proposals for tree planting (total 6no.) adjacent to the site entrance which could conflict with the agreed sight lines of 2.4m x 30m to the north and 2.4m X 43m to the south. An amended landscaping plan has been submitted removing the trees in question and restricting planting within the area of the sight lines to shrub planting not to exceed 600mm in height.

A condition is proposed requiring the landscaping to be carried out in accordance with the submitted scheme subject to a requirement that not more than 5% of the planting constitutes berry producing plants, to avoid the potential for bird strikes. This to apply in perpetuity.

Bird Strike

- 8.7 In addition to the need to control the percentage of berry producing plants as part of the wider landscaping scheme, given the shallow pitch of the roof, the applicants have submitted a bird management plan, which has been considered by the BAA. No objections have been raised.

A condition is proposed requiring compliance with the submitted bird management plan.

External Lighting and High Level Illuminated Signs

- 8.8 The BAA has provided standard advice with respect to external lighting and advises the following condition.

The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: *To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.*

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Your attention is drawn to the Air Navigation Order 2005, Article 135, which

states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Advice is also given with respect to the notification procedure for the use of cranes near aerodromes. This will be attached as an informative.

Impact on neighbouring Occupiers.

- 8.9 The site is located towards the northern boundary of the Poyle industrial estate, where there is neighbouring residential development on the northern side of Mathisen Way, in particular nos 9 and 10 Poplar Close, a pair 2 no. detached bungalows facing towards the site. The front elevation of no. 10 Poplar will be sited some 33- 39 metres from the flank wall of the proposed warehouse. The front elevation of No. 9 Poplar Close will be sited approximately 35 metres from the flank wall of the proposed warehouse. Given that the proposed building will extend northwards towards the northern boundary of the site and given the nature of the proposed use, there are two potential impacts identified, that of visual impact and that of noise disturbance.

8.10 *Visual Impact*

Given the combination of the fact that the bungalows are single storey the existence of a substantial boundary acoustic fence an existing landscaping screen, the fact that the northern flank wall would measure a maximum of 10.5 metres to eaves, along this boundary, it is concluded that any increased visual impact would not be significant. Further, the submitted landscaping scheme shows additional tree planting along the northern boundary of the site, which will further help to mitigate against any additional visual impact. A condition will be imposed requiring landscaping to be carried out and maintained in accordance with the details submitted.

8.11 *Noise impact*

It is noted that the main service area will face west onto Millbrook Way and the service/docking areas are recessed into the main building, such that they are partly screened by the extended wings to the north and south of the building.

It is also noted that the operation will be 24 hours, but that lorry traffic will be entering and leaving the site via Millbrook Way/ Mathisen Way/Poyle Road and should not directly impact on existing residential occupiers to any greater degree than other operators within the Poyle Industrial Estate.

It is also noted that existing industrial units 1, 2 and 3 at Mathisen Way which are sited closer to existing residential properties than the Mill House site, are not subject to any operating restrictions, by way of time.

A noise report carried out in accordance with Planning Policy Guidance Note PPG24 Planning and Noise has been submitted and considered by

the Council's Neighbourhood Protection Section, who have approved the report.

However, given the 24 hour nature of the use, it is proposed that restrictions be imposed by way of condition, which would require that no external tanyoy system be permitted and that fork lift trucks and lorries servicing the unit be required to de-activate any reversing beepers after a time to be agreed with the applicant. This will be reported on the Amendment Sheet. A condition will be imposed requiring this to be undertaken.

Ecology

- 8.12 Based on the evidence obtained from detailed ecological survey work and with the implementation of the recommendations set out in this report, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be adversely affected by the proposals. As such, there is no evidence to suggest that there are any overriding ecological constraints to the proposed development of the site.

The site lies within a 'Safety Protection Zone' and as such the attractiveness of the site to birds must be limited. Consequently, habitat enhancements are focused on providing habitats for invertebrates. A number of ecological measures have been recommended which will provide biodiversity benefits at the site, including native shrub planting, enhancement of the bankside vegetation and creation of Stag Beetle loggeries to maximise opportunities for biodiversity within the site under the proposals without attracting

A condition will be imposed requiring compliance with the recommendations as set out in the ecological assessment report

Renewable Energy

- 8.13 The applicant has submitted a renewable energy report which reviews a number of potential technologies, but opting for the following:
- Improved Building Insulation. It is proposed to improve the thermal efficiency of the roof and walls of the proposed unit by 20% to reduce the energy consumption on the site.
 - Photovoltaic. It is proposed to install 60No. 240w Suntech PV modules on site to meet the carbon reduction requirements. The peak output from the proposed system is 14.4kWp which equates to 6,759 KgCO₂/annum

With respect to the installation of photovoltaic cells the technical specification has been submitted to the BAA for their consideration and who have approved that specification.

Conditions are required covering implementation of renewable energy technologies in accordance with the study submitted and to cover the type and specification of the photovoltaic cells as approved by the BAA.

9.0 **Summary**

- 9.1 The proposals to construct a B8 warehousing building on this site complies with planning policy at all levels. Although located within the Heathrow Airport safeguarding zone, subject to the imposition of conditions no objections have been raised by the BAA. The application is accompanied by a number of supporting statements covering all main issues including, transport, noise, ecology, renewable energy, land contamination, landscape, bird management, flood risk and surface water drainage. Where appropriate further planning conditions will be imposed.
- 9.2 Although only one objection has been received, the objector has raised, a number of issues, relating to the impact of the proposed warehouse on his property by way of noise and visual impact; to the cumulative impact of the growth in B8 warehouses on the lives of people living in Colnbrook. and the various enforcement failings in respect of illegal parking and ignoring road traffic orders. Concerns have also been raised about the anti social behaviour of some lorry drivers.
- 9.3 It is recognised that there may always be conflicts in respect of sites where industry and residential areas are in close proximity. Some matters relating to flood risk and ecology are still to be resolved. However, having considered all relevant issues and ensuring that wherever possible adequate safeguards are in place, on balance it is considered that the proposed development would be acceptable in planning terms.

PART C: RECOMMENDATION

10.0 **Recommendation**

- 10.1 It is recommended that the application be delegated to the Head of Planning Policy and Projects for consideration and resolution of outstanding drainage, ecology tree and transport issues, finalising conditions and final determination

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

Condition(s)

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

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

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

(a) Drawing No. 1481 - TP - 01 Dated 02/2011, Recd On 28/02/2011

- (b) Drawing No. 15550, Dated November 2010, Recd On 28/02/2011
- (c) Drawing No. 1481 - TP - 02 Dated 02/2011, Recd On 28/02/2011
- (d) Drawing No. LP - 01, Dated 02/2011, Recd On 28/02/2011
- (e) Drawing No. 1372.1 D, Dated 14/12/2010, Recd On 25/04/2011

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 Development Plan.

3. No development shall be permitted above ground floor slab level until samples of external materials to be used on the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the external materials as approved.

REASON To ensure the satisfactory appearance of the development and so as not to prejudice the amenities of the area in accordance with Policy EN1 of The Adopted local Plan for Slough 2004.

4. No development shall be permitted above ground floor slab level until samples of external surface materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the external materials as approved.

REASON To ensure the satisfactory appearance of the development and so as not to prejudice the amenities of the area in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the total gross floor space of the building hereby permitted shall not exceed 3,425 sq. metres and no extension or alteration either external or internal, involving an increase in floor space above the approved 3,425 sq. metres including a mezzanine floor, shall be carried out without the prior permission of the Local Planning Authority.

REASON To retain control over the intensification of the use of the site, particularly having regard to the provision of on-site parking in accordance with Policy T2 of The Adopted Local Plan for Slough 2004.

6. Ancillary office space (excluding service cores) shall not cover more than 705 sq. metres without the prior consent of the Local Planning Authority.

REASON To control the amount of office development on the site in the interests of sustainability and to accord with Core Policy 5 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EMP9 of The Adopted Local Plan for Slough, 2004.

7. No development shall be occupied until 2.4m by 2.4m pedestrian visibility splays have been provided behind the back of the footpath on each side of the access and

these shall be retained permanently kept free of all obstructions exceeding 600mm in height.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general pedestrian safety along the neighbouring highway in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

8. No development shall be occupied until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access to the left for exiting traffic and 30 metres to the right for exiting traffic. The area (excluding existing public highway land) contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway, and if there are any obstructions already within the visibility splay these shall be removed.

REASON To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. The parking spaces, and turning area shown on the approved plan shall be provided on site prior to occupation of the development and retained at all times in the future for the parking of motor vehicles.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

10. The servicing bays as approved on drawing 1481-TP-01 and 2955-HGV-02 received on 28th February 2011 and on-site turning arrangements as contained within Appendix E to the Approved Transport Statement prepared by Rowland Bilsland Traffic Planning dated 9th April 2011 shall be laid out prior to the initial occupation of the development hereby permitted and those areas maintained and kept clear thereafter for that 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 Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. No development shall be occupied until the proposed vehicular entrance gates onto Millbrook Way have been installed in the position shown on drawing no. 1481 - TP - 01 as hereby approved and in accordance with such further details that shall be first submitted to and approved in writing by the Local Planning Authority.

REASON To enable service vehicles to draw off the highway to minimise danger,

obstruction and inconvenience to users of the adjoining highway in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

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

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

13. 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 In order to safeguard the health and safety of future occupants / and or site users in accordance with Planning Policy Statement 23.

14. The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the Local Planning Authority.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

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 Planning Policy Statement 23.

15. Landscaping shall be carried out in accordance with the landscaping scheme as shown on deposited plan 1372.1 Revision D as hereby approved. 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.

16. Landscape management of the site shall be carried in accordance with the recommendations contained within the Landscape Management Plan prepared by Caroline Hay Associates dated 20th December 2010.

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.

17. No development shall be occupied until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to, approved by the Local Planning Authority and implemented in accordance with the details approved and retained thereafter.

REASON In the interests of the visual amenity of the area and accordance with Policies EN1 and EN3 of The Adopted Local Plan for Slough, 2004.

18. All offices shall be insulated against aircraft noise by the provision of double windows (and, where appropriate, double external doors). Secondary ventilation via acoustically treated ventilators shall be provided to all noise insulated rooms. All insulation and associated works shall be to the standard laid down in the Heathrow Airport Noise Insulation Scheme 1980 (as amended) and shall be approved in writing by the Local Planning Authority before commencement.

REASON To protect the occupants from aircraft noise in accordance with Planning Policy Guidance 24.

19. Prior to the first occupation of the development hereby permitted details of the external plant (including siting) to be installed at the site shall be submitted to and approved in writing by The Local Planning Authority. The plant shall be installed in accordance with the approved details prior to first occupation of the development.

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

20. All air conditioning, ventilation or other plant and machinery 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.

21. Prior to the commencement of development a construction management plan and

programme shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan and programme shall include details of the following:

- Details of contractor parking available
- A strategy for the management of construction traffic to and from the site together with details of parking/ waiting for demolition/ construction site staff and for delivery vehicles

The details as approved shall be fully implemented at all times for the duration of demolition and construction works.

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.

22. No development shall commence until details of external lighting (to include the location nature and levels of illumination and which shall address the concerns of the British Airports Authority in that the development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome and lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal) have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development the external lighting scheme shall be implemented in accordance with the details approved and no subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

REASON To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare and in the interests of highway safety, ecology and the amenities of the area in accordance with Planning Policy Statement 23: Planning and Pollution Control (2006), and Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

23. For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).
24. Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, 'A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.' The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

The site and buildings therein shall be managed in accordance with the recommendations contained in the Bird Hazard Management Plan prepared by

Aspect dated February to ensure that effective measures are put in place to prevent the nesting, roosting or loafing of hazardous birds, in particular gulls on flat/shallow pitched roofs. No development shall be permitted to continue above ground floor slab level until a further method statement has been submitted and approved in writing by the Local Planning Authority (Any method statement must ensure that flat/shallow pitched roofs be constructed to allow access to all areas using an appropriate means of access to be first agreed in writing by the Local Planning Authority. The owner/occupier must not allow gulls to nest, roost or loaf on the building. Checks must be made weekly during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield operations staff. The owner/occupier must hold appropriate Defra licences before the removal of nests and eggs).

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

25. No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of construction work has been submitted to and approved in writing 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 working hours, hours during the construction 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 otherwise be agreed in writing by the Local Planning Authority.

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

26. 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.

27. No development of each phase shall take place until details in respect of measures to control the disposal of waste generated during the construction and the use of the development of that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the

course of building operations and the subsequent use of the building:

- (a) Minimise, re-use and re-cycle waste, including materials and waste arising from construction;
- (b) Minimise the pollution potential of unavoidable waste;
- (c) Dispose of unavoidable waste in an environmentally acceptable manner - there shall be no bonfires on site.

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

28. The development shall not be occupied until details of on-site storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority and thereafter retained for so long as the development continues to be used for the purposes authorised by this permission.

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

29. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON To ensure that the drainage design does not pollute the groundwater in accordance with Planning Policy Statement 23.

30. Measures for renewable energy to be incorporated into the development scheme as hereby approved shall be implemented in accordance with the recommendations contained within the report on the REVIEW OF RENEWABLE ENERGY, SUSTAINABLE AND CARBON REDUCTION OPTIONS prepared by Chancerygate Business Centres and which shall include the installation of Photovoltaic Cells which shall be implemented in accordance with the detailed specification as set out in the letter sent by EVOEnergy dated 17th January 2011 to Chancerygate Business Centre Limited and as approved by the British Airports Authority in their letter to Slough Borough Council dated 5th April 2011.

REASON To ensure a sustainable form of development in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and in the interests of aircraft safety.

31. The development shall be carried out having full regard to the Ecological Assessment undertaken by Aspect Ecology and dated February 2011 and the recommendations contained within that document shall be implemented in full to the satisfaction of the Local Planning Authority.

REASON To ensure that the development has no adverse impact on the local ecology of the area in accordance with Planning Policy Statement 9.

32. In accordance with the recommendations of the Drainage Strategy prepared by the Complete Design Partnership Limited dated 14th February 2011 subject to meeting the following requirements:

- The drainage of the proposal will need to be sustainable preferably by infiltration but possibly by attenuation.
- The system should be capable of storing at least a 1:30 event without surface flooding and a 1:100 + 20% event contained within the site.
- Any discharge to the Poyle Channel should be agreed with the Environment Agency.

REASON To prevent surface water flooding in accordance with Planning Policy Statement 25.

33. The maximum number of employees plus visitors occupying the site at any one time shall not exceed 100 persons unless otherwise approved in writing by the Local Planning Authority.

REASON By controlling the number of persons present on the site it is possible to ensure that an over intensified use of the site does not occur given its location within the Airport Safeguarding Area for Heathrow Airport in accordance with guidance given in Circular 01/2010.

No external tany system shall be used outside the hours of 7.00 am to 22.00 pm daily without first obtaining in writing the approval of the Local Planning Authority.

REASON To prevent unnecessary external noise nuisance to nearby residential occupiers and to accord with Planning policy Guidance 24.

34. Reversing beepers used by fork lift trucks and lorries shall be deactivated between the hours of 22.00pm and 7.00am daily.

REASON To prevent unnecessary external noise nuisance to nearby residential occupiers and to accord with Planning policy Guidance 24.

Informative(s)

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome).

2. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
3. The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in bird strike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at www.aoa.org.uk/publications/safeguarding.asp).
4. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
5. This site, or part of this site, lies within the Public Safety Zone. Please refer to DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones' for further information.
6. 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.
7. 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.
8. 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.
9. 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.
10. This permission shall not be deemed to confer any right to obstruct the Public Right of Way crossing or abutting the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.
11. 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.

National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

PPS1: Planning and Climate Change, Supplement to Planning Policy Statement 1 (Dec 2007)

PPG4: Planning for Sustainable Economic Growth (2009)

PPG13: Transport

PPS22: Renewable Energy (2004)

PPS23: Planning and Pollution Control (2006)

PPG24: Planning and Noise (1994)

PPS25: Development and Flood Risk (2006)

The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008. Relevant Policies are the overarching Core Policy 1 (Spatial Strategy) Core Policy 5 (Employment) Core Policy 7 (Transport) Core Policy 8 (Sustainability & the Environment) Core Policy 10 (Infrastructure)

The Adopted Local Plan for Slough 2004. Relevant Policies are EMP2 - Criteria for Business Developments; EMP9 - Lakeside Road Estate, Galleymead Road and the Poyle Estate; EN1 - Standard of Design; EN3 - Landscape Requirements; EN5 - Design and Crime Prevention CG10 - Heathrow Airport Safeguarding Area; 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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SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE **DATE:** 17th May 2011
CONTACT OFFICER: Howard Albertini, Special Projects Planner
(For all Enquiries) (01753) 875855
WARD(S): Central.

PART I
FOR DECISION

Variation of Section 106 Agreement for Railway Terrace / Mill Street

1.0 Purpose of Report

To seek authority to vary an existing Section 106 Agreement in connection with a new developer wishing to restart a part completed building and reduce the total financial contributions currently due.

2.0 Recommendation

The Committee is requested to resolve to agree a reduction of the financial contributions in the existing Section 106 Agreement by 15% and forego contributions for 20 additional homes as set out in the report and for Officers to negotiate further details of the variation.

3.0 Community Strategy Priorities

A Cleaner, Greener place to live, Work and Play

If a developer does not recommence work the unsightly half built structure will remain for an uncertain period. Being in a prominent position this will affect the image of the town and regeneration opportunities. The effect on housing, transport and education services are referred to below.

Prosperity for All

If the proposal is agreed the development can be completed contributing to regeneration of the area in terms of let commercial space, occupied homes and financial contribution for affordable housing elsewhere in the town.

4.0 Other Implications

(a) Financial

If Section 106 financial contributions are less than originally expected the Council will have to forego some affordable housing. It may have to help fund new school places itself dependent upon the number of children that come from the new flats.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The Committee is requested to resolve to agree a reduction of the financial contributions in the existing Section 106 Agreement and those in a draft variation of it	<p>If not agreed regeneration objectives likely to be delayed and uncertain if original contributions will ever be received.</p> <p>If agreed the building is likely to be completed and some contributions received. But the Council may have to fund some school places as indicated under financial implications and accept reduced transport benefits. There is a small risk of the development restarting and then stopping again before contributions are paid.</p>	<p>Agree the variation to the existing Agreement but with a time limit for restarting development.</p> <p>Education Section to be aware of type of occupants re numbers of children.</p> <p>Discussions on going to see if this can be mitigated.</p>

(c) Human Rights Act and Other Legal Implications

No implications.

(d) Equalities Impact Assessment

No Impact

5.0 **Supporting Information**

5.1 Southeast Limited, the developer of two large buildings north of the station, went into administration in late 2008. The site was called Metropolis or Slough Central. The buildings are just over half complete but not yet fully clad. The site is now under the control of NAMA the Irish bad property debt organisation. The approved development is on a prominent site and comprises 229 flats and commercial units on the ground floor. This large scheme was originally agreed to help regenerate the area north of the station and involved some compromises in terms of size, design and Section 106 package to reach agreement with the previous owner. Part of the Section 106 affordable housing contribution has already been paid. An application for a further 20 flats and other changes was agreed by the Planning Committee in July 2008. The application is outstanding as the developer went into administration before signing an associated Section 106 variation for additional contributions.

5.2 One Housing Group wish to purchase the site and with partner Kingstreet Ltd. to restart development. They have made contact with original suppliers and project consultants; assessed the state of the incomplete buildings and said they could restart work in June. They have supplied a financial viability study and said that

the scheme is not viable with the scale of existing Section 106 contributions. The market for flats and development values have obviously changed significantly since the original scheme was devised between 2004 and 2007.

- 5.3 As a result of negotiations between the developer and Council officers the current proposal to vary the Section 106 etc. is that the remaining financial contributions of the existing agreement, at today's value, be reduced by 15%. However the new developer is prepared to pay the contributions earlier than the thresholds in the existing agreement. The new proposal is for 25% of the total financial contribution to be paid on the first occupation of a home and the remainder on the 58th occupation. These sums would not be indexed linked. The existing agreement had a small highways payment on the first occupation, a major housing payment at 58 occupations and the remainder at 76 and 152 occupations. The new proposal allows a much larger affordable housing payment at the first occupation and advances payment of education and transport sums.
- 5.4 The financial contributions are for the Council to spend on affordable housing, education and transport/ highway (including station north forecourt enhancement). The affordable housing contribution is 85% of the total. The intention is that the reduction in payments is applied to each of the contributions equally. The proposal includes a provision for the original Section 106 package to still apply if the development has not started within 4 months of the variation agreement.
- 5.5 Regarding the 2008 outstanding planning application for 20 additional flats etc. the new variation proposal has been negotiated on the basis that no additional contributions are paid for the extra homes (unless more than 4 months passes without a restart). If this new Section 106 variation proposal is approved it will in part supersede the Section 106 package referred to at the 31st July 2008 Planning Committee (item 6) re the extra 20 homes application. That planning application can be approved alongside the variation to the existing Section 106 agreement. The previous developer had prematurely started some work on the extra homes.
- 5.6 As a result of the economic down turn and developer requests to vary Section 106 agreements Cabinet considered this issue at its January 2009 meeting. Furthermore the February 2009 Planning Committee considered this matter in relation to this site. The relevant resolutions are appended. In brief the Cabinet agreed the principle of variations for half-built 'eye sore' schemes if there are regeneration benefits. The Planning Committee agreed the principle of a variation. The Government has also recently announced that Council's should review existing agreements where development is not proceeding because of the downturn.
- 5.7 In relation to the Cabinet decision point (b) and request to explore options (listed at point 6) these are considered impractical or too risky for the Council or, judged against the viability of the scheme with the full 106 package, of less benefit to the Council than the reasonable certainty of receiving payments early in the development period.
- 5.8 Bearing in mind the background and the special circumstances of this site the current proposal to vary the Section 106 package is reasonable in principle. The

building has sat unfinished for nearly 2 and a half years with little prospect of the market for flats returning quickly enough such that the original contributions could be paid soon if at all. Other developers have looked at the scheme but not wished to progress it even with the option of revising contributions. One Housing Group and their partner appear to have researched restarting more than any other developer. Consequently the reasonable certainty of getting a specified sum soon compared to an unknown sum some time in the future is better.

- 5.9 Some other points to note follow. The proposal has the benefit of gaining contributions early in the development period including a substantial sum for affordable housing. The first contributions could potentially come in early in 2012. The variation proposal is time limited such that there is an incentive for the developer to restart the development. If there is no restart the original Section 106 will still apply. In addition the Council will gain greater influence over station forecourt works without the developer being involved. A point to note but not part of the Section 106 proposal is that One Housing Group is in discussion with the Housing Section about affordable housing on the site. One Housing Group Limited was formed from a grouping of Housing Associations and remains a Register Provider of affordable housing but is involved with housing for sale also.
- 5.10 Any further detail available will be reported at the Committee meeting. The main negotiations were concluded the day before the report was written and some detail or associated matters is still being clarified or confirmed.

6.0 **Conclusion**

- 6.1 Foregoing 15% of the expected financial contributions plus those linked to the additional 20 homes is clearly a big step for the Council to take. However the value of development has clearly dropped since the site was purchased and Government policy indicates Council's should consider reviewing earlier Section 106 agreements. For this scheme there are special circumstances namely the regeneration benefits; its prominent position in the town and the affect on the towns image if it remains as it is. Furthermore a very substantial sum for affordable housing elsewhere in the town will be available early in the development period. The time limited proposal ensures that the original contributions will remain if the development is not restarted within 4 months. Overall gaining a certain, but reduced, financial contribution soon is better than waiting for an unknown period in the hope that the original contributions will be affordable to another developer

7.0 **Appendix**

Resolutions from Cabinet Report 19th January 2009 and Planning Committee 18th February 2009.

8.0 **Background Papers**

- '1' Section 106 Agreement 6/11/07 re planning application P/11508/003
- '2' Draft 106 agreement for 249 flats etc 2008 re planning app. P/11508/004
- '3' Statement and viability study from King Street 4th and 25th March.
- '4' Planning Committee report P/11508/003 Oct 2007

- '5' Cabinet Report and Minutes 19th January 2009.
- '6' Planning Committee Minutes 18th February 2009.

Cabinet – 19.01.09.

82. Section 106 Agreements and the Economic Downturn

Resolved-

(a) that the implications of the current position both for the development of the town and for service departments be considered;

(b) that the proposed response in Appendix A of the report be agreed as the broad basis for responding to requests to vary S.106 requirements subject to the following amendment, that the options outlined in point 6 be explored before any reduction in S.106 contributions is proposed.

Extract of Appendix A of report

6. Areas to explore to achieve a satisfactory relaxation can include the following:

- splitting payments over time
- deferring payments to a later date, e.g. when units are sold
- SBC considering taking an investment stake in developments
- linking contributions to sale values above agreed levels
- taking ownership of units rather than cash payments.

Planning Committee - 18.02.09

66. Variation of Section 106 Agreement for Railway Terrace/ Mill Street

Resolved - That the Committee approves in principle the variation of the Section 106 Agreement and authorises Officers to negotiate a suitable variation, on condition that the detail of the amended contribution be referred to and approved by the Planning Committee.

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 17th May 2011

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	Decision
P/14892/000	93 Shaggy Calf Lane FRONT PORCH AND A SINGLE STOREY REAR EXTENSION	Appeal Dismissed 28 th March 2011
P/14827/000	20 Wellesley Road RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF EXISTING DWELLING HOUSE INTO 2 NO. SELF CONTAINED FLATS	Appeal Dismissed 14 th April 2011
P/12784/002	9 Lammas Road FIRST FLOOR SIDE EXTENSION, GARAGE CONVERSION AND GROUND FLOOR FRONT EXTENSION	Appeal Dismissed 3 rd May 2011

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ENFORCEMENT NOTICES, BREACH OF CONDITION NOTICES, SECTION 215 NOTICES

ONGOING TO DATE (28.04.11)

(PLANNING ENFORCEMENT)

Planning Reference and Officer	Legal Ref/ Officer	Address And Breach Description	Details of actions Planning prefaced (P) Legal prefaced (L)
2010/00207/ENF BL	CF	24-26 Parsons Road	(P) Planning Enforcement Notice served 21 January 2011. compliance by 11 April 2011 (P) Appeal lodged. Technical issue with notice –withdrawn 14 th February 2011. (P) New Notice served 15 th February 2011 (P) Appeal lodged awaiting further information from inspectorate
2010/00152/ENF BL	CF	62 Faraday Road	(P) To legal for notice to be engrossed 24 September 2010 (P) Notice served 2 nd December 2010. Compliance by 27 January 2011. (P) Monitoring compliance to ensure no reversion. (P) No further breaches, but matter left open to monitor compliance

2010/00039 BL	CF	60 Lower Cippenham Lane Breach of Condition. Driveway.	<p>(P) Breach of condition notice served 8 March 2010. Compliance by Sat 10 April 2010.</p> <p>(P) Compliance Achieved 10 April 2010. Case Closed.</p> <p>(P) New case open. Depart approved plan. Driveway needs tarmac.21 July 2010.</p> <p>(P) Site Visit reveals still no compliance. All units believed sold. Further progress now needs to be made as new ownership has implications.</p> <p>(P) Planning application submitted awaits determination</p>
2008/00268 BL	CF	8 London Road Change use. Dwelling to Offices	<p>(P) Planning Enforcement Notice served 9 October 2009. Compliance by 6 May 2010.</p> <p>(P) New planning application received.</p> <p>(P) Chris Smyth still in negotiations pending a new planning application. latest information. Solution may be attainable. 30 Nov 2010</p> <p>(P) Planning application to be determined</p>
2009/0149 WH	CF T3/698	65 Gloucester Avenue Depart Approved Plan	<p>(L) Instructions received 21st August 2009</p> <p>(P) Planning Enforcement Notice served 2 September 2009 Compliance due 30 June 2010.</p> <p>(P) Meeting held with owners and head of Planning. New application to be submitted 07/10/10</p> <p>(P) No application submitted. Prosecution to be discussed</p> <p>(P) Application submitted and to be determined within 4 weeks.</p> <p>(P) Prosecution commenced</p> <p>(P) first hearing 6th May 2011.</p>

<p>2005/00331 WH</p>	<p>T3/381a CF</p>	<p>35 Montem Lane, Slough Enforcement Notice for operational development</p>	<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 17/11/07, 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) Final deadline for compliance to be given following May Elections. If no compliance then prosecution to be considered</p>
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<p>2008/00222 BL</p>	<p>CF T/T3/671</p>	<p>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>	<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) New owners in negotiation with Ian Hann. (P) Planning application expected imminently for HMO and the rear extension (P) as above</p>
<p>2010/00193/ENF BL</p>		<p>Skyways Hotel 19-23 London Road Slough</p>	<p>(P) Planning Enforcement Notice to legal 27 Aug 2010. Remove Front Conservatory. (P) Notice served – 30th September 2010 (P) Prosecution being prepared (P) Awaits appeal decision on planning refusal (P) Prosecution papers being prepared (P) Prosecution on hold - New date for compliance 15 May 2011 following enforcement appeal dismissal.</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) Case reopened by owners at Court and Legal to update file (P) Compliance achieved. Case closed</p>
2006/00296/ENF EW	T3/712	Land at Tanhouse Farm, Mill Street, Colnbrook, Berkshire (parcel of land adj. Top Yard)	<p>(P) To send instructions to legal to engrass EN re: unauthorised storage of commercial vehicles to cover area excluded in previous notices (1972 and 1978). (P) Papers for Enforcement notice being prepared.</p>
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) Appeal lodged 23rd December to be dealt using the inquiry procedure. Date and venue to be confirmed. (P) Statement of Case submitted confirmed date of inquiry 24th June 2010 (P) Inquiry decision pending. (P) Inquiry decision - 6 July 2010 Notice Upheld, albeit with revised compliance period of 18 months. (L) Matter subject to judicial inquiry. Notice held in abeyance until the hearing in June 2011.</p>

2006/00418	SH/ T3/604 CF AS OF 2010	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 has 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> <p>(P) Case being progressed through court.</p> <p>(P) Default action to be carried out on 23/05/11</p>
2009/00280/ENF WH	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> <p>(P) Papers sent to legal to draft summons</p> <p>(P) matter in criminal courts</p>

2009/00049 WH	CF	4 Chester Road Unauthorised Rear extension	<p>(P) Planning Enforcement Notice served 12 October 2009 . Compliance 21 February 2010.</p> <p>(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> <p>(P) awaiting the outcome of Appeal</p> <p>(P) Appeal dismissed costs awarded</p> <p>(P) further action being considered</p> <p>(P) Letter sent to owner giving 28 days to comply or prosecution will commence and default action.</p> <p>(P) Works to be carried out under the notice. Buildings regulations authority sought by owner.</p> <p>(P) Complied with EN. Case closed</p>
2009/00306/ENF WH	CF	6 Wellesley Road - unauthorised rear extension and outbuilding and boundary wall	<p>(P) Instructions sent legal to engross EN 06/03/2010</p> <p>(P) Enforcement Notice issued 13th May 2010. Compliance due by 13th September 2010.</p> <p>(P) Compliance achieved.</p> <p>(P) Case closed</p>
2007/00395/ENF BL	CF	6 Salt Hill Drive	<p>(P) Instructions sent legal to engross</p> <p>(P) Enforcement Notice issued 18th June 2010. Compliance due 16th July 2010.</p> <p>(P) A new planning application has been submitted. Await determination.</p> <p>(P) Appeal dismissed on 31 December 2010, planning enforcement action to be prioritised as soon as possible.</p> <p>(P) Compliance after appeal dismissal due 4 April 2011.</p>

2011/00165/ENF EW	CF	169-171 171, Stoke Poges Lane	(P) Instructions sent to legal to engrass EN on Monday, 28 February 2011. (P) Enforcement Notice served on 9 th March. Effective on 6 th April, Compliance date 6 th May.
2011 EW	CF	Spital Farm, London Road, Colnbrook, Berkshire, SL3 8QQ	(P) 24.5.10 - Instructions to be sent to legal to engrass 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 (P) Appeal decision dismissed, Instructions to engrass notice sent to legal. (P) EN served re "agricultural building" 17 November 2010. (P) EN withdrawn – due to changes to requirements, land ownership issues. New notice to be reissued (P) Section 330 Requisition of information notice to serve 1 st March. (P) Requisition for information served and responses received. Fresh notices to be served having regard to the information gathered. (P) Instructions to issue new notice being prepared
2010/00316/ENF EW	CF	The Herschel Arms PH, Land at 24, 26 and 28, Park Street, Slough, SL1 1PS	(P) Revised instructions sent to legal to engrass EN re: unauthorised CoU of rear gardens to beer garden. (P) Engrossment on-going (P) En served 30/09/10 re unauthorised use of residential garden as beer garden/unauthorised canopy shelter (P) Appeal lodged awaiting formal start date from PINS. (P) EN appeal lodged 25/10/10. Notice in abeyance until appeal decision is reached (P) Awaiting hearing date (P) Hearing date set 24 th May 2011.

2007/00035/ENF EW	CF	222 High Street, Langley, Slough.	<p>(P) Instructions to be sent to legal to engross PCN re: hard landscaping</p> <p>(P) Review of respective interested parties notices on hold.</p> <p>(P) All known persons identified PCN issued 12/01/2011 regarding caravan stationed on land.</p> <p>(P) Meeting conducted on Friday the 11th February 2011</p> <p>(P) 28 days to remove hard standing and a tree inspection to be carried out within 7 days. No breach regarding the citing of one caravan within the curtilage of address.</p> <p>(P) Partial compliance – hard standing removed as requested. Matter to be further considered for expediency.</p>
2010/00193/ENF BL		27 Avebury Slough	<p>(P) Planning Enforcement Notice served 20 Aug 10. Reduce Ht. of rear outbuilding.</p> <p>(P) Planning application received. Validated 21 Sep 10.</p> <p>(P) Planning application refused. Letter sent. Compliance by 24 January 2010.</p>
2006/00382/ENF WH	CF	100 Waterbeach Road, Slough	<p>(P) Planning Enforcement Notice served Oct 2010 re use as 6 flats</p> <p>(P) Planning Appeal process begun and Statement of Evidence forwarded 24 Nov 10.</p> <p>(P) Appeal ongoing</p>
2010/00026/ENF WH	CF	17 Waterbeach Road	<p>(P) Planning Enforcement Notice served re habitable outbuilding 16 Nov 10</p> <p>(P) Site visit confirms outbuilding now empty and Notice almost complied with</p> <p>(P) Fully complied with.</p> <p>(P) Case closed</p>

2008/00215/ENF WH	CF	37 London Road, Langley, Slough	(P) Planning Enforcement Notice served re windows on rear elevation on 16 Nov 10. (P) Recent site visit confirms Notice almost complied with (P) Pursuing remaining issues due for compliance. (P) Compliance achieved
2009/00376/ENF WH	CF	21 Richmond Crescent	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11
2009/00377/ENF WH	CF	23 Richmond Crescent	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11
2010/00296/ENF WH	CF	67 Hatton Avenue	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11
2010/00297/ENF WH	CF	68 Hatton Avenue	(P) Planning Enforcement Notice served re habitable outbuilding 28/03/11
2010/00105/ENF EW	CF	20, Wellesley Road	(P) Instruction sent to legal on 14 th April 2011 to draft EN, subdivision of SFD to 2 flats.
2010/00336/ENF WH	CF	80 Norfolk Avenue	(P) Instruction sent to legal to draft EN re habitable outbuilding
2011/00070/ENF WH	CF	40 Court Crescent	(P) Instruction sent to legal to draft EN re habitable outbuilding

GLOSSARY OF ABBREVIATIONS

PLANNING - Enforcement

BL = Bob Lee
WH = Will Holloway
EW = Edward Wilson

LEGAL

CF = Ciara Feeney
DP = Dawn Pelle
AO = Ann Osbourne
AOk = Agatha Okafor
OK= Omar Khan
EJ = Elizabeth Jenkins
MM = Maria Memoli
GW = Graham White

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
PCN = Planning Contravention Notice
SFD = Single Family Dwelling

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LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING BREACHES

ONGOING TO DATE (28/04/2011)

(PLANNING ENFORCEMENT)

Planning Reference and Officer	Legal Reference and Officer	Address And Breach Description	Details of actions Planning prefaced (P) Legal prefaced (L)
2009/00399/ENF BL	CF L7/029	14 Merton Road Slough	(P) Prosecution file to legal this day 10 Feb10 (L) Instructions received on 15 th February 2011 (L) First date of hearing 11 th March 2011. (L) Hearing 8 April 2011 for plea (L) Case adjourned for plea or proof in absence on the 6 th May 2011.
2010/00070/ENF BL	CF	Manor Lodge Mildenhall Road Slough	(P) Breach of Condition Notice to Legal 4 Aug 2010. Breach working hours. (P) Compliance due 4 October 10. (P) prosecution for breach of Condition to Legal 26 Oct 10 (L) Information laid 8 November 2010 (L) First hearing 10 th December 2010 failed to appear adjourned to 7 th January 2011 (L) Defendants failed to attend and supplied medical reasons Adjourned to the 28 th January 2010. (L) Trial fixed for 6 th April 2011 at Bracknell Magistrates' Court (L) Matter withdrawn due to evidential issues over control of the land.

LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING BREACHES

2009/00206 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. (P) Warrant executed. Legal to advise of next hearing.
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 (L) Adjourned from 26 th November for both Defendants to attend on 7 th January 2011 (L) warrant of arrest issued on 7 th January 2011 for Fiaz Akhtar (L) Case withdrawn against Mohammed Sarfraz (Khan and proceeds against Fiaz Ahktar (L) position remains – outstanding warrant for the arrest of Fiaz Ahktar (L) As above (P) Default action planned for 23/05/11
2010/00280/ENF WH	CF L7/029	11 Birch Grove	(L) Instructions received on the 14.2.11 (L) Summons sent for issue to court on 24 th February 2011 (L) First hearing 8 April 2011 for plea (L) Adjourned until 6 May 2011 for defendant to appear at court or explain absence by providing good evidence of being out of the jurisdiction.
2009/00149/ENF WH	CF/ L7031	65 Gloucester Avenue	(L) Instructions received on 23.3. 2011 (L) Summons sent to Court for issue on the 30 th March 2011 (L) First hearing proposed for the 6 th May 2011

LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING BREACHES

2011/00128/ENF EW	CF	285-287, High Street, Slough Prosecution for Unauthorised Illuminated Flashing Sign	(P) Instructions to prosecute sent to legal 28.03.2011 (L) First hearing 6 th May 2011
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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
Bal	P	P	P	P	P	Ap	P* (until 8.50pm)	Ap	Ap	P	P* (Until 8.10pm)
P Choudhry		P	Ap	P* (from 6.34pm)	Ap	Ap	P* (until 8.50pm)	Ap	P	P	P
Dale-Gough		P	P	Ap	P* (from 6.35pm)	P	P	P	P	P	Ap
Dodds	Ap	P	Ap	P	P	P	Ap	P	P	P	P
Haines	P										
MacIsaac	P	P	P	P	P	P	P	P	Ap	Ap	P* (Until 8.26pm)
Plimmer	P	P	Ap	P	P	P	P	P	P	P	P
Rasib	P	P	P	P	P	P	P	P	P	Ap	P
Swindlehurst	P	P	P	P* (from 6.40pm)	P	P* (from 6.48pm)	P* (from 6.42pm)	P* (from 7.03pm)	P* (from 6.38pm)	P	P* (until 8.28pm)
Zarait	P	P	P	P	P	P	P	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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AGENDA ITEM 12

By virtue of paragraph(s) 2, 5, ~~7~~ of Part I of Schedule 12A
of the Local Government Act 1972.

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